



City of San Leandro

Meeting Date: December 7, 2020

Staff Report

File Number: 20-525

Agenda Section: PUBLIC HEARINGS

Agenda Number: 5.A.

TO: City Council

FROM: Jeff Kay
City Manager

BY: Tom Liao
Community Development Director

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for Consideration of an Ordinance Adopting Chapter 2.10, Bay Fair Transit Oriented Development (B-TOD), to the San Leandro Zoning Code and Related Amendments to the Zoning Code, Zoning Map, Municipal Code; and Consideration of a Resolution Adopting Amendments to the Bay Fair Transit-Oriented Development (TOD) Specific Plan, and General Plan, and Adopting an Addendum to the Certified Final Environmental Impact Report Prepared for the 2018 Bay Fair TOD Specific Plan (Implementation of 2018 Bay Fair TOD Specific Plan).

SUMMARY AND RECOMMENDATION

Staff recommends that the City Council introduce an Ordinance 1) adopting Chapter 2.10, Bay Fair Transit-Oriented Development (B-TOD), to the San Leandro Zoning Code and related amendments to the Zoning Code, Zoning Map, and Municipal Code; 2) Adopt a Resolution approving amendments to the Bay Fair Transit-Oriented Development (TOD) Specific Plan, and General Plan; and 3) determine that the proposed project was adequately analyzed pursuant to the California Environmental Quality Act (CEQA) by the Addendum to the Certified Bay Fair TOD Specific Plan EIR (SCH#2017032016).

The Planning Commission reviewed the proposed amendments and unanimously recommended approval to the City Council on November 5, 2020, with minor amendments to the implementation plan to reflect that bike lanes along Hesperian Blvd. and Fairmont Drive are intended to be “protected” rather than “buffered.”.

BACKGROUND

In 2014, the City of San Leandro received a highly competitive \$440,000 Priority Development Area (PDA) planning grant from the Metropolitan Transportation Commission (MTC) to prepare the Bay Fair TOD Specific Plan (Specific Plan) and related Environmental Impact Report (EIR). The City also contributed local funds and in-kind contributions along with contributions from

BART, Madison Marquette (the owner of the Bayfair Center), and Alameda County.

The Specific Plan Area covers 154 acres primarily comprised of commercial uses with a mix of office, light industrial, and residential uses. The area includes the Bay Fair BART Station, Bayfair Center, Fashion Faire Place, and Fairmont Square Shopping Center, which are divided by East 14th Street and Hesperian Boulevard.

The Specific Plan was created to promote the long-term sustainability and vibrancy of the Bay Fair BART Station area and to establish it as a regional Priority Development Area (PDA) in order to:

- Provide greater access to public funding targeted to TOD areas;
- Incentivize/streamline the regulatory process for future TOD developments;
- Continue City and private investments in South San Leandro; and
- Add the final planning piece to the City's East 14th Street corridor, following the East 14th South Area Strategy (2004) and the Downtown TOD Strategy (2007), all in compliance with MTC's regional Plan Bay Area 2040.

Throughout the multi-year Specific Plan development process, the City implemented a broad public outreach effort. On February 20, 2018, the City Council certified the Specific Plan EIR and adopted the Bay Fair TOD Specific Plan. The Specific Plan establishes a long-term vision for a sustainable, vibrant, walkable, and safe transit-oriented village with a diversity of land uses serving residents, workers, and visitors.

Since the Specific Plan's adoption, the state legislature has further regulated how local governments process development applications in favor of streamlined (non-discretionary) reviews based only on objective development standards (SB35, SB330). As such, development and design standards in the B-TOD District will be objective as opposed to design guidelines that could be interpreted differently by different parties. The B-TOD District has also been drafted for consistency with AB 2923, which requires certain zoning minimums on BART-owned property in order to support transit-oriented development.

PROPOSED AMENDMENTS

The City-sponsored Bay Fair TOD amendments are a critical next step in implementing the Specific Plan. The proposed amendments include:

- **Zoning Code Amendment** - The proposed amendments would add Chapter 2.10, Bay Fair Transit-Oriented Development District, and Chapter 5.14, Development Plan Approval, to the San Leandro Zoning Code. Amend Chapters 1.12, 4.04, 4.08, and 4.12 and remove references to the C-RM District. The proposed development standards serve to implement the Specific Plan by establishing clear development and design criteria for projects in the Bay Fair Transit-Oriented Development District. However, staff has also proposed new standards for minimum residential densities, publicly accessible open space, and parking maximums to further the goals and vision of the Specific Plan for a compact, vibrant, multi-modal transit-village. The proposed amendments are included as Exhibit A to the attached ordinance. Redlined amendments are shown in Attachment 1.
- **Zoning Map Amendment** - The proposed amendments would apply the B-TOD Zoning

District to all parcels within the Specific Plan Area boundaries. The proposed Zoning Map revisions are shown as Attachment B to the attached ordinance. Attachment 2 contains the existing and proposed Zoning Maps.

- **Municipal Code Amendment** - The proposal would amend Municipal Code Sections 7-1-875 and 7-13-120 for consistency with the proposed B-TOD Zoning requirements related to open space and clarify that publicly accessible open space is eligible for Park Development Impact Fee credits. The proposed Municipal Code Amendments are shown as Attachment C to the attached ordinance. Redlined amendments are included as Attachment 3.
- **Bay Fair TOD Specific Plan Amendment** - Minor amendments are proposed to the Specific Plan to provide clarifications and revisions consistent with the proposed changes to the City's Zoning Code, as shown in Attachment 4. A copy of the Specific Plan incorporating the proposed amendments is included as Exhibit A to the attached resolution. Additionally, several references to "should" are proposed to be changed to "shall" to create conformance with the proposed objective zoning standards.
- **General Plan Map Amendment** - The B-TOD land use designation was established in 2016 by the 2035 General Plan and was applied to the majority of the Specific Plan area ahead of its completion in 2018. The proposed amendments include a General Plan Land Use Map amendment to align the B-TOD land use designation with the Specific Plan Area and B-TOD Zoning District, as shown in Exhibit B to the attached resolution. The existing and proposed Land Use Maps are shown in Attachment 5.
- **General Plan Text Amendment** - The proposed amendments would strategically update the Land Use Element text, including Table 3-2 Correspondence Between Land Use Diagram and Zoning Designations, to reflect the new B-TOD Zoning District. The proposed text amendments are shown in Exhibit C to the attached resolution. Redlined versions of the amendments are also included as Attachment 6.

ANALYSIS

Zoning Amendments

Zoning Code Section 5.16.116 includes required findings for Zoning Map and Zoning Code Amendments related to consistency with the General Plan and purposes of the Zoning Code. The proposed Zoning Code and Zoning Map Amendments are consistent with the General Plan and relevant General Plan policies related to the Bay Fair TOD area, including:

Policy LU-8.10

Bay Fair Area. Transform the area around the Bay Fair BART station, including Bayfair Center, other shopping centers, and properties along Hesperian, East 14th, and other major arterials, into a dynamic new transit-oriented development area. Future development in this area should reposition Bayfair Center to reflect current trends in retailing; add a mix of higher-density residential, office, and other commercial uses; maximize the potential for BART use; and minimize dependence on autos for daily trips.

The proposed Zoning Code and Zoning Map Amendments are also consistent with the purposes of the Zoning Code contained in Section 1.04.108, including but not limited to:

- Providing a precise guide for the physical development of the City in accord with the policies of the General Plan and any adopted Specific Plan in order to:
 - Preserve the character and quality of residential neighborhoods and commercial and industrial areas consistent with the character of the development districts of the City;
 - Foster convenient, harmonious, and workable relationships among land uses; and
 - Achieve progressively the land development described in the General Plan.
- Promote the economic stability of existing land uses that are consistent with the development policies of the General Plan and protect them from intrusions by inharmonious or harmful land uses.
- Prevent excessive population densities and overcrowding of land or buildings.
- Ensure the provision of adequate open space for light, air, and fire safety.
- Improve the design and aesthetic quality of new and existing development.

Specific Plan Amendment

Government Code Section 65453 states that a specific plan shall be amended in the same manner as a general plan, except that a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body. The proposed Specific Plan Amendments are necessary and are in the public interest because they achieve consistency with the General Plan and Zoning Code and establish objective standards in alignment with the requirements of state law.

General Plan Amendments

Pursuant to Government Code Sections 65353 and 65354, the Planning Commission is responsible for holding a public hearing and making recommendations on General Plan Amendments to the City Council. Pursuant to Government Code Section 65358, the City Council may amend the General Plan if such amendments are deemed to be in the public interest.

The proposed General Plan Text Amendment clarifies language related to the Bay Fair Specific Plan and conforms to the proposed Zoning Code and Specific Plan amendments. The amendments are necessary and in the public interest because they ensure internal consistency between the General Plan Land Use Element and Land Use map as well as facilitating development of the Bay Fair TOD Area as called for in the General Plan.

The proposed General Plan Map Amendments are in the public interest as they would align the General Plan Land Use designation for the Bay Fair TOD area with the Bay Fair Specific Plan boundaries and B-TOD Zoning District boundaries.

Planning Commission Review and Actions

On July 2, 2020, the Planning Commission held a work session on the Bay Fair Zoning project, at which time the Commissioners asked clarifying questions of staff and provided initial feedback

on the proposed Zoning standards ahead of the public review draft.

The Planning Commission then considered the proposed amendments at a regular public hearing on November 5, 2020, at which time they asked additional clarifying questions of staff and received public comment on the proposed amendments. A representative from Target reiterated concerns expressed during the Specific Plan's adoption about how the amendments would impact Target's property, operations and guest experience and wanted its existing land use and property rights protected. Written comments submitted on behalf of Century Theaters related to parking concerns and property rights were also forwarded to the Commission. The Planning Commission unanimously voted to recommend approval of the proposed amendments to the City Council with minor amendments to the implementation plan to reflect that bike lanes along Hesperian Blvd. and Fairmont Drive are intended to be "protected" rather than "buffered."

Conclusion

As discussed above, the proposed amendments are the culmination of a multi-year, public planning effort to lay the groundwork to transform the area surrounding the Bay Fair BART Station into a vibrant transit village. The Zoning Code, Zoning Map, Municipal Code, Specific Plan, and General Plan amendments implement the community's vision as articulated in the Bay Fair TOD Specific Plan and establish appropriate development and design standards for this major growth area in the City. The amendments respond to recent trends in state law by establishing objective criteria; however, they also include opportunities for flexibility and a wide range of land uses to better align with future economic and development trends while keeping with the spirit of the Specific Plan.

ENVIRONMENTAL REVIEW

On February 20, 2018, the City Council adopted Resolution No. 2018-008 certifying an EIR entitled, "Bay Fair Transit Oriented Development (TOD) Specific Plan Environmental Impact Report" (SCH # 2017032016)." In conjunction with the certification of the Certified EIR, a Mitigation Monitoring and Report Program (MMRP) was adopted for the Project.

The California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., and the State CEQA Guidelines Section 15162 require that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that one or more of the following exists:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time of the previous EIR was certified

as complete shows any of the following:

- a. The project will have one or more significant effects not discussed in the previous EIR;
- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.

Staff has reviewed the proposed project and analyzed it based upon Section 15162 of the CEQA Guidelines. Pursuant to CEQA and the CEQA Guidelines, the City of San Leandro completed an Addendum (Exhibit F to the draft Resolution) to the Bay Fair Transit Oriented Development (TOD) Specific Plan Final Environmental Impact Report (EIR). The Addendum includes an analysis of the proposed project, based on Appendix G of the CEQA Guidelines, and whether the environmental effects from the proposed project would be any different from those disclosed in the Certified EIR. The Addendum concluded that the proposed project would not result in any new significant impacts or substantially increase the severity of any significant impacts identified in the Certified EIR. No new information of substantial importance was identified, and no new mitigation measures would be necessary to reduce significant impacts. Applicable mitigation measures from the Certified EIR will be included as conditions of approval when future projects are processed for planning approvals.

PUBLIC OUTREACH

Following up on the broad-based outreach on the Specific Plan, the Zoning Amendment process has included the following public engagement components:

- City Council Update (October 21, 2019);
- Community Meeting 1 (November 20, 2019);
- Outreach to key stakeholders, including property owners and key partners such as BART, AC Transit, Alameda County (ongoing);
- Planning Commission Work Session (July 2, 2020);
- Web Posting and Electronic Distribution of Bay Fair Zoning Public Review Draft (Summer 2020);
- Community Meeting 2 (September 1, 2020);
- Planning Commission Public Hearing (November 5, 2020); and
- City Council Public Hearing (tentatively scheduled for December 7, 2020).

FISCAL IMPACT

There is no direct fiscal impact from taking action on the proposed amendments; however, future development of the Bay Fair TOD area is anticipated to generate substantial development impact

fees and property tax revenues.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council make necessary findings and determinations and:

1. Adopt the attached Resolution adopting:
 - a. Amendments to the Bay Fair TOD Specific Plan, as shown in attached Exhibit A;
 - b. General Plan 2035 Text Amendments as shown in attached Exhibit B;
 - c. General Plan Map Amendments, as shown in attached Exhibit C; and
 - d. Addendum to the Certified Bay Fair TOD Specific Plan EIR (SCH#2017032016) included as attached Exhibit D.
2. Introduce the attached Ordinance adopting:
 - a. San Leandro Zoning Code Chapter 2.10 and related Zoning Code amendments as shown in attached Exhibit A;
 - b. Zoning Map amendments as shown in attached Exhibit B; and
 - c. Municipal Code amendments as shown in attached Exhibit C.

ATTACHMENTS

Attachments to Staff Report

1. Zoning Code Amendments (redlined)
2. Zoning Map Amendments (redlined)
3. Municipal Code Amendments (redlined)
4. Specific Plan Amendments (redlined)
5. General Plan Text Amendments (redlined)
6. General Plan Land Use Map Amendments (redlined)

Attachments to Resolution

- Exhibit A - Specific Plan Amendments (clean)
- Exhibit B - General Plan Text Amendments (clean)
- Exhibit C - General Plan Land Use Map Amendments (clean)
- Exhibit D - CEQA Addendum

Attachments to City Council Ordinance

- Exhibit A - Zoning Code Amendments (clean)
- Exhibit B - Zoning Map Amendments (clean)
- Exhibit C - Municipal Code Amendments (clean)

PREPARED BY:
Avalon Schultz, AICP
Principal Planner

ATTACHMENT 1
Proposed Zoning Code Amendments
Additions shown underlined and deletions with ~~striketrough~~

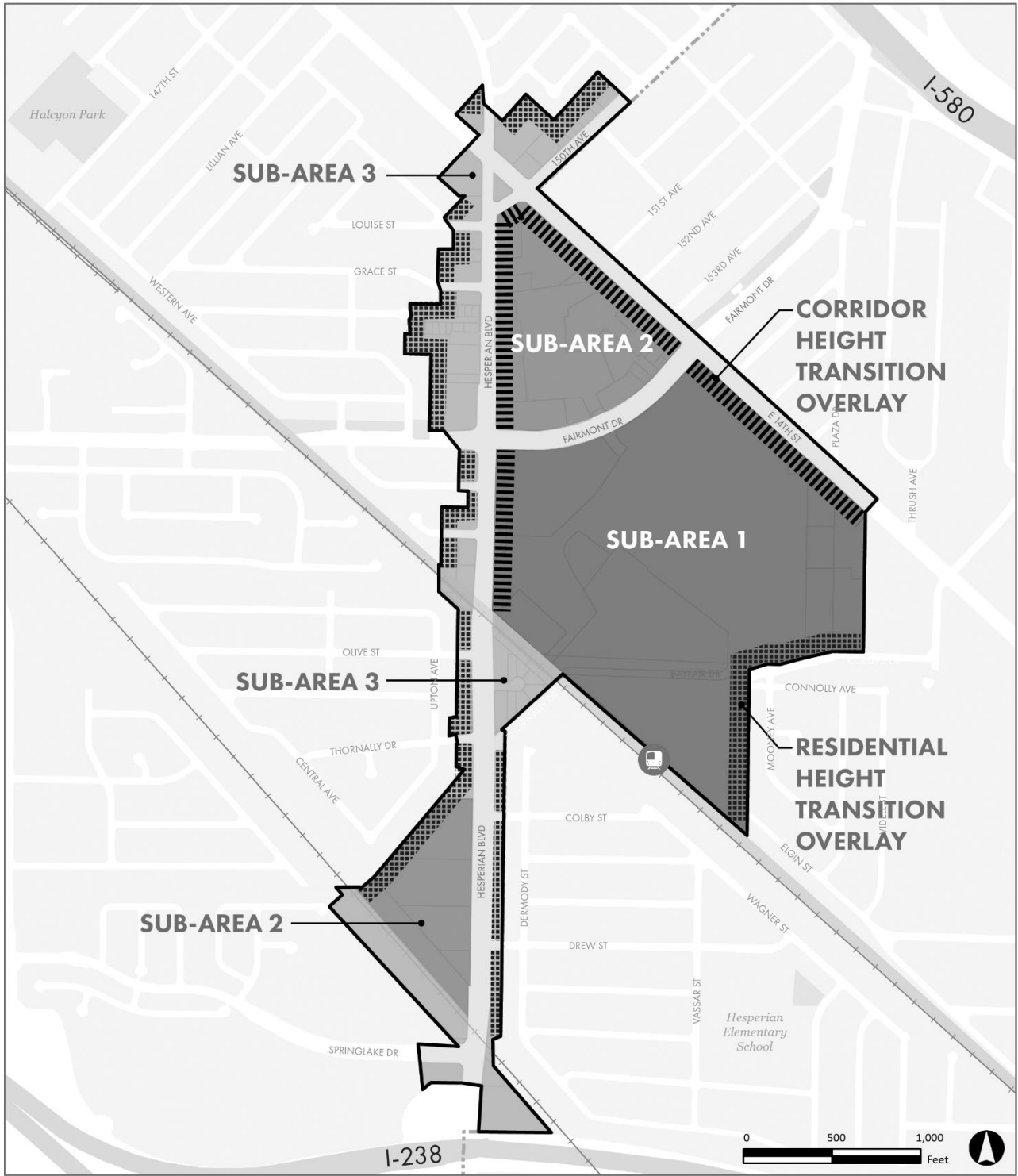
Title 2 – Base District Regulations

Chapter 2.10 Bay Fair Transit-Oriented Development District

2.10.100 Purpose and Applicability

- A. Specific Purposes. In addition to the general purposes listed in Chapter 1.04 Title, Components, and Purposes, the specific purposes of the Bay Fair Transit-Oriented Development (B-TOD) District are to:
1. Implement the Bay Fair Transit-Oriented Development Specific Plan and enable the development of a mixed-use urban village that supports housing, retail, office, entertainment, and civic uses with safe pedestrian and bicycle connections to public transit, services, and employers.
 2. Achieve a high standard of site and building design.
 3. Ensure the provision of adequate open space to serve planned population densities.
 4. Complement existing neighborhoods through site regulations and design standards that minimize impacts to adjacent uses.
- B. Applicability. The provisions of this Chapter apply to all land within the B-TOD District as delineated on the Zoning Map and, where specified by Sub-Area or Height Transition Overlay, the B-TOD Sub-Areas and Height Transition Overlays shown in Figure 1, B-TOD Sub-Areas and Height Transition Overlays.

Figure 1 B-TOD Sub-Areas



- | | | | |
|--|---|---|--|
|  SUB-AREA 1 |  RESIDENTIAL HEIGHT TRANSITION OVERLAY |  City Limit |  Bay Fair BART Station |
|  SUB-AREA 2 |  CORRIDOR HEIGHT TRANSITION OVERLAY |  Project Boundary |  Union Pacific Right of Way |
|  SUB-AREA 3 | | | |

ARTICLE 1. USE REGULATIONS

2.10.200 Use Regulations

A. Permitted Uses.

The following uses are permitted in the B-TOD 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. Artist's Studios.
4. Automatic Teller Machines.
5. Brewpubs.
6. Business Services.
7. Cafés.
8. Coin-op Laundry and Dry Cleaning.
9. Commercial Recreation.
10. Cultural Institutions.
11. Day Care, General.
12. Department Stores.
13. Drugstores.
14. Fast Food Establishments, Small Scale.
15. Financial Institutions, Retail.
16. Furniture, Electronics, and Appliance Sales.
17. Government Offices.
18. Health and Fitness Centers.
19. Home Improvement and Interior Decoration.
20. Hotels.
21. Instruction and Improvement Services.
22. Library
23. Medical Supply Stores.
24. Multi-Family Residential.
25. Mixed-use Residential.
26. Neighborhood/Specialty Food Markets.
27. Offices (Business, Professional, Administrative.)
28. Park and Recreation Facilities.

29. [Pharmacies.](#)
30. [Restaurants, Full-Service.](#)
31. [Retail Sales.](#)
32. [Retail Services.](#)
33. [Supermarkets.](#)
34. [Telecommunications, Architecturally Integrated Antennas and/or Co-Locations on Existing Tower Structures. \(Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.\)](#)
35. [Theaters.](#)
36. [Theaters, Small Scale.](#)
37. [Travel Services.](#)
38. [Utilities, Minor.](#)

B. [Conditionally Permitted Uses.](#)

[The following uses are allowed in the B-TOD 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. \(Subject to the regulations of Section 4.04.348 Bed and Breakfast Inns.\)](#)
4. [Commercial Parking Facility.](#)
5. [Communications Facilities.](#)
6. [Dance Clubs.](#)
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. [Liquor Stores.](#)
9. [Massage Therapy.](#)
10. [Public Safety Facilities.](#)
11. [Research and Development Services.](#)
12. [Retail Sales, Big Box.](#)
13. [Schools, Public or Private.](#)
14. [Theaters, Outdoors.](#)
15. [Utilities, Major.](#)

C. [Uses Requiring Administrative Review.](#)

[The following uses are allowed in the B-TOD District, subject to the approval of an Administrative Review by the Zoning Enforcement Official, as per the requirements of San Leandro Zoning Code, Article 21.](#)

1. [Animal Sales.](#)
2. [Beer and Wine Stores.](#)

3. [Business and Trade Schools.](#)
4. [Community Garden.](#)
5. [Convenience Store.](#)
6. [Farmers' Market.](#)
7. [Fast Food Establishments, Large Scale.](#)
8. [Game Centers.](#)
9. [Kiosks, Carts, and Vending Stands.](#)
10. [Telecommunications, New Monopoles and Towers.](#)

D. [Temporary Uses Requiring Administrative Review.](#)

[The following temporary uses are allowed in the B-TOD District, subject to the regulations of Section 5-222: Temporary Use Permits.](#)

1. [Animal Shows.](#)
2. [Assembly Uses, Temporary.](#)
3. [Christmas Tree and Pumpkin Sales and Other Seasonal Outdoor Sales.](#)
4. [Circuses and Carnivals.](#)
5. [Commercial Filming.](#)
6. [Real Estate Offices, Temporary.](#)
7. [Retail Sales, Outdoor.](#)
8. [Special Promotions.](#)
9. [Storage Containers, Temporary.](#)
10. [Street and Neighborhood Fairs.](#)
11. [Trade Fairs.](#)

ARTICLE 2. DEVELOPMENT REGULATIONS

2.10.300 Property Development Regulations: Bay Fair Transit-Oriented Development District

The following sections set forth the property development regulations of the B-TOD District.

2.10.304 Minimum Lot Area and Minimum Lot Width

- A. Minimum Lot Area. 10,000 square feet.
- B. Minimum Lot Width. 100 feet.
- C. Maximum Block Length. Blocks shall not exceed 440 feet in length on any one side measured from curb edge to curb edge. An Administrative Exception per Section 2.10.408 may be approved to increase the allowable block length to a maximum of 484 feet if it is found that the location or shape of the site, use of the property, or design of buildings warrant a variation, and it is found that the project design enhances pedestrian activity, provides active building frontages, and provides publicly accessible connections to the public circulation network.

2.10.308 Minimum Yards

- A. Required Setbacks. Minimum and maximum building setbacks are as follows. Minimum building setbacks shall apply unless otherwise allowed in Sections B and C below. A minimum of 70 percent of the linear street frontage shall comply with the maximum setback.

| | <u>Hesperian Boulevard</u> | | <u>Fairmont Drive</u> | | <u>East 14th Street</u> | | <u>All Other Publicly Accessible Streets</u> | | | | | |
|-----------------------------------|----------------------------|------------|-----------------------|------------|------------------------------------|------------|---|------------|----------------------------|------------|---|------------|
| | <u>All Use Types</u> | | <u>All Use Types</u> | | <u>All Use Types</u> | | <u>Ground-Floor Non-Residential Other Than Office</u> | | <u>Ground-Floor Office</u> | | <u>Ground-Floor Residential and Mixed-Use</u> | |
| | <u>min</u> | <u>max</u> | <u>min</u> | <u>max</u> | <u>min</u> | <u>max</u> | <u>min</u> | <u>max</u> | <u>min</u> | <u>max</u> | <u>min</u> | <u>max</u> |
| <u>Street-Facing Setback (ft)</u> | <u>8</u> | <u>20</u> | <u>12</u> | <u>20</u> | <u>0</u> | <u>12</u> | <u>0</u> | <u>6</u> | <u>8</u> | <u>12</u> | <u>8</u> | <u>20</u> |
| <u>Interior Side Setback (ft)</u> | <u>0</u> | <u>n/a</u> | <u>0</u> | <u>n/a</u> | <u>0</u> | <u>n/a</u> | <u>0</u> | <u>n/a</u> | <u>0</u> | <u>n/a</u> | <u>0</u> | <u>n/a</u> |
| <u>Rear Setback (ft)</u> | <u>0</u> | <u>n/a</u> | <u>0</u> | <u>n/a</u> | <u>0</u> | <u>n/a</u> | <u>0</u> | <u>n/a</u> | <u>0</u> | <u>n/a</u> | <u>0</u> | <u>n/a</u> |

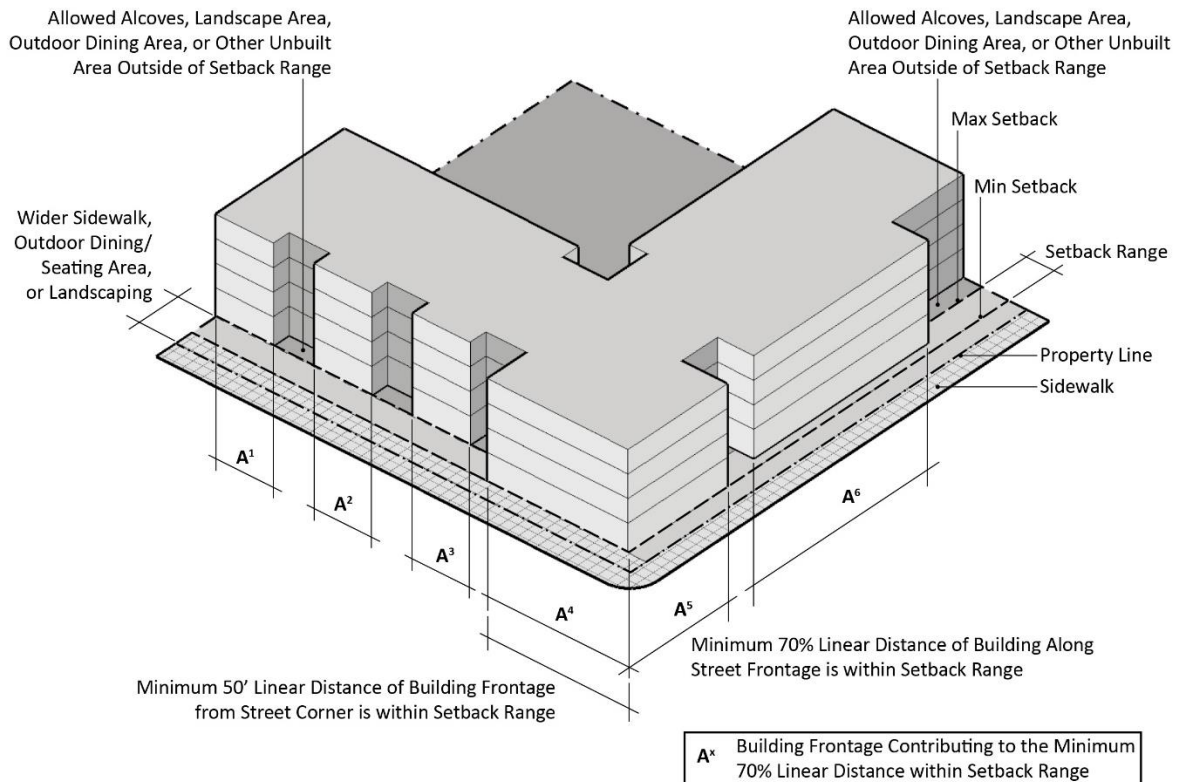
- B. Required Building Location. The following building location requirements apply:
 1. Corner Build Area. Buildings shall be located within the required setback range within 50 feet of the street corner.
 2. Frontage Improvements. The area between buildings and the property line shall be improved as part of a wider sidewalk, as outdoor dining/seating area, or with landscaping.
 3. Exceptions. Building location requirements may be modified or waived through an Administrative Exception per Section 2.10.408 upon finding that:

- a. Entry courtyards, plazas, entries, or outdoor eating areas are located adjacent to the property line and buildings are built to the edge of the courtyard, plaza, or dining area; or
- b. The building incorporates an alternative design that creates an engaging pedestrian area and welcoming entry feature facing the street.

C. Projections into Required Setbacks.

1. Projections into required setbacks shall be permitted consistent with Section 4.04.312 Building Projections into Yards and Courts provided a minimum vertical clearance of 10 feet, or as required for fire access, whichever is greater, is provided from finished grade to the bottom of the projection.
2. Occupied building area may project into the required setback area for a maximum of 65 percent of the length of the building frontage provided a minimum vertical clearance of 13.5 feet from finished grade to the bottom of the projection.
3. The total area of all projections shall not exceed 50 percent of the street facing building facade area.

Figure 2 Setback Range and Corner Build Diagram



2.10.312 Height of Structures

| <u>B-TOD Sub-Area/Height Transition Overlay</u> | <u>Minimum</u> | | <u>Maximum^(A)</u> | |
|--|--|---------------------------------------|---|-------------------------------|
| | <u>Height (ft.)</u> | <u>Stories</u> | <u>Height (ft.)</u> | <u>Stories</u> |
| <u>Sub-Area 1</u> | <u>45^(C)</u> | <u>4^(C)</u> | <u>90^(B)</u> | <u>8^(B)</u> |
| <u>Sub-Area 2</u> | <u>30^(C)</u> | <u>2^(C)</u> | <u>70</u> | <u>6</u> |
| <u>Sub-Area 3</u> | <u>Non-residential buildings: At least 75% of the total street-facing building frontage shall be a minimum of 25</u> <u>Other buildings: n.a.</u> | <u>n.a.</u> | <u>50</u> | <u>4</u> |
| <u>Residential Height Transition Overlay</u> | <u>See applicable Sub-Area</u> | <u>See applicable Sub-Area</u> | <u>Daylight Plane^(D)</u> | |
| <u>Corridor Height Transition Overlay</u> | <u>See applicable Sub-Area</u> | <u>See applicable Sub-Area</u> | <u>58^(B)</u> | <u>5^(B)</u> |
| | | | <u>Applicable within 40 ft of the front property line or back of sidewalk, whichever is greater.</u> | |

- A. General Exceptions to Height Limits. The maximum height of a structure shall be subject to the regulations of Section 4.04.320 Exceptions to Height Limits.
- B. Increased Sub-Area 1 and Corridor Height Transition Overlay Height. An Administrative Exception per Section 2.10.408 may be approved to increase building heights and stories in Sub-Area 1 and within the Corridor Height Transition Overlay if it is found that the additional height is necessary to accommodate additional residential density, the additional height will not be substantially detrimental to the solar access or privacy of other structures or uses in the surrounding area, and design features minimize the perceived mass and bulk created by the increased height.
- C. Reduced Minimum Height and Stories, Non-Residential Buildings. In Sub-Areas 1 and 2, the required minimum height and number of stories may be reduced for non-residential buildings provided 75 percent or more of the total street-facing building frontage(s) is 25 feet or more in height.
- D. Daylight Plane Regulations for Parcels in the Residential Height Transition Overlay. Structures located in the “Residential Height Transition Overlay” shown in Figure 1, B-TOD Sub-Areas and Height Transition Overlays, shall not intercept a one-to-one (1:1) or 45 degree daylight plane incline inward from a height of 8 feet above existing grade at the adjacent R District boundary line. (Please refer to Figure 2 “Required Daylight Plane at Adjoining Districts – B-TOD District.”) Roof-mounted equipment screening, mechanical equipment screening, parapet walls, and rooftop amenities are exempt from this requirement.

Figure 3 Required Daylight Plane for Parcels in Residential Height Transition Overlay

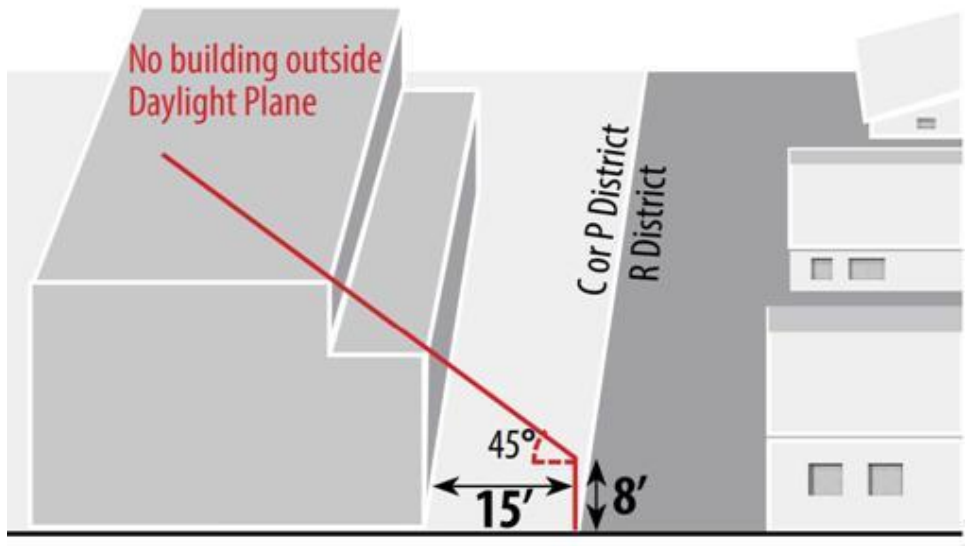
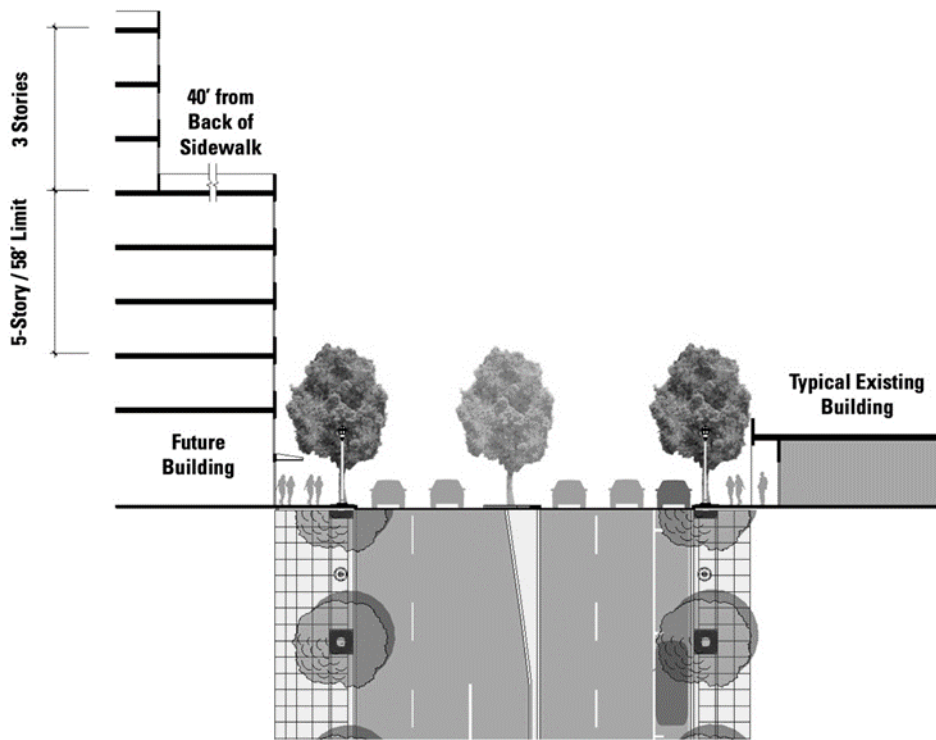


Figure 4 Required Daylight Plane for Parcels in Corridor Height Transition Overlay



2.10.316 Density for Multi-Family Residential and Mixed-Use Residential Development

- A. Density for Multi-Family Residential and Mixed-Use Residential Development. The minimum density for residential and mixed-use development is as prescribed below. For minimum density calculations that result in fractional amounts, numbers of 0.5 or greater shall be rounded up to the nearest whole integer; numbers less than 0.5 shall be rounded down to the nearest whole integer.

| <u>B-TOD Sub-Area</u> | <u>Minimum Density (Dwelling Unit/Acre)</u> |
|-----------------------|---|
| <u>Sub-Area 1</u> | <u>65</u> |
| <u>Sub-Area 2</u> | <u>60</u> |
| <u>Sub-Area 3</u> | <u>20</u> |

- B. Exceptions to Minimum Density in Sub-Area 3. Exceptions to the minimum density requirement may be allowed in Sub-Area 3 with approval of an Administrative Exception per Section 2.10.408.

2.10.320 Lot Coverage

- A. Maximum Lot Coverage and Minimum Open Area. Lot coverage shall not exceed 80 percent. A minimum of 20 percent of the site shall be open area. Open area at the podium level that can be accessed by building occupants is considered open area and shall not count towards lot coverage.
- B. Exceptions to Lot Coverage and Open Area. An Administrative Exception to the lot coverage and open area requirements may be granted per Section 2.10.408 where the location or shape of the site, use of the property, or design of the building warrant a variation.

2.10.324 Minimum Open Space

Private Open Space, Common Open Space, and Publicly Accessible Open Space shall be provided in compliance with the standards of this Section. No portion of required open space shall be used for driveways or off-street parking and loading facilities, nor may one area of open space be double counted as satisfying the requirements of multiple types of required open space. However, the area provided to meet the open space requirement may count toward other site requirements such as landscaping, amenities, and stormwater retention and control if the area provided as open space also meets the criteria of those individual requirements.

| <u>Use Classification</u> | <u>Minimum Open Space</u> | <u>Note</u> |
|--|--------------------------------|--|
| <u>Residential, Mixed-Use Residential</u> | | |
| <u>Private and/or Common Open Space</u> | <u>60 SF per dwelling unit</u> | <u>May be provided as any combination of Private and Common Open Space. See Subsections 2.10.324.A and 2.10.324.B.</u> |
| <u>Publicly-Accessible Open Space</u> | <u>25 SF per dwelling unit</u> | <u>Applicable only to Sub-Area 1 and Sub-Area 2. See Subsection 2.10.324.C</u> |
| <u>Office > 20,000 Gross Square Feet (GSF)</u> | | |

| | | |
|---|----------------------------|---|
| <u>Common Open Space and/or Publicly Accessible Open Space</u> | <u>50 SF per 1,000 GSF</u> | <u>A minimum of 25 SF per 1,000 GSF shall be provided as Publicly Accessible Open Space in compliance with Subsection 2.10.324.C. Common Open Space shall comply with Subsection 2.10.324.B</u> |
| <u>Non-Residential Other than Office > 20,000 Gross Square Feet (GSF)</u> | | |
| <u>Publicly-Accessible Open Space</u> | <u>25 SF per 1,000 GSF</u> | <u>See Subsection 2.10.324.C</u> |

- A. **Private Open Space.** Private Open Space provides open space areas for the exclusive use of the occupants of a single dwelling unit and includes but is not limited to balconies, decks, terraces, patios, fenced yards, and other similar private areas.
1. Minimum Dimensions. Private Open Space shall have at least one minimum six-foot dimension.
 2. Accessibility. Private Open Space shall be accessible to only one dwelling unit by a doorway to a habitable room or hallway.
- B. **Common Open Space.** Common Open Space provides shared access for all building occupants and includes but is not limited to courtyards, terraces, forecourts, gardens, outdoor dining areas, plazas, landscaped areas, patios, swimming pools, barbeque areas, tennis courts, playgrounds, recreation areas, gardens, rooftop amenities, and other similar common areas intended for shared use by building occupants.
1. Minimum Dimensions. Common Open Space shall have at least one minimum 20-foot dimension except as provided below.
 - a. Residential Courtyards. Common Open Space areas with residential units facing on two opposite sides shall have a minimum width equal to the height of the shortest building facade facing the courtyard.
 2. Accessibility. Common Open Space shall be accessible to all building occupants.
 3. Surfacing. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust-free surfacing.
 - a. Minimum Landscaping. A minimum of 30 percent of the total common open space area shall be vegetated.
 - b. Maximum Slope. Slopes shall not exceed 10 percent.
- C. **Publicly Accessible Open Space.** Publicly Accessible Open Space includes paseos, plazas, outdoor dining areas, dog parks, recreation areas, and other similar areas available for use by the public. Publicly Accessible Open Space shall be provided on-site and in accordance with the following standards or met through Alternative Compliance options pursuant to Subsection 2.10.324.C.3, Alternative Compliance.
1. Publicly Accessible Open Space Standards.
 - a. Ownership and Maintenance. Publicly Accessible Open Space may be offered as dedication to the City or privately owned and maintained with dedication of a public access easement. Publicly Accessible Open spaces shall be maintained at no public expense. The owner of the property on

which the open space is located shall maintain it by keeping the area clean and free of litter and keeping in a healthy state any plant material that is provided.

- b. Minimum Dimensions. Publicly Accessible Open Space shall have at least one minimum 35-foot dimension.
 - c. Design Features. Publicly Accessible Open Spaces shall:
 - i. Be unobstructed by fully enclosed structures;
 - ii. Include any practicable combination of lawn, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust-free surfacing;
 - iii. Not exceed a 10 percent slope;
 - iv. Provide pedestrian circulation;
 - v. Provide pedestrian-scale lighting;
 - vi. Provide one or more plaques visible to the public stating the right of the public to use the space, the type of open space, and the hours of use;
 - vii. Maintain a smoke-free environment; and
 - viii. Provide at least two of the following:
 - a) Site furnishings, including, but not limited to, tables and chairs, seating, and gathering places.
 - b) Active recreation spaces, such as tot lot or playground, sport court, or similar.
 - c) Shading.
 - d) Public art.
 - d. Location. Publicly Accessible Open Space shall:
 - i. Be located on the ground floor;
 - ii. Have a direct, accessible pedestrian connection to a public right-of-way or easement from at least two directions, connecting to another public pedestrian right-of-way or easement; and
 - iii. Be accessible from a street or non-motorized multi-use pathway.
2. Alternative Compliance.
- a. Park Land Dedication. Park land dedicated and improved consistent with Municipal Code Chapter 7-1 shall count towards the required Publicly Accessible Open Space.
 - b. Residential Projects with Fewer than 50 Units. Multi-family residential and residential mixed-use developments with fewer than 50 residential units may opt to pay the Park Facilities Development Impact Fee established by Municipal Code Chapter 7-13 in lieu of providing dedicated and improved park land and/or Publicly Accessible Open Space.
 - c. Programmed Use. Publicly Accessible Open Space designed for concentrated and programmed public use – such as playgrounds, recreational areas, or other programmed public spaces – may be credited at a 2:1 ratio with approval of an Administrative Exception per Section 2.10.408.
 - d. Development Sites Over Five Acres. The Publicly Accessible Open Space requirement for projects on sites over five acres may be reduced with Development Plan approval where the review authority finds that: usable Publicly Accessible Open Space has been provided to promote

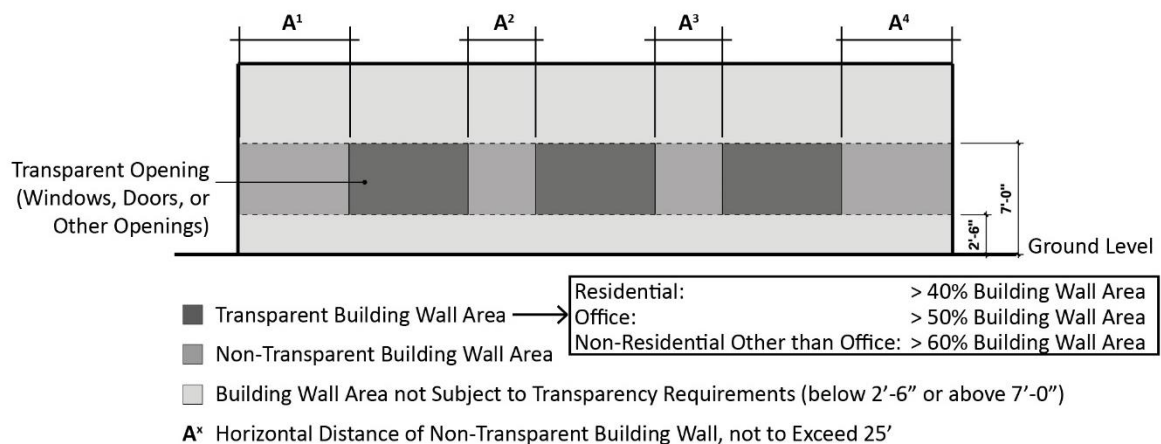
gathering, enjoyment, and active use by a broad range of the community, consistent with the Bay Fair TOD Specific Plan, to the maximum extent feasible and the design, location, and amenities compliment the area-wide open space network. At no time shall the Publicly Accessible Open Space requirement be reduced to less than one acre.

2.10.328 Site, Building and Structured Parking Design

- A. Pedestrian Access. Pedestrian accessways shall be provided for all new construction and additions of 10,000 square feet or more of gross floor area in accordance with the following standards.
 - 1. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
 - 2. To the Public Circulation Network. An on-site walkway shall connect the primary building entry or entries to the public pedestrian circulation network on each street frontage. Connections between on-site walkways and the public pedestrian circulation network, including public sidewalks, public trails, and other planned or existing public pedestrian routes, shall be provided at least every 200 feet along portions of the development site perimeter that are adjacent to public rights-of-way.
 - 3. To Neighbors. Pedestrian access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas.
 - 4. To Transit. Pedestrian connections shall be provided from transit stops to building entrances.
- B. Required New Connections and Frontage Improvements. Publicly accessible connections and frontage improvements consistent with the Bay Fair TOD Specific Plan, the Master Plan of City Streets, and the Subdivision Improvement Standards shall be provided for all subdivisions, new construction, and additions of 10,000 square feet or more of gross floor area.
- C. Ground Floor Height.
 - 1. Residential Uses. The minimum ground floor height for residential uses is 12 feet measured floor to floor.
 - 2. Non-Residential Uses. The minimum ground floor height for non-residential uses is 14 feet measured floor to ceiling.
 - 3. Exception, Change of Use. The minimum ground floor height requirements do apply to changes of use in existing buildings.
- D. Tenant Space Depth. Non-residential ground floor interior tenant space shall be a minimum of 40 feet in depth.
- E. Building Transparency/Required Openings. Exterior walls facing and within 20 feet of a front or street side lot line, public accessway, or public open space shall run in a continuous plane for no more than 25 feet without an opening and shall, at minimum, include windows, doors, or other openings as listed below.
 - 1. Required Transparency.
 - a. Residential Uses. A minimum of 40 percent of the building wall area located between two and one-half and seven feet above ground level.
 - b. Office Uses. A minimum of 50 percent of the building wall area located between two and one-half and seven feet above ground level.

- c. Non-Residential Uses Other than Office. A minimum of 60 percent of the building wall area located between two and one-half and seven feet above ground level.
- 2. Design of Openings. Openings fulfilling this requirement shall have transparent glazing with a visible light transmittance of not less than 80% and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
- 3. Reductions. An Administrative Exception reducing or waiving the building transparency requirement may be granted per Section 2.10.408 upon finding that:
 - a. The proposed use has unique operational characteristics incompatible with providing the required windows and openings, and
 - b. The proposed walls exhibit architectural relief and detail and/or will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

Figure 5 Required Transparency



- F. Entrances. Building entrances shall be provided in accordance with the following standards. An Administrative Exception to the entrance requirements may be granted per Section 2.10.408 where the location or shape of the site, use of the property, or design of the building warrant a variation and it is found that alternative design treatments are incorporated to provide active building frontages, enhance pedestrian activity, provide visual surveillance, and, in the case of residential development, create a transition between the public and private realm.
 - 1. Minimum Number of Entrances. There shall be a minimum of one entrance for every 50 feet of building frontage with a maximum separation of 100 feet between entrances.
 - 2. Separate Entrances Required. Buildings containing a mix of residential and non-residential uses shall provide separate building entrances for each use. Amenity areas such as exercise rooms do not require separate building entrances from the primary use.
 - 3. Orientation. Principal building entrances shall face a public street, public accessway, or public open space and shall lead to a common area a minimum of 10 feet in each dimension. Common areas include customer areas, lobbies, fitness areas, and community rooms. Where entrances are recessed, the required common area may be provided as outdoor space designed as outdoor dining areas or areas with outdoor seating.

- a. Corner Entrances. Entrances located at corners shall provide an entrance toward both streets or have a corner entrance at a 45-degree angle to the corner.
 4. Access. All building and dwelling units located in the interior of a site shall have entrances from a pedestrian walkway that is designed as an extension of the public sidewalk and connects to a public sidewalk.
 5. Finished Floor Elevation, Residential Dwelling Unit Entries. The finished floor elevation of entries of ground floor dwelling units shall be between two and four feet above the adjacent ground level.
 6. Illumination. Building entries and addresses shall be illuminated to provide nighttime visibility from adjacent streets, public accessways, and common areas.
- G. Articulation. Buildings shall be designed in accordance with the following standards. An Administrative Exception to the articulation requirements may be granted per Section 2.10.408 where alternative building design or articulation elements have been incorporated to provide visual interest and avoid a large-scale, bulky, or monolithic appearance.
1. Major Massing Break. Any building over 100 feet wide shall provide a massing break with a minimum width of 20 feet and minimum depth of 20 feet at least every 100 feet.
 2. Minor Massing Break. Any building over 50 feet wide shall provide a minor massing break at least every 50 feet that may consist of either:
 - a. A recess with a minimum width of four feet and a minimum depth of four feet; or
 - b. A projection with a minimum depth of two feet.
 3. Vertical Articulation. The street-facing ground floor of buildings shall be differentiated from upper floors by the use of at least three of the following architectural techniques: greater floor to ceiling height, different colors, different materials, different facade planes, projections, minor massing breaks, individual unit entries for ground-floor residential use, or more frequently occurring windows on ground floors than upper floors.
 - a. Buildings over three stories in height shall use different materials between the first floor and upper floors along a minimum of 75 percent of each facade fronting a street, public accessway, or public open space.
 4. Horizontal Alignment. Horizontal building elements shall be aligned within three feet of like building elements on the same facade or other buildings on the same block.
 5. Architectural Details. Buildings shall include three of the following architectural details: reveals, course lines, decorative cornices, columns, canopies, arbors, trellises, fins, louvers, or other architectural detailing.
 6. Material and Color Palletes. Each facade shall utilize three or more colors and three or more high-quality, durable building materials (not including glazing and railings). Any one material shall comprise at least 20 percent of the building frontage, excluding windows and railings. A change in material shall be offset by a minimum of six inches in depth.
 7. Consistent Design and Details. All building frontages visible from streets, public accessways, and public open space shall be designed with the same materials and level of detail.
- H. Balconies.
1. Minimum Dimension. Balconies shall have a minimum dimension of six feet if counted towards private open space requirements in Section 2.10.324.

2. Orientation. When located within 40 feet of a R District, balconies shall not front or overlook adjacent parcels in R Districts. An Administrative Exception to this requirement may be granted per Section 2.10.408 where the location or shape of the site, design of development, building orientation, or incorporation of screening or other techniques provide privacy and preclude overlook from the balcony into private residential spaces.
- I. Structured Parking Design.
1. Design. Structured parking shall be underground, located behind conditioned space, or designed with exterior walls that screen structural elements of the garage from view from any adjacent street, sidewalk, or other publicly accessible accessway or open space area.
 2. Facade. Structured parking shall maintain horizontal lines throughout the facade and shall not repeat the sloping floor lines of interior parking ramps on the facade.
 3. Vehicular Entry. At grade entries facing the street shall be no more than 20 feet wide, located a minimum of 18 feet from the back of sidewalk, and recessed a minimum of three feet from the facade unless an Administrative Exception per Section 2.10.408 is granted upon finding that other design treatments and details that minimize the apparent width and prominence of the entrance in accordance with the buildings predominant architectural character have been incorporated.
 4. Pedestrian Entry. An at grade pedestrian entry, including a walking path to the public pedestrian circulation network, shall be provided on each street frontage.
 5. Lighting. Structured parking shall be designed such that interior lighting shall be fully shielded and automobile headlamps shall not be visible from adjacent buildings, parcels, streets, public parks, publicly accessible outdoor space or designated open space area.

2.10.332 Amenities for Multi-Family Residential and Mixed-Use Residential Developments

- A. Required Amenities. Projects subject to Site Plan Review per Section Chapter 5.12 shall include amenities that enhance the livability of the project and are not required elsewhere in this chapter. An Administrative Exception per Section 2.10.408 may be approved to allow alternative amenities that are comparable in value and benefit to residents. Projects shall include at least four of the following amenities. Outdoor spaces provided per the specifications of Section 2.10.324 that also appear on the following list may also be counted as required amenities:
1. Conference room.
 2. Electric vehicle (EV) charging stations or 220 V power outlet for 25 percent of required parking spaces.
 3. Fitness center.
 4. Lap pool.
 5. Tenant activity area, such as joint eating and cooking area, clubhouse, play area, screening room, or other activity area.
 6. On-site commercial child care facility.
 7. Pet washing facility or relief area.
 8. Playground or outdoor active recreation facility.
 9. Public art.
 10. Storage rooms for use by individual residents.

11. Study room and/or library.

2.10.334 Parking Access and Design

A. Parking Access. Access to parking and loading areas shall comply with the following standards.

1. Alley Access. Access shall be from an alley. Where no alley exists, access shall be from the street anticipated to have the least amount of pedestrian use.
2. Shared Access. Shared access between adjacent properties is allowed.
3. Curb-cuts.
 - a. Number. A maximum of one curb cut per 200 feet of curb length on a single project site is allowed, unless otherwise required for emergency vehicle access, in which case a second curb-cut may be provided.
 - b. Location. Curb cuts shall be located a minimum of 50 feet from street corners.
 - c. Width.
 - i. One-way Driveways. Curb cuts for one-way driveways shall not exceed 12 feet in width (plus the flare), or the minimum required for emergency vehicle access.
 - ii. Other Curb Cuts. The width of other curb-cuts shall not exceed 20 feet (plus the flare), or minimum required for emergency vehicle access.

B. Surface Parking Area Design.

1. Location. Surface parking areas shall not be located within 40 feet of a street facing property line, as measured perpendicularly from the property line.
2. Surfacing. Pavement areas for surface parking areas, inclusive of parking spaces, driveways, and drive aisles, shall not cover more than 30 percent of the total lot area.
3. Shading. At least 50 percent of the surface parking area shall be shaded by tree canopy, solar panels, or combination of tree canopy and solar panels. If shade is provided by trees, the amount of required shading is to be reached within 15 years.
4. Exception. An Administrative Exception to the location may be granted per Section 2.10.408 where the following conditions exist:
 - a. The design incorporates occupiable space built close to the public sidewalk to the maximum extent feasible; and
 - b. The site is small and constrained such that underground parking or surface parking located more than 40 feet from the street frontage is not feasible.

C. Loading.

1. Maximum Width. Loading docks shall not exceed 20 feet in width.
2. Screening. Loading docks shall be screened from view by fencing, landscaping, or architectural elements from any adjacent street, sidewalk, or other publicly accessible accessway or open space area.
3. Design. Loading docks shall be internal to the building envelope and equipped with closable doors.

D. Alternative Parking and Loading Area Designs. The Zoning Enforcement Official may approve an Administrative Exception per Section 2.10.408 if an applicant cannot meet the provisions of Section 2.10.334 (A) through (C) due to the following reasons:

1. Site Constraints, such as parcel dimension or parcel size;
2. Achievement of environmental design and green building objectives;
3. Design objectives of the Bay Fair TOD Specific Plan.

2.10.336 Minimum Site Landscaping

In addition to the general requirements prescribed in Chapter 4.16 Landscape Requirements, landscaping shall be installed consistent with the following.

- A. Areas to be Landscaped. In addition to areas required to be landscaped pursuant to other Sections of this Chapter, the following areas shall be landscaped:
 1. Minimum Landscaped Area. A minimum of 10 percent of lot area shall be landscaped.
 2. Street Facing Setbacks. All open areas within the street facing setback range, other than those areas used for pedestrian access, vehicle access, seating, parking and loading, gathering spaces, and/or public art.
 3. Adjacent to Residential Uses. Whenever a non-residential use is located adjacent to an existing ground floor residential use, a six foot wide landscape buffer shall be provided along interior property lines. A minimum of one tree of at least 15-gallon size and four shrubs shall be planted per 30 linear feet. An Administrative Exception may be granted per Section 2.10.408 to allow an alternative size and number of trees where it is found they will provide an appropriate tree canopy over the buffer yard.
- B. Materials. Required landscape areas shall be planted with a combination of trees, shrubs, and groundcover. Required landscaping may be at the ground level, podium level, or roof level.
 1. Trees. A minimum of one 24-inch box size or greater tree shall be planted per 25 linear feet of landscape area. Tree grates shall be used for trees located in hardscape areas.
 2. Shrubs. Shrubs shall be a container size of five gallons or greater at planting and planted at spacing distances appropriate for the plant species.
 3. Groundcover. Landscaped areas that are not planted with trees or shrubs shall be planted with groundcover plants. Mulch (as a ground cover) shall be confined to areas underneath plants and is not a substitute for ground cover plants.
 - a. Groundcover plants other than grasses shall be four-inch pot size or greater and planted at spacing distances appropriate for the plant species.
 - b. Groundcover plants shall be planted at a density that will cover the entire area within two years.
- C. Edible Landscaping. Edible landscaping, including fruit trees and gardens, are considered landscaped areas and count toward required landscaping. Community gardens shall comply with Section 4.04.380 Community Gardens.
- D. Stormwater Management Areas. Vegetated stormwater management facilities count toward required landscaping.

2.10.340 Mitigation Measures

- A. Mitigation Measures. All development shall comply with applicable mitigation measures contained in the Bay Fair TOD Specific Plan Environmental Impact Report (EIR).

ARTICLE 3. ADMINISTRATIVE REGULATIONS

2.10.400 Development Plan Review

- A. Applicability. Development sites of five or more acres shall obtain Development Plan approval pursuant to Chapter 5.14 prior to or concurrent with obtaining any subdivision, site plan review, or other zoning permit approval.

2.10.404 Site Plan Review

- A. Applicability. Site plan approval pursuant to Chapter 5.12 Site Plan Approval is required prior to issuance of a building permit for the following improvements:
1. Development of new structures.
 2. Additions, or partial demolitions with reconstruction, resulting in a net enlargement of an existing structure.
 3. Major structural upgrades that extend the economic viability of existing structures and sites that are nonconforming to the development standards of this Code, as determined by the Zoning Enforcement Official. Such structural upgrades include, but are not limited to, the extensive demolition and reconstruction of exterior walls or the relocation of a significant portion of the building's structural interior walls.
 4. New or expanded outdoor storage areas or truck loading bays.
- B. Site Plan Review for Projects with Development Plan Approval. The Zoning Enforcement Official shall be the decision maker for Site Plan Review applications with prior Development Plan Approval pursuant to Chapter 5.14. The Zoning Enforcement Official shall approve, conditionally approve, or deny the Site Plan.

2.10.408 Administrative Exceptions.

- A. Standards for Which an Administrative Exception May be Approved. The Zoning Enforcement Official may approve an Administrative Exception as specifically identified in any section of this Chapter.
- B. Application Requirements. Application for such approval shall be made to the Zoning Enforcement Official on a form prescribed by Planning staff.
- C. Procedures.
1. Review Authority. The Zoning Enforcement Official shall act as the Review Authority for Administrative Exception applications based on consideration of the requirements of this Chapter except in the case of concurrent processing pursuant to Subsection C.5, below.
 2. Findings Necessary for Approval. The Zoning Enforcement Official may approve an Administrative Exception upon a determination that the proposal would not be detrimental to public health, safety or welfare and would not cause undue damage, hardship, nuisance or other detriment to persons or property in the vicinity. The Zoning Enforcement Official shall deny, approve or conditionally approve the application.
 3. Notice of Decision. The Zoning Enforcement Official shall notify by mail the applicant and all abutting property owners. Said notice shall contain a statement that the action taken will become final within 15 days from the date thereof unless appealed in writing to the Board of Zoning Adjustments. The action of the Zoning Enforcement Official shall be final unless an appeal is filed.

4. Appeals. Any person aggrieved with the action of the Zoning Enforcement Official may appeal such action to the Board of Zoning Adjustments, pursuant to the requirements of Chapter 5.20 Appeals.
5. Concurrent Processing. If a request for an Administrative Exception is being submitted in conjunction with an application for another approval, permit, or entitlement that requires review or action by the Planning Commission/Board of Zoning Adjustments or another review body, it shall be heard and acted upon at the same time and in the same manner as that application and subject to the noticing and appeal procedures therein.

Title 1 – General Provisions

CHAPTER 1.08 ORGANIZATION, APPLICABILITY, AND INTERPRETATION

SECTION 1.08.108 Definitions

B. Establishment of Base Zoning Districts. Base zoning districts into which the City is divided are established as follows:

| Base District Designator | Base District Name | Chapter |
|--------------------------|---|----------------------|
| RD | Residential Duplex (Two-Family) | 2.04 |
| RM | Residential Multi-Family | 2.04 |
| RO | Residential Outer | 2.04 |
| RS | Residential Single-Family | 2.04 |
| B-TOD | Bay Fair Transit-Oriented Development | 2.10 |
| CC | Commercial Community | 2.08 |
| CN | Commercial Neighborhood | 2.08 |
| CR | Commercial Regional | 2.08 |
| C-RM | Commercial Regional Mall | 2.08 |
| CS | Commercial Services | 2.08 |
| DA-1 | Downtown Area-1 | 2.08 |
| DA-2 | Downtown Area-2 | 2.08 |
| DA-3 | Downtown Area-3 | 2.08 |
| DA-4 | Downtown Area-4 | 2.08 |
| DA-6 | Downtown Area-6 | 2.08 |
| NA-1 | North Area-1 | 2.08 |
| NA-2 | North Area-2 | 2.08 |
| P | Professional | 2.08 |
| SA-1 | South Area-1 | 2.08 |
| SA-2 | South Area-2 | 2.08 |
| SA-3 | South Area-3 | 2.08 |
| IG | Industrial General | 2.12 |
| IL | Industrial Limited | 2.12 |
| IP | Industrial Park | 2.12 |
| IT | Industrial Transition | 2.12 |

| Base District Designator | Base District Name | Chapter |
|--------------------------|-----------------------|---------|
| OS | Open Space | 2.16 |
| PS | Public and Semipublic | 2.20 |

CHAPTER 1.12 DEFINITIONS

SECTION 1.12.108 Definitions

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

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

Accessory Dwelling Unit (ADU). An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An ADU also includes: (a) an efficiency unit, or a (b) a manufactured home, as defined in Section 18007 and 17958.1 of the California Health and Safety Code. See also Section 2.04.388 Accessory Dwelling Units (ADUs).

- A. **Accessory Dwelling Unit, Repurposed (Single-Family).** An attached or detached ADU within an existing legally established (a) single-family dwelling, or (b) existing accessory structure on a parcel with an existing or proposed single-family dwelling.
- B. **Accessory Dwelling Unit, Repurposed (Two-Family or Multi-Family).** An attached ADU within existing non-habitable space(s) including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or attached garages in an existing legally established two-family or multi-family structure.
- C. **Junior Accessory Dwelling Unit (JADU).** A unit that is contained within the habitable floor area of a single-family residence and includes a separate exterior entrance. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure. At minimum, a JADU shall include an efficiency kitchen, which shall include a food preparation counter, refrigerator, and storage cabinets.

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

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

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

Activity. The performance of a function or operation.

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

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

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

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

3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.
- E. **Adult Motion Picture Theater.** A business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, a substantial portion of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - F. **Adult Theater.** A theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are distinguished or characterized by an emphasis upon the depiction or description of specified anatomical areas or specified sexual activities.
 - G. **Modeling Studio.** A business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted, or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available "specified sexual activities."

Air Cargo Processing Centers. See "Parcel Processing and Shipping Centers" and "Truck Terminals."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Apartment Building. A multi-family rental housing complex in which individual residential units are rented or leased rather than owned separately.

Arcade. See "Game Centers."

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

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

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

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

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

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

Attic. For planning and zoning purposes, an attic is the space between the underside of the roof framing (rafters or beams that directly support the roof sheathing) and the upperside of the ceiling framing. Attics are not considered a story. All areas greater than or equal to seven feet in height shall count as area for FAR calculations.

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

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

Automobile Rentals. See "Vehicle/Heavy Equipment Rental."

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

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

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

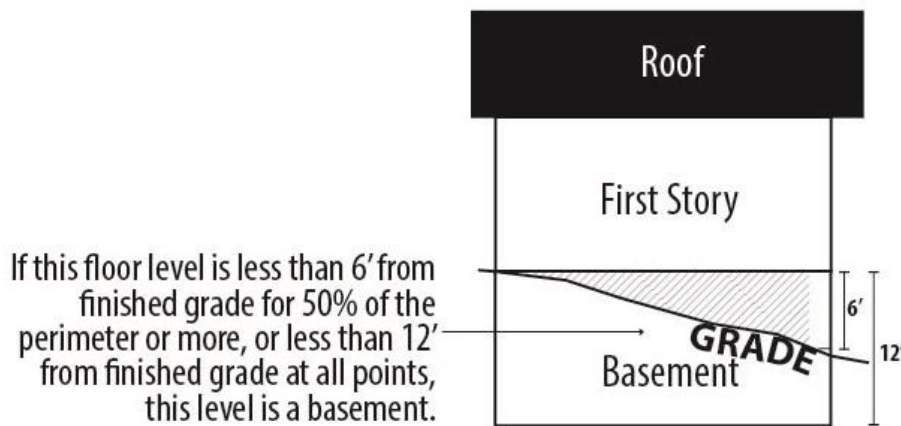
Balcony. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Banks. See "Financial Institutions, Retail."

Barbed Wire. See "Razor/Barbed Wire."

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

Basement. For zoning purposes, a basement is the space below the bottom of the floor framing (joists or girders that directly support the floor sheathing) and the basement floor. To qualify as a basement, no more than 50 percent of the perimeter exterior wall may exceed six feet above the exterior grade and no portion may exceed 12 feet above the exterior grade at any point. If any part of a basement is seven feet six inches or higher, then all areas greater than five feet zero inches in height shall count as area for FAR calculations. Basements are not considered as a story (also refer to definition of “Story, First”).



Basement
(The diagram is illustrative)

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

Bed and Breakfast Inns. Establishments with no more than six guest rooms, offering lodging on a short-term rental not to exceed 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.

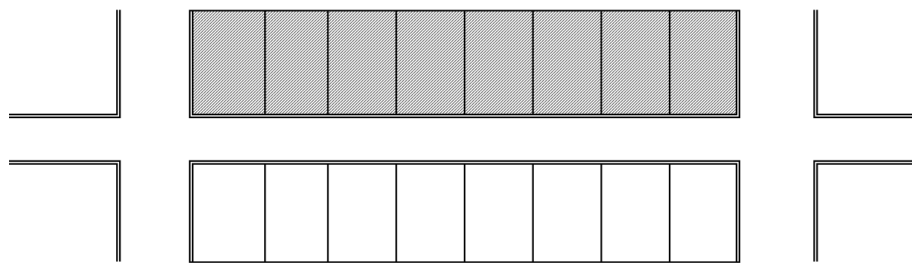
Beer and Wine Stores. A retail store principally involved in the business of selling alcoholic beverages, excluding sales of “hard liquor,” “fortified wine,” or distilled spirits for consumption off the premises where sold. Stores shall be managed by a certified wine expert (sommelier or oenologist) 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 or more billiard, pool, or snooker tables or combination thereof, are maintained for hire, including, but not limited to, a “family billiard parlor” as defined in the San Leandro Municipal Code Section 4-21-100.

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

Blockface. The properties abutting on one side of a street and lying between the two 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 guest rooms where lodging and meals are provided for not more than 10 persons, but shall not include rest homes or convalescent homes. Guest rooms numbering five or over shall be considered a hotel. This definition includes rooming houses and lodging houses.

Brewpub. A public-house (pub) or restaurant that includes an on-site tasting room producing a limited amount of beer for consumption on the premises. Additionally, the sale of beer for consumption off the premises is also allowed.

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

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, plumbing supply businesses, 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.

Cannabis. All parts of the plant *Cannabis sativa* L., also referred to as marijuana, whether growing or not, as defined by California Health and Safety Code Section 11018, as amended from time to time. This includes “cannabis” as: the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant incapable of germination.

Cannabis Dispensary. A collective, or cooperative, or other non-profit or for profit entity qualified or permitted to do business in the State of California and the City of San Leandro that distributes, dispenses, stores, exchanges, processes, delivers, makes available, transmits and/or gives away cannabis (“marijuana”). Baked products (i.e., brownies, bars, cookies, cakes), tinctures and other non-refrigerated type items are acceptable for manufacture and sale at a dispensary.

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 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.

Carport. A permanent roofed structure open on at least two sides, designed for providing covered parking for vehicles.

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

Cellar. See “Basement.”

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

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

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

Christmas Tree and Pumpkin Sales. Outdoor retail sales of Christmas trees during the Holiday Season, and pumpkins during the month of October.

Circuses and Carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of 30 days. This classification excludes events conducted in a permanent entertainment facility.

City. The City of San Leandro.

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

Collection Facility. A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public.

A. **Small Collection Facility.** Occupy less than 500 square feet and may include:

1. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;
2. Kiosk-type units that may include permanent structures; or
3. Unattended containers placed for the donation of recyclable materials.

B. **Large Collection Facility.** Occupy more than 500 square feet and may include permanent structures as well as mobile units, bulk reverse vending machines, kiosk-type units.

Commercial Filming. Commercial motion picture or video photography.

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

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

Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major) and Telecommunications antennas and towers as defined in this Code, [Section 4.04.376 Wireless Telecommunications Facilities as per Ordinance No. 98-009]. This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

Community Apartment. A dwelling unit as defined in Civil Code Section 1351 or successor section.

Community Gardens. A site that occupies less than one acre for non-commercial raising for family or community use of vegetables, berries, trees, fruits, vines, flowers, ornamental trees or shrubs. Crops

from community gardens are limited to personal or group consumption, or for donation, only. Community garden uses may include communally-managed gardens. Community gardens may be the principal or accessory use. Community gardens may not grow cannabis or any other federally-controlled substances. Such use may not keep bees or any other animals unless allowed by Chapter 4-11 of the San Leandro Municipal Code.

Concertina Wire. See “Razor/Barbed Wire.”

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

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

Condominium. A dwelling unit as defined in Section 1350 of the Civil Code of the State of California or successor section. 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.

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

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 merchandise and 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.

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

Convenience Stores. Retail sales of food, beverage and small convenience items primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a building with a floor area less than 10,000 square feet. This classification excludes tobacco stores, liquor stores, delicatessens, confectioneries, and specialty food markets, or grocery stores having a sizeable assortment of fresh fruits and vegetables, and fresh-cut meat, fish or poultry. Also see

“Tobacconist/Cigarette Store,” “Liquor Store,” “Beer and Wine Store,” and “Neighborhood/Specialty Food Markets.”

Corner Lot. See “Lot, Corner.”

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

Cottage Food Operation. A home-based food enterprise that is operated by a resident, and that has not more than one full-time equivalent cottage food employee, not including an immediate family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct and/or indirect sale to consumers. The term “cottage food operation” shall have the same meaning as provided in the California Health and Safety Code, as that section may be amended. Cottage food operations are regulated under Section 2.04.228 Cottage Food Operations of the San Leandro Zoning Code.

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

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

- A. Cornices, canopies, eaves or other projections which do not increase the volume of space enclosed by the building provided that any portion of such projections extending more than two feet from the building shall be included as coverage;
- B. Fire escapes up to three and one-half (3 1/2) feet;
- C. An uncovered stair and landing which does not extend above a ground floor entrance except for the railing; or
- D. Bay windows, balconies or chimneys which project from the wall not more than two feet; provided, that, such features do not in the aggregate occupy more than one-third of the length of a wall which faces an interior side lot line, or more than two-thirds of the length of a wall which faces a street or a rear lot line.

Covered Porch. A roofed structure that is open on at least two sides, including the covered, unenclosed portion over porches, entryways, balconies, decks, terraces and patios. A trellis or arbor does not count as a covered porch.

Credit Union. See “Financial Institutions, Retail.”

Cross-Dock. An industrial shipping facility with truck loading docks and/or doors located on opposing sides of an enclosed or unenclosed platform. Shallow depth cross-docks (such as those with less than 75

feet between the opposing docks and/or doors, and with minimal area for storage) are typically associated with the “Truck Terminals” use classification.

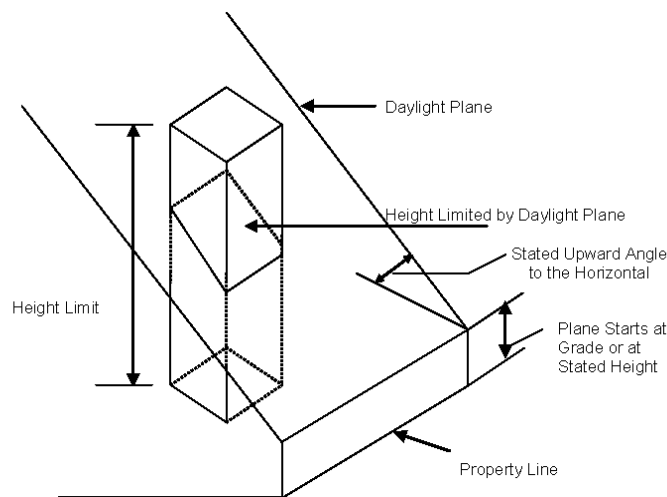
Cultural Institutions. Non-profit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.

Dance Clubs. Any establishment where the primary use is dance and where persons pay admission to dance except where admission charges are to be used for charitable, educational, religious, or social groups which do not include the distribution of profits to the sponsors or members thereof.

Day Care, Child or Adult. A State-licensed facility that provides care for adult clients or minor children for periods of less than 24 hours per day for any client. These facilities include the following, all of which are classified and required to be licensed by the California State Department of Social Services. This does not include employer-run day care services that are provided as an accessory use to an established business. For San Leandro zoning purposes, the categories are defined as follows:

- A. **Day Care, General.** As defined by California Health and Safety Code, any child or adult day care facility other than a family day care, and includes infant centers, preschools, extended day care facilities, and school-age child care centers.
- B. **Day Care, Family Home.** A day care facility in a single residence where an occupant of the residence provides family day care for up to 14 clients, inclusive, including adult clients and children under the age of 10 years who reside in the home.

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



DAYLIGHT PLANE
(This diagram is illustrative)

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

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

Depth. See “Lot Depth.”

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

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).

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.

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. See “Two-Family Residential.”

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

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

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

Electronic Cigarette-Related Products. Any electronic device that can provide an inhalable dose of nicotine by delivering a vaporized solution, as defined by California Revenue and Tax Code Section 30121(b), or any electronic device designed to vaporize a liquid solution that releases flavored vapor and the use or inhalation of such device simulates smoking. This definition shall include any substance containing nicotine or a flavored liquid solution for vaporization through an electronic cigarette, including any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

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

Emergency Shelters. Facility limited to 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 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 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 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 25 percent, or more.

Facade. [The wall planes of a structure as seen from one side or view.](#)

Family. A person or a group of persons living together and maintaining a common household.

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 2,000 square feet or more in gross floor area, and greater than 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 2,000 square feet in gross floor area, or less than 1,000 square feet of public dining area.

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

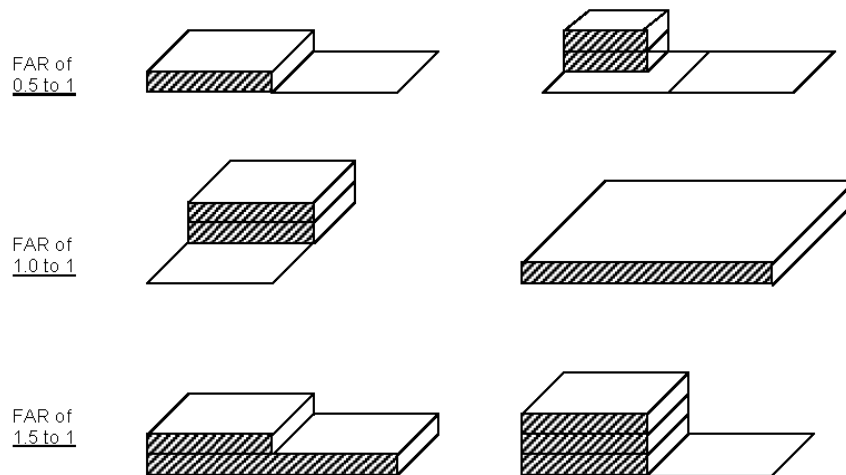
Financial Institutions, Check Cashing and Personal Loan Services. Businesses whose primary purpose is to provide limited financial services to individuals, such as check cashing, deferred deposit loans and loans on vehicle titles. This includes, but is not limited to, check cashers, payday advance businesses and other businesses regulated by the State of California's Check Casher Permit Program, per the California Civil Code, Section 1789.37. A financial institution, check cashing, or personal loan services use in conjunction with another use will be considered accessory to the use if said use is not advertised outside the business premises or by signs visible from the outside of the building.

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

First Story. See “Story, First.”

Floor Area, Gross. The total enclosed area of all floors of a building, other than a single-family home in a RO or RS District, measured to the outside face of the structural members in exterior walls, and including halls, stairways, mezzanines, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than seven feet. For measure of floor area in a single-family home, refer to Section 2.04.404 Residential Site Plan Review—Measure of Floor Area and General Requirements.

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



FLOOR AREA RATIO
(The diagram is illustrative)

Floor Area, Residential. The measure of floor area in a single-family home in an RO or RS District. Refer to Section 2.04.404 Residential Site Plan Review—Measure of Floor Area and General Requirements.

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

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

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

Fortune-Telling Establishment. Any business establishment where a person purports to predict or influence future events through any magic, mystical, supernatural, occult, psychic, extrasensory, or metaphysical techniques.

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

Frontage, Building. The ~~linear length of a~~ building elevation(s) or lot facing a public way ~~that and/or~~ containing s a public entrance.

Frontage, Lot. The portion of a lot abutting a public way.

Furniture, Electronic, and Appliance Sales. Establishments retailing the following goods as their primary business: furniture, electronic equipment, and appliances. This classification excludes retailers who sell furniture, electronics and appliances as a part of a department store or retail sales, big box classification.

Game Centers. A commercial establishment, which contains more than four pinball machines, computer games, electronic video games, or any other similar games or devices, for the use of which fees are paid directly into the machines or to an operator regardless of whether the devices constitute the primary use or accessory or incidental use of the premises. This does not include games of chance, Internet sweepstakes, or any gambling activities, which are not permitted in any zoning district in the City.

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

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

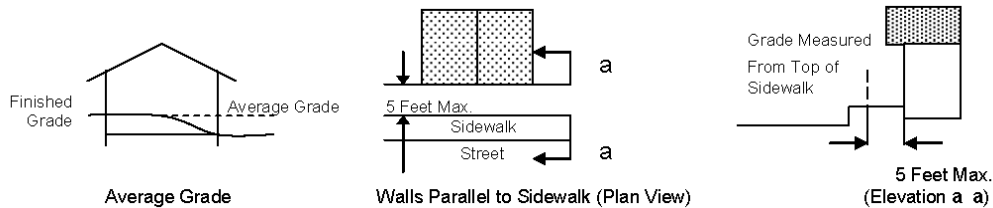
Garage and Yard Sales. Sales in an R district of personal property on an occasional basis, not exceeding two (2) times per year and on the premises of the property owner or the premises of a residential property in the immediate vicinity.

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

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

Grade, Existing. The surface of the exterior ground or pavement at a stated location as it exists (i.e. without alteration) prior to disturbance in preparation for a project regulated by this Code.

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



GRADE STANDARDS
(The diagram is illustrative)

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

Group Housing. Shared living quarters, with a congregate arrangement, where meals are provided in a common dining area, and either no or limited cooking facilities are provided within the individual rooms or units. This classification includes rooming or boarding houses, private residential clubs, congregate and/or assisted care facilities for the elderly or persons with disabilities, and housing for individuals requiring court ordered supervision, but excludes “Residential Hotels,” “Hotels, Motels ,and Time-Share Facilities,” “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).

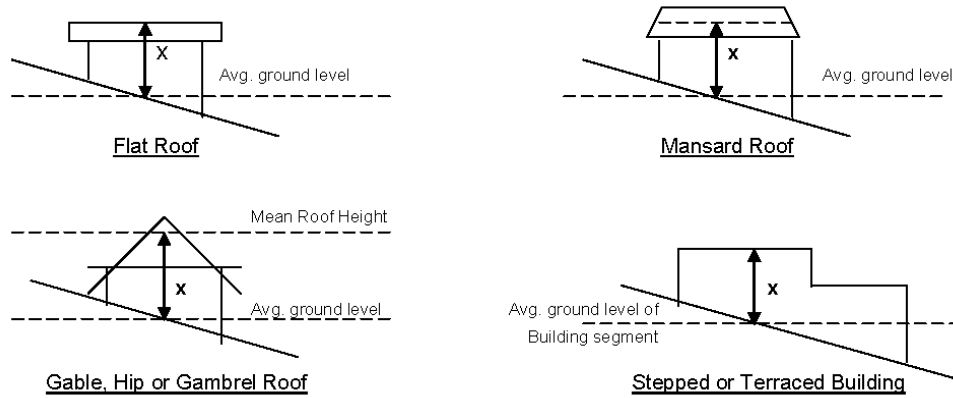
Hazardous Substances. Includes all substances on the comprehensive master list of hazardous substances compiled and maintained by the California Department of Health Services pursuant to Section 25282 of the California Health and Safety Code or the California Occupational Safety and Health Agency’s Hazardous Substances List; CCR Title 8, Division 1, Chapter 3.2, Subchapter 1, Article 5, Section 339. See also Section 4.04.212 Hazardous Materials Storage.

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.

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~~ to the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the

building, unless otherwise specified, to the highest point. Please refer to the Building Height illustration below. (For a definition of “height” in relation to Telecommunications antennas and towers, see Section 4.04.376 Wireless Telecommunications Facilities {as per Ordinance No. 98-009}; and for definition of height restrictions in the RS-VP sub-district, refer to Section 2.04.412 RS-VP Sub-District—Residential Site Plan Review and Exceptions to Height Restrictions).



BUILDING HEIGHT
(The diagram is illustrative)

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

Home Occupation. Occupations conducted in a dwelling unit, portions of the garage not required for parking, or accessory building in a residential district that are incidental to the principal residential use of a lot or site and which meet the conditions of Section 2.04.220 Home Occupation in R Districts. This definition does not include “cottage food operations” defined separately herein.

Horticulture, Limited. The raising of vegetables, flowers, ornamental trees, and shrubs as a commercial enterprise, provided that no nursery equipment or materials shall be stored and no structures erected. Commercial horticulture accessory to a dwelling unit shall be regulated as a home occupation in the RO District, only, per Section 2.04.208 RO District—Use Regulations.

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

Hotels, Motels, and Time-Share Facilities. Establishments offering lodging on a less than weekly basis. This classification includes eating, drinking, and banquet service as accessory uses if under the direct control of the primary use.

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

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

Industry, Cannabis Product Manufacturing. Cannabis manufacturing, processing, and packaging of products derived from or infused with cannabis, including edibles, concentrates and extracts for wholesale or retail to cannabis dispensaries or other cannabis product distributors and manufacturers as allowed by State law. This definition includes cannabis manufacturers requiring a Type 6 or 7 license from the State of California. This definition does not include the cloning, planting or cultivation of cannabis plants or the direct sales, distribution, delivery, or dispensing of manufactured cannabis products to the public.

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

Industry, General. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, laundry and dry cleaning plants, and auto dismantling within an enclosed building. This classification excludes the processing of recycled materials as a facility regulated by Section 4.04.232 Recycling Facilities.

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

Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, vehicle/equipment repair services, and the processing of recycled materials as a facility regulated by Section 4.04.232 Recycling Facilities.

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

In-Law Unit. See “Accessory Dwelling Unit (ADU).”

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

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

Junior Accessory Dwelling Unit (JADU). See “Accessory Dwelling Unit (ADU).”

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

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

Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as “Industry, Research and Development” or “Laboratories, Cannabis Testing Facilities.”

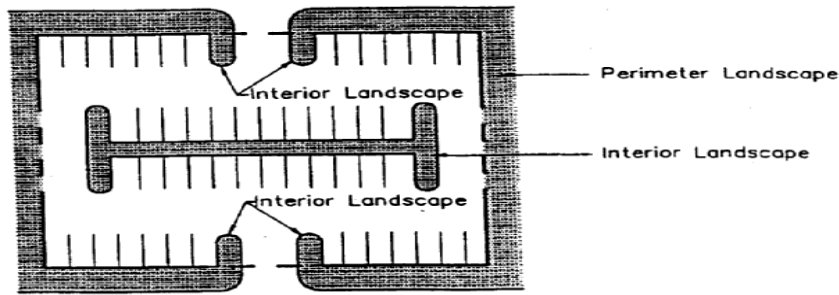
Laboratories, Cannabis Testing Facilities. Laboratories conducting safety, quality control, and analytical testing services of cannabis and products derived from cannabis as a service to cannabis dispensaries, medical facilities, government agencies, cannabis product manufacturers, or other entities as allowed by State law. This definition includes cannabis testing and laboratory facilities requiring a Type 8 license from the State of California. This definition does not include the cloning, planting or cultivation of cannabis plants or the direct sales, distribution, delivery, or dispensing of cannabis and cannabis products to the public.

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

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

Landscaping, Perimeter. A landscaped area adjoining and outside the shortest circumferential line defining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways

or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas). Please refer to the Landscaping: Perimeter/Interior illustration.



Landscaping: Perimeter/Interior
(The diagram is illustrative)

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

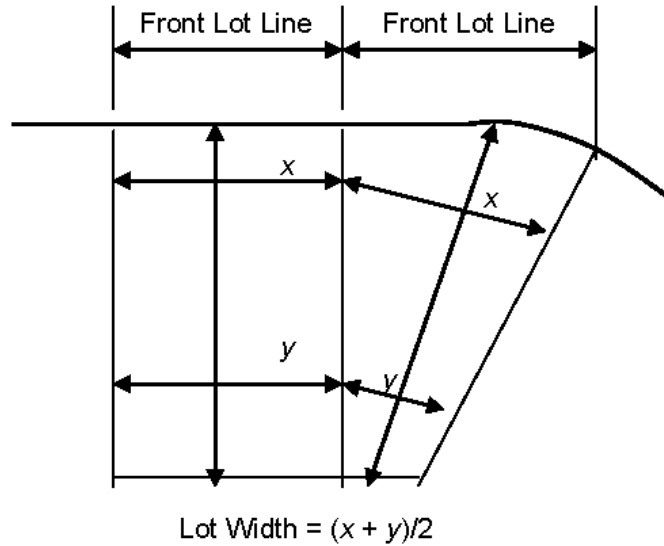
Live-Work. A structure or complex of structures that integrates space for both residential and nonresidential uses within individual units. Nonresidential uses shall operate to allow the “quiet enjoyment” expectations of neighbors. Such uses should operate with limited noise, odor and other similar impacts,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

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

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

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

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



LOT DEPTH AND LOT WIDTH
(The diagram is illustrative)

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

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

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

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

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

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

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

Manufactured Home. A dwelling unit manufactured elsewhere and placed on a building site as regulated in Section 2.04.392 Manufactured Homes in R Districts and constructed in accord with State of California standards for manufactured homes and with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C., Section 5401 et seq.), as amended. This

definition is intended to include mobile homes and modular homes, which meet Federal and State standards for manufactured homes.

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

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

Marquee. See "Canopy."

Massage Therapy. Establishments providing massage service, which comply with all local and state regulations.

Medical Cannabis Dispensary. A collective, or cooperative, or other non-profit or for profit entity qualified or permitted to do business in the State of California and the City of San Leandro that distributes, dispenses, stores, exchanges, processes, delivers, makes available, transmits and/or gives away cannabis ("marijuana") for medicinal purposes to four or more qualified patients and/ or primary caregivers pursuant to California Health and Safety Code Sections 11362.5 and 11362.7 et seq. Baked medicinal products (i.e., brownies, bars, cookies, cakes), tinctures and other non-refrigerated type items are acceptable for manufacture and sale at a dispensary.

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

Mezzanine. An intermediate floor placed within a room.

Mini-Warehouse. See "Public Storage."

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

Mobile Food Vending. The sale of food from any motorized or trailer vehicle, designed to be portable and not permanently attached to the ground, from which only food and beverages are sold, served free or sampled, displayed or offered for sale, as regulated by the San Leandro Municipal Code.

Mobile Home. A structure designed for human habitation and for being moved on a street or highway under permit pursuant to Vehicle Code Section 35790. Mobile home does not include a recreational vehicle, as defined in Civil Code Section 799.24, or a commercial coach, as defined in Health and Safety Code Section 18218.

Mobile Home Park. An area of land where two or more mobile home sites are rented or held out for rent to accommodate mobile homes used for human habitation. Mobile home park shall not include a mobile home subdivision or stock cooperative.

Mobile Home Park Conversion. A use of a mobile home park for a purpose other than the rental or the holding out for rent of two or more mobile home sites to accommodate mobile homes used for human habitation. Such a conversion may affect an entire mobile home park or any portion thereof. A conversion shall include, but is not limited to, a change of the mobile home park or any portion

thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the mobile home park are to be sold.

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

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

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

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

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

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

Nonhabitable Accessory Structure. A detached subordinate structure without living space, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use.

Nurseries. Any business which sells, primarily at retail, plants which are displayed or otherwise merchandised outside an enclosed building. Merchandise other than plants is kept with an enclosed building or a fully screened enclosure. Fertilizer of any type is stored and sold in package form only.

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

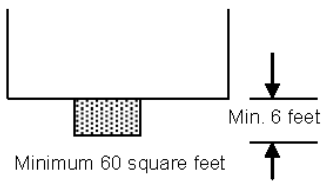
Off-Street Loading Facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Open Space, Common. Usable open space reserved for the exclusive use of residents and their guests, with a minimum dimension of 10 feet in any direction and a minimum area of 300 square feet. (Also, see Section 2.04.356 RM District—Multi-Family Dwellings, Requirements for Open Space.)

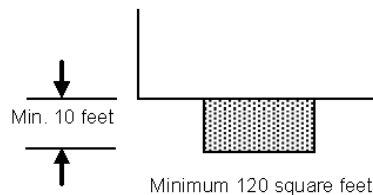
Open Space, Private. Usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests, and which is any of the following (Also see Section 2.04.356 RM District—Multi-Family Dwellings, Requirements for Open Space.)

A. A private balcony attached to a dwelling unit with a minimum area of 60 square feet and a minimum horizontal dimension of six feet.

B. A private porch, deck, patio, or court with a minimum horizontal dimension of 10 feet and a minimum area of 120 square feet.



PRIVATE BALCONY (A)



PRIVATE DECK, PATIO, PORCH OR COURT (B)

OPEN SPACE, PRIVATE

(The diagram is illustrative)

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

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

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

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

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

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

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

Pawn Shop. A business establishment engaged in the buying and selling of new or secondhand merchandise and offering loans secured by merchandise.

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

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

Pharmacies. Establishments that primarily sell prescription drugs.

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

Pre-Existing. In existence prior to the effective date of this Code.

Processing Facility. A building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

A. **Light-Processing Facility.** Occupies less than 45,000 square feet, all activities are conducted entirely within an enclosed building, and includes equipment for baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials, except ferrous metals other than food and beverage containers, and repairing of reusable materials. (See Section 4.04.232 Recycling Facilities, Subsection B Permits Required.

B. **Heavy-Processing Facility.** Any processing facility other than a light-processing facility.

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

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

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

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

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

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

Recyclable Material. Residential, commercial and industrial materials or by-products, which are set aside, handled, packaged or offered for collection separate from garbage for the purpose of being processed and then returned to the economic mainstream in the form of commodities or products. Reusable material, including, but not limited to, metals, glass, plastic, and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Also see Section 4.04.232 Recycling Facilities.

Recycling. The process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Also see Section 4.04.232 Recycling Facilities.

Recycling Centers. A facility for the recycling of waste paper, bottles, cans, or other materials, including small collection facilities and reverse vending machines. Also see Section 4.04.232 Recycling Facilities.

- A. **Certified.** A center certified by the State of California for redemption of waste materials having uniform redemption value or for any other recycling program.
- B. **Small Scale Hazardous Waste.** A center for the collection, short-term storage, transfer, or limited processing of hazardous waste from households, small businesses or other small-scale generators.

Recycling Facility. A center for the collection and/or processing of recyclable materials, and includes facilities for the drop-off, buyback, deposit, or return for redemption, of recyclable material. Recyclable material is reusable material including, but not limited to, aluminum, glass, plastic and paper which is intended for remanufacture or reconstitution for the purpose of using the altered form. A recycling facility consists of a reverse vending machine, collection facility, or processing facility. A recycling collection facility may also consist of a facility for the collection of reusable household goods or clothes by a charitable organization. Also see Section 4.04.232 Recycling Facilities.

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

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

[Research and Development Services. Research of an industrial, scientific, or medical nature, including associated office space, indoor laboratories, and testing facilities. This classification may include small-scale indoor fabrication as part of the research function, but excludes mass manufacturing, fabrication, or processing of products.](#)

Residential Congregate Care Facilities. Use of a residence for the purpose of providing, for a fee, adult day care and/or 24 hour-a-day, non-medical residential living accommodations, day treatment, or foster agency services for seven or more individuals, and where the duration of stay is determined, in whole or in part, by the individual residents’ participation in group or individual activities, such as counseling, recovery planning, and medical or therapeutic assistance. This classification includes facilities licensed by the State of California.

Residential Congregate Care Facilities, Limited. Use of a residence for the purpose of providing, for a fee, adult day care and/or 24 hour-a-day, non-medical residential living accommodations, day treatment, or foster agency services for up to six individuals, and where the duration of stay is determined, in whole or in part, by the individual residents’ participation in group or individual activities, such as counseling, recovery planning, and medical or therapeutic assistance. This classification includes facilities licensed by the State of California.

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

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

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

Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes, but is not limited to, clothing stores, quality re-sale consignment stores, and businesses retailing the following goods: toys, hobby supplies, handcrafted items, gift items, jewelry, books, cameras, photographic supplies, music media, videos, sporting goods (excluding uses where gun and ammunition sale are the primary use - see “Gun or Weapon Shop” definition), kitchen

utensils, hardware, antiques and vintage clothing stores, art supplies and services, musical instruments, supplies, and services, office supplies, and bicycles.

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

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

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

Reverse Vending Machine(s). An automated mechanical device that accepts at least one or more types of empty beverage containers such as aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine. Also see Section 4.04.232 Recycling Facilities.

- A. **Single-Feed Reverse Vending Machine.** Designed to accept individual containers one at a time.
- B. **Bulk Reverse Vending Machine.** Designed to accept more than one container at a time and to compute the refund or credit due on the basis of weight.

Roof Line. The top of the parapet or the midpoint between the eave line and the top of the roof.

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

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

Rooming House. See "Boarding House."

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

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

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

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

Setback Line. A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side, [street](#), or rear yard, [setback area](#), or the boundary of any public right-of-way (whether acquired in fee, [dedicated through](#) easement, established as a future right-of-way line, or otherwise) or a line otherwise established to govern the location of buildings, structures, or uses.

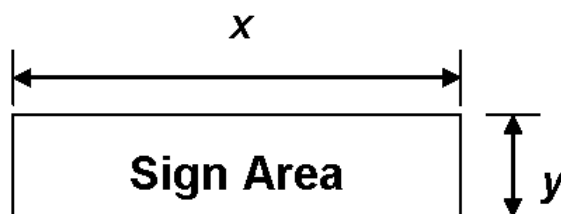
Sign. A visual communications device used to convey a message to its viewers. A sign shall mean and include every advertising message, announcement, declaration, insignia, surface or space erected or maintained for identification, advertisement or promotion of the interests of any person, entity, product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

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

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

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

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



Sign Area = x by y

SIGN AREA
(The diagram is illustrative)

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

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

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

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

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

Sign, Flag. See "Sign, Freestanding."

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

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

Sign, Ground. See "Sign, Freestanding."

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

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

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

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

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

Sign, Nameplate. A sign designating: (1) the name of a building; (2) the address of property; (3) the name of an occupant; or (4) the profession of an occupant.

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

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

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

Sign, Pole. See “Sign, Freestanding.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Single-Family Residential. Buildings containing one dwelling unit and up to one accessory dwelling unit and one junior accessory dwelling unit located on a single lot. This classification includes mobile home and factory-built housing.

Single Housekeeping Unit. An individual or two or more persons living together in a dwelling unit, and in which responsibilities for expenses, housekeeping, cooking, and other household maintenance chores are shared among the 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., assisted living facilities). A single housekeeping unit is allowed to occupy any legal dwelling unit subject to the requirements of Section 2.04.236 Maximum Dwelling Unit Occupancy (i.e. occupancy by more than 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 Code, 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 Hazardous Waste Center. A center for the collection, short-term storage, transfer, or limited processing of hazardous waste from households, small businesses or other small-scale generators. Facilities with waste streams small enough to be exempt from manifest requirements as described in California Health and Safety Code Section 25160. Wastes from any given generator must not exceed a total volume of five gallons or a total weight of 50 pounds. This definition includes household hazardous waste collection facilities. See also “Recycling Centers.”

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

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

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

- A. Less than completely and opaquely covered human: (1) genitals or pubic region; (2) buttocks; and (3) female breasts below a point immediately above the top of the areola;
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and
- C. Any device, costume, or covering that simulates any of the body parts included in Subsection A or B above.

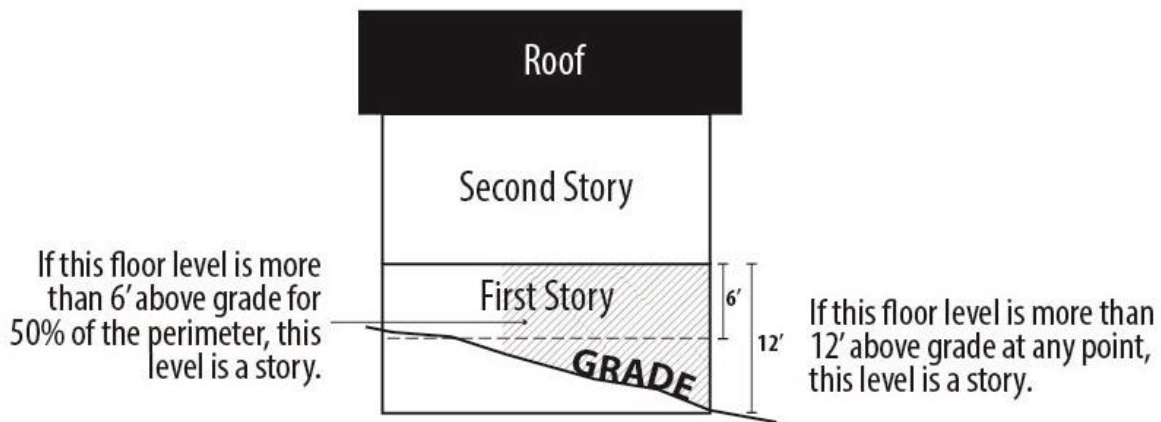
Specified Sexual Activities. As used herein, “specified sexual activities” shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:

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

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

Stock Cooperative. A dwelling unit as defined in Section 11003.2 of the Business and Professions Code of the State of California or successor section.

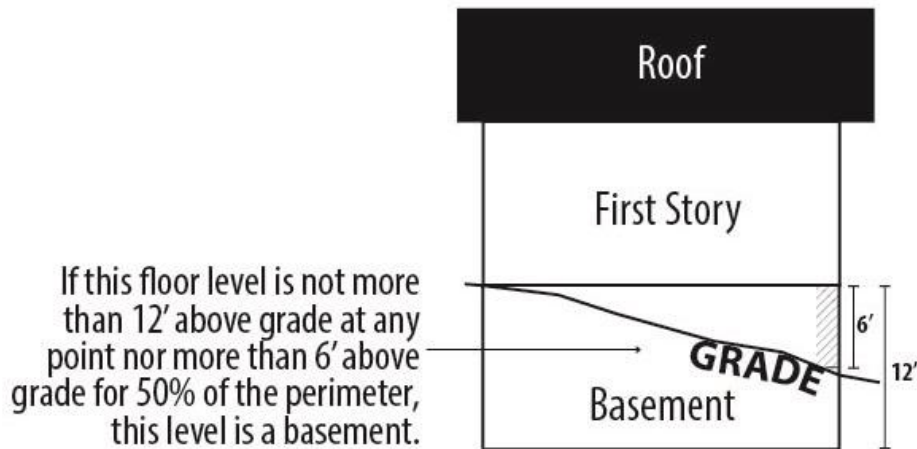
Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it. If there is no floor above the uppermost floor, the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly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



STORY
(This diagram is illustrative)

Story, First. The lowest story in a building. The lowest level of a building having two or more levels is considered the “first story” when the floor level above is more than six feet above grade for at least 50 percent of the total perimeter, or is more than 12 feet above the exterior grade at any point. [If the

floor level above the lowest level is NOT more than six feet above grade for at least 50 percent of the total perimeter, or is NOT more than 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, [other than an alley or path](#), 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 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 on-site or off-site 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 residential dwelling units of the same type in the same zone.” See development regulations in Section 4.04.316 Supportive and Transitional Housing.

Swap Meets, Non-Recurring. Retail sale or exchange of handcrafted, or secondhand merchandise for a maximum period of 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 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 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 90 days.

Temporary Use. An intermittent (not more than four times per year) commercial activity, the period of operation of which does not exceed 90 days at any one time. A temporary use permit shall be obtained, per Section 5.08.144 Temporary Use Permits.

Tenant or Existing Tenant. A person who rents, leases or subleases, through either a written or oral agreement, real property from another.

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

Theaters, Small Scale. Theaters of less than 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.

Tobacconist/Cigarette Stores. Businesses devoted primarily to the sale of tobacco-related and e-cigarettes, and e-cigarette-related products, as defined by: (1) devoting 20 percent or more of total

floor area or display area to; or (2) deriving 75 percent or more of gross sale receipts from, the sale or exchange of tobacco-related products.

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

Townhouse. A dwelling unit characterized by a separate interest in a building and the land directly beneath it, which may be combined with either an undivided interest in the remainder or easements across common areas.

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

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

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 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 Section 4.04.316 Supportive and 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 18 inches or more, measured 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-fueling and dispatching. Also, refer to definition of "Cross-Dock." (This classification excludes trucking activities accessory to industrial, manufacturing or warehousing uses, or to the "Parcel Processing and Shipping Facilities" use classification.)

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

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

Use, Accessory. See “Accessory Uses and Structures.”

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

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

Utilities, Major. Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, data centers, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities, but excluding wireless telecommunications facilities, see Section 4.04.376 Wireless Telecommunications Facilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.

Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines.

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

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

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

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

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

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

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

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

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

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

Warehouse - 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.)

Warehouse - 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 Property Maintenance Code (Chapter 7-5, Article 3 of the Municipal Code).

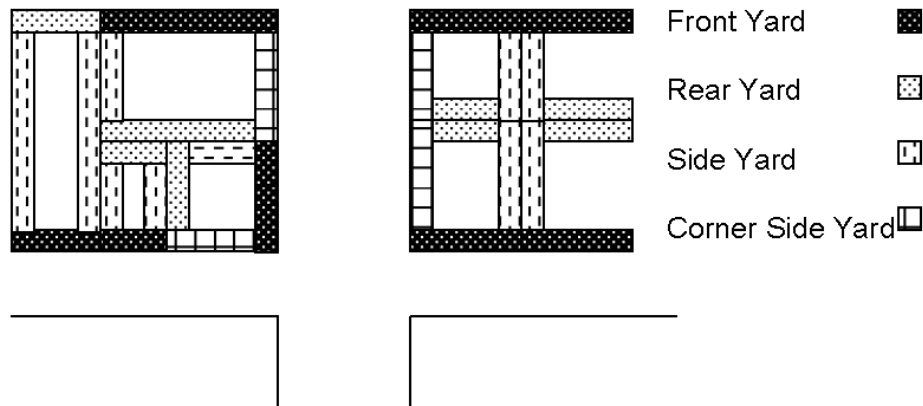
Wireless Telecommunications Facility. An unstaffed communications facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves, including antennas and all ancillary equipment. It does not include 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.

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

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

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



YARD TYPES
(This diagram is illustrative)

Zoning Enforcement Official. That person designated by the City Manager as responsible for determining compliance with the Zoning Code.

Title 2 – BASE DISTRICT REGULATIONS

CHAPTER 2.08 COMMERCIAL AND PROFESSIONAL DISTRICTS

SECTION 2.08.100 Specific Purposes

In addition to the general purposes listed in Chapter 1.04 Title, Components, and Purposes, the specific purposes of commercial district regulations are to:

- A. Provide appropriately located areas consistent with the General Plan for a full range of office, retail commercial, and service commercial uses needed by residents, businesses, and visitors in the City and region.
- B. Strengthen the City’s economic base, and provide employment opportunities close to home for residents of the City and surrounding communities.
- C. Create suitable environments for various types of commercial uses, and protect them from the adverse effects of inharmonious uses.
- D. Minimize the impact of commercial development on adjacent residential districts.

- E. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area or with planned changes in the character of the area in which they are located and that the quality of site and building design enhances the community.
- F. Ensure the provision of adequate off-street parking and loading facilities.
- G. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.

The additional purposes of each C, DA, NA, P, 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 14th Street between Davis Street and Castro Street. Ground floor retail is required on parcels fronting on East 14th Street and Washington Avenue north of Parrott Street and encouraged on all other parcels in this District. Residential mixed use development is allowed.

DA-2 (Downtown Area 2). To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy by providing for designated areas on the periphery of the Downtown core where new development shall be sensitive to and of a scale consistent with adjacent Residential Districts and where mixed use developments are allowed and encouraged but not required.

DA-3 (Downtown Area 3). To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy in areas 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-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, mixed-use and multi-family residential uses at appropriate locations, subject to development standards and landscaping requirements that prevent significant adverse effects on adjacent uses. Retail activity is appropriate, subject to limitations to ensure development is consistent with the existing neighborhood quality.

SA-1 (South Area-1). To promote quality mixed-use developments, especially multi-story developments, with neighborhood-oriented commercial uses. A primary intent is to ensure that new development will be quality in-fill projects. Provisions for reduced parking are included. The SA-1 Zoning District will serve to implement the East 14th Street South Area Development Strategy, particularly, policies and design guidelines for the Palma District and International and Cultural District.

SA-2 (South Area-2). To promote in-fill residential uses that would be sensitive to the adjoining neighborhoods. Residential, commercial and community-oriented uses would also be encouraged in mixed use multi-story buildings. Provisions for reduced parking are included. The SA-2 Zoning District will serve to implement the East 14th Street South Area Development Strategy, particularly, policies and design guidelines for the McKinley Residential District.

SA-3 (South Area-3). To provide opportunities for larger commercial and office developments, and to promote additional commercial opportunities that would exhibit quality design. Provisions for reduced parking are included. The SA-3 Zoning District will serve to implement the East 14th Street South Area Development Strategy, particularly, policies and design guidelines in the Gateway District.

ARTICLE 1. USE REGULATIONS

~~2.08.212 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 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. (Subject to Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts.)~~
- ~~8.—Commercial Parking Facility.~~
- ~~9.—Day Care, General.~~
- ~~10.—Department Stores.~~
- ~~11.—Drugstores.~~
- ~~12.—Fast Food Establishments, Small Scale. (Subject to Section 4.04.200 Fast Food Establishments.)~~
- ~~13.—Financial Institutions, Retail.~~
- ~~14.—Furniture, Electronics, 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.—Mobile Food Vending. (Subject to approval of operation and restrictions on operation as established by Zoning Enforcement Official and compliance with San Leandro Municipal Code Chapter 4-34 Mobile Food Vending.)~~
- ~~21.—Neighborhood/Specialty Food Markets.~~
- ~~22.—Offices, Business and Professional.~~
- ~~23.—Pharmacies.~~
- ~~24.—Public Safety Facilities.~~

~~25.— Restaurants, Full Service. (Subject to Section 2.08.272 Additional Use Restrictions- Commercial and Professional Districts.)~~

~~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 4.04.376 Wireless- Telecommunications Facilities.)~~

~~30.— Theaters, Small Scale.~~

~~31.— Travel Services.~~

~~32.— Utilities, Minor.~~

~~33.— Vehicle/Equipment Repair, Limited.~~

-

~~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.— Emergency Health Care.~~

~~10.— 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.— Farmers' Market.~~

~~12.— Fast Food Establishments, Large Scale. (Subject to Section 4.04.200 Fast Food Establishments.)~~

~~13.— Hotels, Motels, and Time-Share Facilities.~~

~~14.— Liquor Stores.~~

~~15.— Maintenance and Repair Services.~~

~~16.— Massage Therapy.~~

~~17.— Mixed Use Residential.~~

- 18.— Multi-Family Residential.
- 19.— Retail Sales, Big-Box.
- 20.— Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4.04.376 Wireless Telecommunications Facilities.)
- 21.— Theaters.
- 22.— Two-Family Residential.
- 23.— Utilities, Major.
- 24.— 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 Chapter 5.04 Zoning Permits Required; Environmental Review; Fees and Deposits.~~

- 1.— Accessory Uses and Structures.
- 2.— Animal Boarding, Indoor.
- 3.— Automatic Teller Machines.
- 4.— Catering Services.
- 5.— Community Gardens.
- 6.— Game Centers.
- 7.— Nurseries.
- 8.— Parking Lot.
- 9.— Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4.04.232 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 5.08.144 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.

ARTICLE 2. DEVELOPMENT REGULATIONS

SECTION 2.08.300 Property Development Regulations: Commercial and Professional Districts

The following sections set forth the property development regulations of the CC, CN, CR, ~~C-RM~~, CS, DA-1, DA-2, DA-3, DA-4, DA-6, NA-1, NA-2, P, SA-1, SA-2, and SA-3 Districts. In addition, development in the SA-1, SA-2 or SA-3 Districts shall be consistent with the Design Guidelines in the East 14th Street South Area Development Strategy. Development in the DA-1, DA-2, DA-3, DA-4, and DA-6 Districts shall be consistent with the provisions contained in the Design Guidelines in the Downtown San Leandro Transit-Oriented Development Strategy.

SECTION 2.08.304 Minimum Lot Area and Minimum Lot Width

| Zoning District | Minimum Lot Area (sq. ft.) | Minimum Lot Width (feet) |
|--------------------|-----------------------------------|--------------------------|
| CC, CS, NA-1, NA-2 | 10,000 | 100 |
| CN, P | 5,000 | 50 |
| CR | 10,000 | n.a. |
| C-RM | 25 acres^(A) | n.a. |
| DA-1, DA-6 | 10,000 ^(A) | 100 |
| DA-2, DA-3, DA-4 | 5,000 ^(A) | 50 |
| SA-1, SA-2, SA-3 | 5,000 | 50 |

A. Exceptions to Minimum Lot Size—~~C-RM and~~ DA Districts. The Zoning Enforcement Official may administratively approve an exception to the minimum lot size to allow for lots less than the minimum size required by this section if adequate shared ingress, egress and access to parking facilities can be provided to accommodate each proposed new lot.

SECTION 2.08.308 Minimum Yards

A. Minimum Building Setback. The minimum setback for building placement, is as prescribed below. Additional building setback may also apply as specified in Subsections B, C, D, E, F, G, H, I and J.

| Zoning District | Front (ft.) | Side (ft.) | Corner Side (ft.) | Rear (ft.) | Daylight Plane and Yards Abutting R Districts |
|-----------------|--------------|--------------|-------------------|--------------|---|
| CC | 10 | 0 | 10 | 0 | 15 ft. side or rear ^(j) |
| CN, P | 10 | 0 | 10 | 0 | 15 ft. side or rear ^(j) |
| CR | 20 | 0 | 20 | 0 | 15 ft. side or rear ^(j) |
| C-RM | 0 | 0 | 0 | 0 | 40 ft. from a structure in an R-District^(e) |

| Zoning District | Front (ft.) | Side (ft.) | Corner Side (ft.) | Rear (ft.) | Daylight Plane and Yards Abutting R Districts |
|------------------|--------------------------|-------------------|-------------------|--------------------------|--|
| CS | 10 | 0 | 10 | 0 | 15 ft. side or rear ^(j) |
| DA-1 | Varies ^{(D)(G)} | 0 | 0 | Varies ^{(D)(G)} | Varies ^(j) |
| DA-2; DA-3, DA-6 | Varies ^{(E)(G)} | 0 | 0 | Varies ^{(E)(G)} | Varies ^(j) |
| DA-4 | Varies ^{(F)(G)} | 0 | 0 | Varies ^{(F)(G)} | Varies ^(j) |
| NA-1 | 0 | 4 | 0 | 5 | n.a. |
| NA-2 | 20 or 25 ^(H) | 15 ^(H) | 20 ^(H) | 15 ^(H) | 25 ft. rear for second story 35 ft. rear for third story ^(H) |
| SA-1, SA-3 | 0 ^(l) | 0 | 0 ^(l) | 0 | 8 ft. side or rear ^(j) |
| SA-2 | Varies ^(l) | 0 | 0 | 0 | 8 ft. side or rear ^(j) |

B. Additional Regulations—All Commercial and Professional Districts.

1. Front, side, corner side, and rear yards shall be subject to the regulations of Section [4.04.312](#) Building Projections into Yards and Courts.
2. Double-frontage lots shall provide the minimum front setback on each frontage.

~~C. Additional Building Setback Requirements—CR-M District. No building in the C-RM District shall be constructed within 40 feet of a structure in an R District. Any other restriction on yards shall be as established pursuant to a conditional use approval or development agreement.~~

D. Additional Building Setback Requirements—DA-1 District.

1. Along East 14th Street, a minimum front setback of seven feet is required to create a minimum 15-foot wide pedestrian zone.
2. Rear yards shall be consistent with the prevailing condition on each block.

E. Additional Building Setback Requirements—DA-2, DA-3, and DA-6 Districts.

1. Front setbacks shall be consistent with the prevailing condition on each block.
2. Where ground floor residential is proposed, a minimum front setback of 10 feet and a maximum of 15 feet shall be provided.
3. For mixed-use buildings, the front setback shall not exceed 10 feet.
4. Rear yards shall be consistent with the prevailing condition on each block.

F. Additional Building Setback Requirements—DA-4 District.

1. Front setbacks shall be consistent with the prevailing condition on each block.
2. Rear yards shall be consistent with the prevailing condition on each block.
3. Along the San Leandro Creek, the Zoning Enforcement Official shall determine the applicable building setback for a creek trail and open space.

G. Pre-Existing Residential in DA Districts. The Zoning Enforcement Official shall determine the applicable building setback standards for modifications or additions to pre-existing residential development based on the prevailing conditions on each block.

H. Additional Building Setback Requirements—NA-2 District.

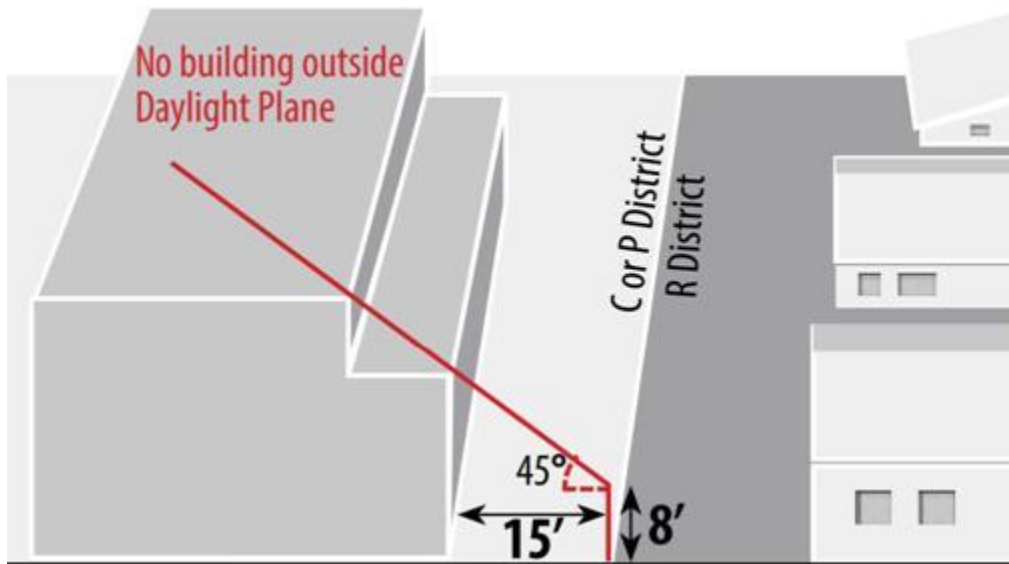
1. The front setback in the NA-2 District shall be as follows: 20 feet for one- and two-story buildings and 25 feet for three-story buildings.
2. Side setbacks in the NA-2 District shall be 15 feet or one-half the building height, whichever is greater.
3. Corner side setbacks in the NA-2 District shall be 20 feet, or one-half the building height, whichever is greater.
4. Rear yard requirements in the NA-2 District, when adjoining RS Districts, shall be increased to 25 feet for the second story and 35 feet for the third story. Rear yards in the NA-2 District, when adjoining RD or RM Districts, shall be increased to 25 feet.

I. Additional Building Setback Requirements—SA-1, SA-2, and SA-3 Districts.

1. If ground floor residential is proposed, a 10-foot building setback shall be required.
2. South of Blossom Way: front setbacks will vary to achieve a 13.5-foot wide sidewalk. No front setback is required.
3. North of Blossom Way: front setbacks will vary to achieve a 13-foot wide sidewalk. A minimum 4.5-foot setback shall be required.

J. Daylight Plane Regulations for Parcels Adjacent to R Districts.

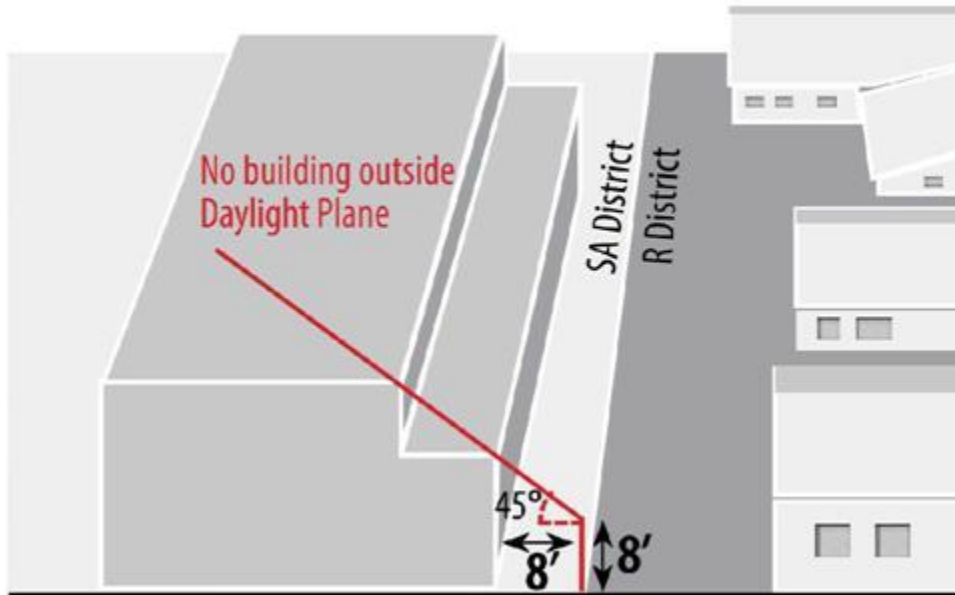
1. For C and P Districts, structures shall not intercept a one-to-one (1:1) or 45 degree daylight plane inclined inward from a height of 8 feet above existing grade at the R District boundary line. (Please refer to illustration “Required Daylight Plane at Adjoining Districts—C or P Districts.”)



Required Daylight Plane at Adjoining Districts—C or P Districts

(The diagram is illustrative)

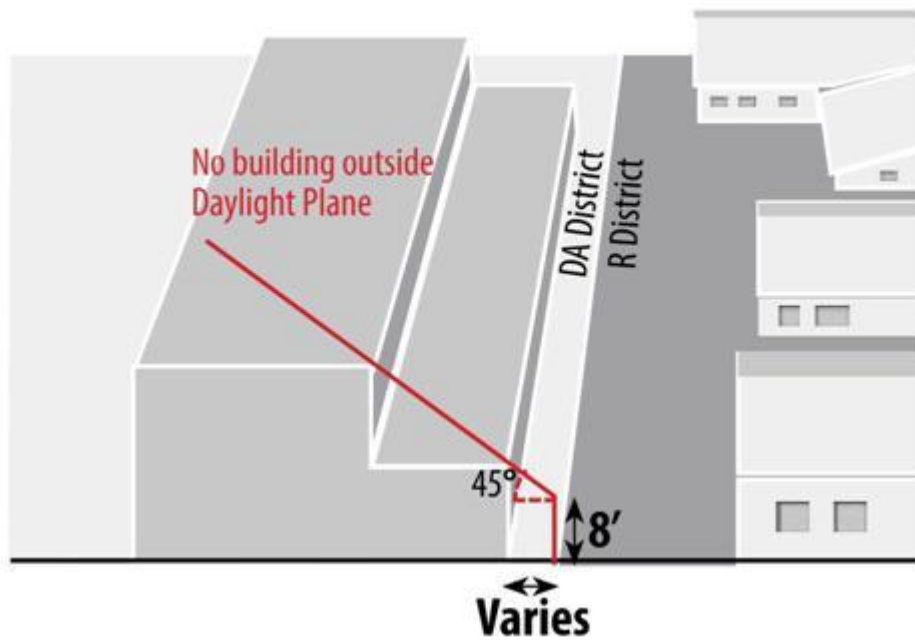
- For SA districts, structures shall not intercept a one-to-one (1:1) or 45 degree daylight plane inclined inward from a height of eight feet above existing grade at the R District boundary line. (Please refer to illustration “Required Daylight Plane at Adjoining Districts—SA Districts.”)



Required Daylight Plane at Adjoining Districts—SA Districts

(The diagram is illustrative. Also refer to the East 14th Street South Area Design Guidelines)

- For DA districts, structures shall not intercept a one-to-one (1:1) or 45 degree daylight plane inclined inward from a height of eight feet above existing grade at an RS or RD District boundary line. (Please refer to illustration “Required Daylight Plane at Adjoining Districts—DA Districts.”)



Required Daylight Plane at Adjoining Districts—DA Districts

(The diagram is illustrative. Also refer to the Design Guidelines in the Downtown San Leandro Transit-Oriented Development Strategy)

4. In instances in which the zoning district boundary is located at the centerline of an adjacent public right-of-way, the daylight plane shall be measured from the nearest property line.
5. The Zoning Enforcement Official may approve an Administrative Exception if an applicant cannot meet these provisions per Section 2.08.400 Administrative Exceptions.

SECTION 2.08.312 Height of Structures

| Zoning District | Non-Residential Development | | Residential and Mixed-Use Residential Development | |
|-----------------|-----------------------------|-----------------------------|---|----------------------|
| | Minimum Height (ft.) | Maximum Height (ft.) | Minimum Height (ft.) | Maximum Height (ft.) |
| CC | n.a. | 50 | n.a. | 50 |
| CN, NA-1, NA-2 | n.a. | 30 | n.a. | 50 |
| CR, CS | n.a. | 40 | n.a. | n.a. |
| C-RM | n.a. | 80^(A) | n.a. | 50 |
| DA-1 | n.a. or 24 ^(B) | 75 ^(C) | n.a. or 24 ^(B) | 75 ^(C) |
| DA-2 | n.a. or 24 ^(B) | 50 ^(C) | n.a. or 24 ^(B) | 50 ^(C) |

| Zoning District | Non-Residential Development | | Residential and Mixed-Use Residential Development | |
|------------------|-----------------------------|----------------------|---|----------------------|
| | Minimum Height (ft.) | Maximum Height (ft.) | Minimum Height (ft.) | Maximum Height (ft.) |
| DA-3 | n.a. | 50 ^(C) | n.a. | 50 ^(C) |
| DA-4 | n.a. | 60-75 ^(C) | n.a. | 60-75 ^(C) |
| DA-6 | n.a. | 75 ^(C) | n.a. | 75 ^(C) |
| P | n.a. | 30 | n.a. | 30 |
| SA-1, SA-2, SA-3 | 24 | 50 | 24 | 50 |

~~A. Exceptions to Maximum Height—C-RM District. No building in the C-RM District shall exceed a height of 80 feet or four stories unless a greater height is expressly permitted by a Conditional Use Permit or development agreement.~~

B. Exceptions to Minimum Height—DA-1 and DA-2 Districts. The 24-foot minimum height standard only applies along East 14th Street between Chumalia Street and Georgia Way. No minimum height applies elsewhere in the DA-1 or DA-2 districts.

C. Specific Heights and Height Exceptions—DA Districts. The Downtown San Leandro Transit-Oriented Development Strategy Figure 8 Building Height Framework establishes the locations of specific height limits. Exceptions to the maximum height requirement may be allowed subject to the approval of a Conditional Use Permit.

D. Other Exceptions to Height Limits. The maximum height of structures shall be subject to the regulations of Section [4.04.320](#) Exceptions to Height Limits.

SECTION 2.08.316 Lot Coverage

| Zoning District | Maximum Lot Coverage |
|--|----------------------|
| CC, CN, CS, P | 50% |
| CR | 25% |
| C-RM , DA-1, DA-2, DA-3, DA-4, DA-6, NA-1, NA-2, SA-1, SA-2, SA-3 | 100% |

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

1. Cornices, canopies, eaves or other projections which do not increase the volume of space enclosed by the building provided that any portion of such projections extending more than two feet from the building shall be included as coverage at a ratio of 1/2 : 1;

2. Fire escapes up to 3 1/2 feet;
3. An uncovered stair and landing which does not extend above a ground floor entrance except for the railing; or
4. Bay windows, balconies or chimneys which project from the wall not more than two feet; provided, that, such features do not in the aggregate occupy more than one-third of the length of a wall which faces an interior side lot line, or more than two-thirds of the length of a wall which faces a street or a rear lot line.

SECTION 2.08.320 Floor Area Ratio (FAR)

| Zoning District | Minimum FAR | Maximum FAR | |
|------------------|-----------------|----------------|--|
| CC | n.a. | 1.0 | |
| CN | n.a. | 0.5 | |
| CR | n.a. | 1.0 | |
| C-RM | n.a. | 1.0 | |
| CS | n.a. | 0.5 | |
| DA-1 | n.a. | 3.5 | |
| DA-2 | n.a. | 1.0 | Residential or Mixed Use Residential: 1.5 ^(D) Downtown Mixed Use: 3.5 ^(A) Transit-Oriented Mixed Use: 4.0 ^(B) Adjacent to BART: 5.0 ^(C) |
| DA-3 | n.a. | 3.5 | Transit-Oriented Mixed Use: 4.0 ^(B) |
| DA-4 | n.a. | 4.0 | Adjacent to BART: 5.0 ^(C) |
| DA-6 | 1.0 | 4.0 | Adjacent to BART: 5.0 ^(C) |
| NA-1, NA-2 | n.a. | 1.0 | Residential or Mixed Use Residential: 1.5 ^(D) |
| P | n.a. | 0.5 | Downtown Mixed Use: 3.5 ^(A) |
| SA-1, SA-2, SA-3 | n.a. | 1.0 | Residential or Mixed Use Residential: 1.5 ^(D) |

A. Maximum FAR in Downtown Mixed Use—DA-2, DA-3, and P Districts. Maximum of 3.5 FAR allowed for parcels within the General Plan Downtown Mixed Use land use category.

B. Maximum FAR in Transit-Oriented Mixed Use—DA-2, and DA-3 Districts. Maximum of 4.0 FAR allowed for parcels within the General Plan Transit-Oriented Mixed Use land use category.

C. Parcels Adjacent to BART—DA-2, DA-3, DA-4, and DA-6 Districts. Maximum of 5.0 FAR allowed for parcels within a 0.5 mile radius to a BART station.

D. Maximum FAR for Residential or Mixed-Use Residential Developments—DA-2, NA-1, NA-2, SA-1, SA-2, and SA-3 Districts. Maximum of 1.5 FAR for residential or mixed-use residential development.

SECTION 2.08.324 Minimum Site Landscaping

A. General Landscape Requirements. In addition to the general requirements prescribed in Chapter 4.16 Landscape Requirements, the following requirements for minimum site landscaping apply to all property within commercial and professional districts. The minimum percentage of the site that shall be used for landscaping shall be as prescribed below:

| Zoning District | Minimum Site Landscaping |
|--|--|
| CN, NA-1, P, SA-1, SA-3 | 5% ^{(C)(D)} |
| CC, CS, NA-2, SA-2 | 10% ^{(C)(D)} |
| CR, C-RM , DA-1, DA-2, DA-3, DA-4, DA-6 | Determined at the time of project Site Plan Review, pursuant to Chapter 5.12 Site Plan Approval ^(C) |

SECTION 2.08.332 Density for Multi-Family Residential and Mixed-Use Residential Development

A. Density for Multi-Family Residential and Mixed-Use Residential Development. The minimum and maximum density for residential and mixed-use development is as prescribed below. For minimum and maximum density calculations that result in fractional amounts, numbers of 0.5 or greater shall be rounded up to the nearest whole integer, numbers less than 0.5 shall be rounded down to the nearest whole integer.

| Zoning District | Minimum Density (Dwelling Unit / Acre) | Maximum Density (Dwelling Unit / Acre) |
|-------------------------|--|---|
| CC, CN, C-RM | n.a. | 24 ^(B) |
| CR, CS | n.a. | n.a. |
| DA-1 | Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 35 | Parcels < 10,000 sf: 24 ^(B) Parcels ≥ 10,000 sf: 100 ^(B) |
| DA-2 | Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 20 | Parcels < 10,000 sf: 24 ^(B) Parcels ≥ 10,000 sf: 40 ^(B) |
| DA-3 | Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 20 | Parcels < 10,000 sf: 24 ^(B) Parcels ≥ 10,000 sf: 60 ^(B) |
| DA-4 | Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 60 | Parcels < 10,000 sf: 24 ^(B) Parcels ≥ 10,000 sf: 100 ^(B) |

| Zoning District | Minimum Density (Dwelling Unit / Acre) | Maximum Density (Dwelling Unit / Acre) |
|------------------|--|---|
| DA-6 | Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 60 | Parcels < 10,000 sf: 24 ^(B) Parcels ≥ 10,000 sf: n.a. |
| NA-1, NA-2, P | n.a. | 24 |
| SA-1, SA-2, SA-3 | 18 ^(C) | 35 |

SECTION 2.08.336 Open Space for Multi-Family Residential and Mixed-Use Residential Development

A. Basic Requirement. In addition to the general landscape requirements prescribed in Chapter 4.16 Landscape Requirements and Subsection A of Section 2.08.324 Minimum Site Landscaping, the following requirements for minimum required open space apply to all multi-family residential and mixed-use residential development in the C, P, NA, DA or SA Districts.

| Zoning District | Required Open Space (sf / DU) |
|--|-------------------------------|
| CN, CC, NA-1, NA-2, P | 200 |
| SA-1, SA-2, SA-3, DA-1, DA-2, DA-3, DA-4, DA-6 | 60 |

B. Private Open Space. Private open space meeting a portion of the requirement shall be provided as one of the following:

1. A private balcony attached to a dwelling unit with a minimum area of 60 square feet and a minimum horizontal dimension of six feet.
2. A private porch, deck, patio, or court with a minimum horizontal dimension of 10 feet and a minimum area of 120 square feet.

C. Common Open Space. Common open space, provided by non-street side yards, courts, patios, terraces, and rooftops shall be designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet and a minimum area of 300 square feet, shall be open to the sky, and shall not include driveways, pedestrian access to units, or parking areas, or area required for front or street side yards. Common open space provided on roof tops shall be surrounded by a parapet, wall, or other enclosure that is at least four feet high, and shall be subject to approval by the Zoning Enforcement Official. The Board of Zoning Adjustments may allow a percentage, not to exceed 30 percent, of the total roof top open space provided to be used to satisfy the open space requirement of this Section. To approve roof top open space, the Board of Zoning Adjustments must make the following findings:

1. The roof top open space is readily accessible to all residents of the complex;
2. The roof top open space includes areas for active recreation or has significant aesthetic value, or a combination thereof; and
3. The roof top open space is an amenity of the development which adds value to the project overall.

SECTION 2.08.340 Additional Property Development Regulations: Commercial and Professional Districts

- A. Ground Floor Retail in DA-1. Retail uses required on ground floor on parcels fronting on East 14th Street and Washington Avenue, north of Parrott Street.
- B. Views into Buildings. On commercial ground floors in the DA and SA Districts, not less than 50 percent of the first story of that portion of a building facing a street shall consist of opening or clear or tinted glass windows providing views of merchandise displayed, building interiors, or courtyards.
- C. Security Roll-Up Doors. Retractable security gates, window bars, and mall-style roll-up doors shall be installed to the inside of existing windows or glass doors for installation of physical security measures on a building façade. A mall-style roll-up door must not be visible during business hours. Metal gates, stored in a wall pocket or similar enclosure so as not to be visible during business hours, and scissor-style security grilles, retracted into casing during business hours, are subject to the review and approval of the Zoning Enforcement Official.

~~D. Other Requirements: C-RM (Commercial—Regional Mall) District. The following additional requirements shall apply to development approvals in the C-RM District at the time when new improvements are constructed and only in that area of the site that is related to such new construction.~~

- ~~1. All signs shall be subject to the Chapter 4.12 Signs with respect to requirements for installation permits and maintenance.~~
- ~~2. All outdoor storage and surface mounted mechanical equipment shall be screened from view from public streets, on-site parking and vehicular or pedestrian circulation areas open to the public.~~
- ~~3. Roof-mounted mechanical equipment either shall be screened from view from public streets, the elevated BART line, and on-site public parking and vehicular or pedestrian circulation areas open to the public, or such equipment shall be designed or treated so as to be unobtrusive or visually attractive.~~
- ~~4. All utilities on site shall be placed underground.~~

Title 4 – REGULATIONS APPLYING IN ALL OR SEVERAL DISTRICTS

CHAPTER 4.04 DEVELOPMENT REGULATIONS

SECTION 4.04.232 Recycling Facilities

- B. Permits Required. No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a permit as follows:

| Type of Facility | Districts Permitted | Permit Required |
|--|--|-----------------|
| Single-Feed Reverse Vending Machine(s) | <u>B-TOD</u> , CC, CN, C-RM , CS, DA-1, DA-2, I (AU), NA, P, SA-1, SA-2, SA-3 | Admin. Review |
| Bulk Reverse Vending Machine | CC, CN, CS, I, I (AU), NA, SA-1, SA-2, SA-3 | Admin. Review |

| | | |
|------------------------------------|--|---------------|
| Small Collection | CC, CS, CN, SA-1, SA-2 and SA-3 | Admin. Review |
| Small Scale Hazardous Waste Center | CS | Admin. Review |
| Large Collection | CC, CS, IG, IG(AU), IL, IL(AU), IP, IP(AU) | Admin. Review |
| | IT | Use Permit |
| Light Processing | IL, IL(AU), IG and IG(AU) | Admin. Review |
| | IT | Use Permit |
| Heavy Processing | IG, IG(AU), and IT | Use Permit |

1. The Zoning Enforcement Official shall be the decision-maker but may refer to the Board of Zoning Adjustments for a Conditional Use Permit.

SECTION 4.04.320 Exceptions to Height Limits

A. Exceptions for Roof Features and Amenities. Towers, spires, cupolas, chimneys, domes, elevator penthouses, elevator towers, covered stair access, water tanks, flagpoles, monuments, theater scenery lofts, radio and television antennas, transmission towers, fire towers, usable rooftop amenities, and similar structures ~~and necessary mechanical appurtenances covering not more than 10 percent 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 10 feet above the roof level, unless the Board of Zoning Adjustments approves a Conditional Use Permit that authorizes additional height. Roof-mounted equipment, mechanical equipment screening, and parapet walls may extend up to six feet above the maximum permitted height in the district in which the site is located.

SECTION 4.04.324 Outdoor Facilities and Storage/Loading Facilities

A. Outdoor Storage—Location.

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 Outdoor Storage and Loading Facilities—Screening Required 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 5.08.144 Temporary Use Permits. If the outdoor sales exceed 90 consecutive days in duration, an Outdoor Facilities Permit shall be required, per Subsection A.2.

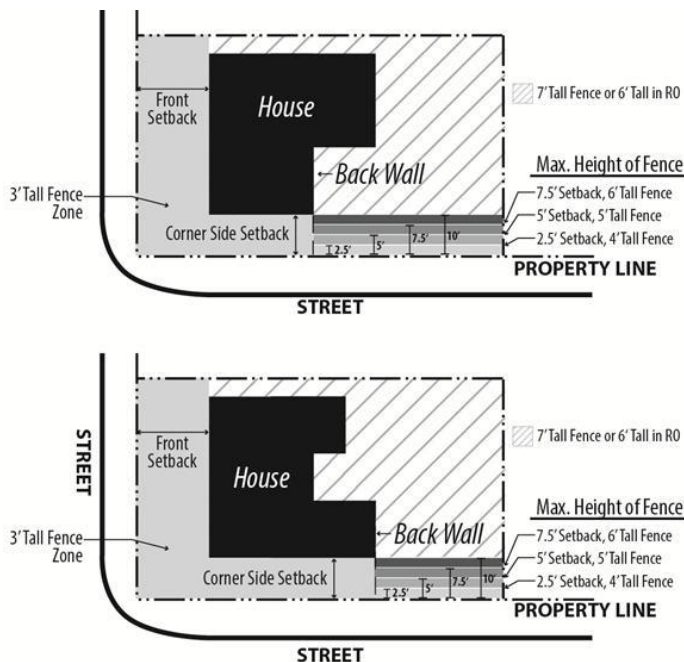
2. Other Commercial and Industrial Districts—Outdoor Facilities Permit Required. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up shall be subject to approval of an Outdoor Facilities Permit by the Zoning Enforcement Official in the B-TOD, CC, CN, CS, CR, ~~C-RM~~, DA-1, DA-2, DA-3, DA-4, DA-6, IG, IL, IP, IT, NA-1, NA-2, SA-1, SA-2, and SA-3 Districts subject to screening requirements prescribed in Subsection C below. Sidewalk cafés and outdoor food service accessory to an Eating and Drinking Establishment or a retail use shall be permitted subject to approval of an Outdoor Facilities Permit by the Zoning Enforcement Official in the B-TOD, CC, CN, CR, ~~C-RM~~, DA-1, DA-2, DA-3, DA-4, DA-6, IG, IL, IP, IT, NA-1, NA-2,

OS, P, SA-1, SA-2, ~~and~~ SA-3 Districts and shall be subject to Subsection B. Temporary displays for Outdoor Retail Sales may be allowed with a Temporary Use Permit up to 90 days in accordance with Section 5.08.144 Temporary Use Permits, consistent with the applicable base district land use regulation, as modified by an overlay district.

SECTION 4.04.364 Fences, Walls, and Hedges

A. Residential, Open Space and Public/Semi-Public Districts. Except as provided for in Paragraphs 1, 2 and 3 below, the maximum height of a fence, wall, or hedge shall be seven feet except in required front or corner side yards abutting a street where the maximum height shall be three feet. All fences, walls, and hedges shall be subject to the driveway visibility requirements of Section 4.08.148 Driveways—Visibility.

1. RO District. The maximum height of a fence, wall, or hedge in the RO District shall be six feet except in required front or corner side yards abutting a street where the maximum height shall be three feet.
2. Corner lots in the RO, RS, RS-40, RS-VP, and RD Districts. Starting from the back wall of the house, the maximum height of a fence, wall, or hedge on a corner lot in the RO, RS, RS-40, RS-VP or RD District shall follow the gradient formula diagram below, which allows for an increase in height of one foot for each two and one-half feet back from the street side property line, up to a maximum of six feet in the RO District, and seven feet in the RS, RS-40, RS-VP and RD Districts. The area in front of the fence shall be required to be planted with a combination of groundcovers, shrubs, and/or small trees and shall also have irrigation installed. Over-height fences along the side of the house shall continue to require review and approval of a fence modification.



Corner Lot Fence in the RO, RS, RS-40, RS-VP, and RD Districts

(The diagram is illustrative)

3. RS-VP District. In order to protect the existing view corridor, the maximum height of a solid fence, wall or hedge in the RS-VP District shall be no more than three feet above finished grade. The portion of a permitted fence between the heights of three feet to seven feet shall be constructed with glass to allow for continued enjoyment of the view. Transparent materials do not include chain link, mini-mesh, chicken wire, wood or lattice materials. Non-transparent structural materials necessary for the support of the fence are permitted every four feet.

The views currently enjoyed by neighbors shall be respected. The proposed construction shall not unreasonably block or diminish neighbors' views of distant and scenic features, such as the San Francisco Bay and surrounding open spaces and skylines, while balancing the applicant's ability to improve the subject property in accordance with the applicable restrictions. Fences proposed in side and rear yards where no views as defined above are significantly affected are not subject to this section as determined by the Zoning Enforcement Official.

The Zoning Enforcement Official may modify the standards referenced herein subject to the approval of a Fence Modification Permit.

B. Commercial, Professional and Industrial Districts.

1. Maximum Height. The maximum height of a fence, wall, or hedge shall be eight feet except in required front or corner side yards where the maximum height shall be three feet.
2. Minimum Standards for fences Along Street Frontages. Fences that are adjacent to the required minimum front, corner side and/or rear yard with frontage along a public street frontage shall be constructed of either: (a) tubular steel, or of equally high quality "visually transparent" style; or (b) a solid architectural wall compatible with the building colors and materials.

In addition, all fences, walls, and hedges shall be subject to the driveway visibility requirements of Section 4.08.148 Driveways—Visibility. Walls adjoining residential uses shall be subject to the regulations of Section 4.04.224 Walls Adjoining Residential Use.

C. B-TOD District.

1. Limitation. Fences, walls, and hedges shall not be located between buildings with commercial uses and adjacent streets. However, fences, walls, and hedges may be located between buildings and adjacent streets for schools and daycare facilities or to delineate outdoor dining or display areas.
2. Maximum Height.
 - a. Between Buildings and Streets. Where allowed, fences, walls, and hedges located between buildings and adjacent streets shall not exceed 42 inches in height, except fences for schools or daycare facilities may be up to eight feet in height.
 - b. Other Locations. Fences, walls, and hedges located in areas other than between buildings and adjacent streets shall not exceed eight feet in height.
3. Materials. Fencing and walls shall be constructed using wood, steel, finished concrete, or stucco. Comparable, durable, high quality materials may be used with approval of an

Administrative Exception per Section 2.10.408. Chain link fencing and corrugated metal fencing are prohibited.

4. Fence and Wall Transparency. Fencing, walls, gates, and other screening and visual barriers along publicly accessible streets and non-motorized bicycle and pedestrian pathways shall not exceed 75 percent opacity, measured as the total surface area of fence elements divided by the area covered by the fence (i.e. the product of the length of the fence and the width of the fence).

In addition, all fences, walls, and hedges shall be subject to the driveway visibility requirements of Section 4.08.148 Driveways—Visibility. Walls adjoining residential uses shall be subject to the regulations of Section 4.04.224 Walls Adjoining Residential Use.

DC. Fence Modifications. Approval to vary from the standards of this section may be granted with the approval of a fence modification application.

1. The Zoning Enforcement Official May Approve Modifications. The Zoning Enforcement Official in a hearing following informal notice as specified in paragraph 4 below may modify the requirements for the maximum height, minimum setback, and material of construction for fences as established in the Zoning Code.
2. Noticing Requirements. Notice of the time, place, and purpose of the hearing shall be posted at least 10 days prior to the date of the hearing, on or adjacent to the property involved, and mailed at least 10 days prior to the hearing to the owners of adjacent property.
3. Standards for Approval.
 - a. The fence is not detrimental to adjacent property;
 - b. The fence is compatible with the neighborhood in terms of aesthetics;
 - c. The fence does not create a sight distance hazard; and
 - d. The fence is not detrimental to the public health, safety, or welfare.
4. Referrals and Appeals. The Zoning Enforcement Official may refer a fence modification request to the Board of Zoning Adjustments. The Board of Zoning Adjustments shall also review fence modification(s) requests that are made in conjunction with an application for either a conditional use permit or variance. Appeals of the decision of the Zoning Enforcement Official approving or denying a fence modification shall be heard by the Board of Zoning Adjustments, pursuant to the requirements of Chapter 5.20 Appeals.

SECTION 4.04.376 Wireless Telecommunications Facilities

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.

**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* |
|---|--------------------------|-------------------------------------|--|
| R Residential Districts | | | |
| RD Residential Duplex | NP | AR | AR |
| RM Residential Multi-Family | NP | AR | AR |
| RO Residential Outer | NP | AR | AR |
| RS Residential Single-Family | NP | AR | AR |
| Commercial and Professional Districts | | | |
| B-TOD Bay Fair Transit-Oriented Development | CUP | AR | AR |
| CC Community Commercial | CUP | P | P |
| CN Community Neighborhood | CUP | AR | AR |
| CR Community Recreation | CUP | P | P |
| C-RM Community Regional Mall | CUP | P | P |
| CS Community Services | CUP | P | P |
| DA-1 Downtown Area 1 | CUP | AR | AR |
| DA-2 Downtown Area 2 | CUP | AR | AR |
| DA-3 Downtown Area 3 | NP | AR | AR |
| DA-4 Downtown Area 4 | NP | AR | AR |
| DA-6 Downtown Area 6 | NP | AR | AR |
| NA-1 North Area 1 | CUP | AR | AR |
| NA-2 North Area 2 | CUP | AR | AR |
| P Professional | 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 |
| I Industrial Districts | | | |
| IG Industrial General | AR | P | P |
| IG(AU) District | AR | P | P |
| IL Industrial Limited | AR | P | P |
| IL(AU) District | AR | P | P |
| IP Industrial Park | AR | P | P |

| Zoning Districts | New Monopoles and Towers | Architecturally-Integrated Antennas | Co-Locations & Modifications to Existing Tower Structures* |
|--|--------------------------|-------------------------------------|--|
| IP(AU) District | AR | P | P |
| IT Industrial Transition | AR | P | P |
| OS Open Space District and PS Public and Semipublic Districts | | | |
| OS Open Space | CUP | AR | AR |
| 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 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.

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 B-TOD, CC, CN, CR, ~~C-RM~~, CS, DA-1, DA-2, NA-1, NA-2, P, SA-1, SA-3, OS and PS 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.11 to J.13, as well as building permit requirements.

CHAPTER 4.08 OFF-STREET PARKING AND LOADING REGULATIONS

SECTION 4.08.104 Basic Requirements for Off-Street Parking and Loading

K. TOD Strategy Parking Requirements. New residential uses adjacent to the Downtown San Leandro BART station 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 Chapter 5.12 Site Plan Approval.

SECTION 4.08.108 Off-Street Parking and Loading Spaces Required

A. Off-street parking and loading spaces shall be provided in accord with the following list. For off-street loading, references are to Table A, which sets space requirements and standards for

different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of gross floor area, unless otherwise specified, and shall include allocations of shared restroom, halls, and lobby area, and mechanical equipment or maintenance areas, but shall exclude area for vertical circulation, stairs, or elevators.

- B. Where the use is undetermined, or not specified herein, the Zoning Enforcement Official shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Zoning Enforcement Official may require the submission of survey or other data from the applicant or have data collected at the applicant's expense.

OFF-STREET PARKING AND LOADING SPACES REQUIRED

| Use Classification | Off-Street Parking Spaces | | | Off-Street Loading Spaces Per Group Classification (See Table A) |
|--|--|---|--|---|
| 1. RESIDENTIAL | | | | |
| Article I. Residential, Single-Family and Two-Family | | | | |
| Single-Family Dwelling | 2 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. | | | |
| Two-Family Dwelling | 2, including 1 covered, per unit | (SA Only) 2, including 1 covered, per unit (tandem allowed) | (DA Only) 1 covered per unit for areas adjacent to BART 1.5, including 1 covered, per unit for all other areas | |
| Article II. Residential, Mixed Use & Multi-Family (3 or more units) | | | | |
| Studio or One-Bedroom Unit | 1.0 covered space, plus 0.5 uncovered spaces per unit; 0.25 space per unit must be designated guest parking | (SA Only) 1.0 covered space, plus 0.5 guest space, per unit (tandem may be considered) | (DA Only) ≤ 0.25 mile to BART: 1.0 space per unit (plus allowance of unbundled flex parking of 0.25 to | (B-TOD Only) Sub-Area 1: maximum 1.0 space per unit B-TOD Sub-Areas 2 and 3: minimum 0.5 spaces per unit. |

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| | | | 0.50 spaces/unit at developer's option) | maximum 1.0 space per unit | |
| Two-Bedroom Unit | 2.0 covered spaces, plus 0.25 uncovered spaces per unit; 0.25 space per unit must be designated guest parking | (SA Only) 1.0 covered space, plus 0.75 guest space, per unit (tandem may be considered) | > 0.25 mile to BART: 1.5 spaces per unit (0.25 to 0.50 spaces/unit may be unbundled flex parking) | (B-TOD Only) Sub-Area 1: maximum 1.0 space per unit | |
| Three-Bedroom or Larger Unit | 2.0 covered spaces, plus 0.5 uncovered spaces per unit; 0.25 space per unit must be designated guest parking | (SA Only) 1.0 covered space, plus 1.0 guest space, per unit (tandem may be considered) | | B-TOD Sub-Areas 2 and 3: minimum 0.75 space per unit, maximum 1.5 spaces per unit | |
| Article III. Residential, General | | | | | |
| Live-Work | N/A | (SA Only) 2.0 per unit, including 1 covered, plus 0.75 space for guest/employee not residing in unit (tandem may be considered) | N/A | | |
| Senior Citizen | 1.2 per unit, including 1 covered space and one space per employee | (SA Only) 0.6 per unit, plus 1.0 space per employee. All resident spaces to be covered | (DA Districts ≤ 0.25 mile to BART) 0.4 per unit, plus 1.0 space per employee. All resident spaces to be covered | | |
| Cottage Food Operation | 1 uncovered space per employee | | | | |

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| 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 |
| Supportive Housing | Subject to parking standards for the applicable residential type in the applicable residential zone | | |
| Transitional Housing | Subject to parking standards for the applicable residential type in the applicable residential zone | | |
| Residential Congregate Care | This classification is <u>not</u> a mixed or multi-family use. Parking requirement to be based on the unit's regular residential parking requirement. | | |
| Type of Parking Facilities | Shared parking arrangements, parking structures and parking lift systems, subject to review and approval of the City are encouraged. | | |

| 2. COMMERCIAL | | | | | |
|--|--|--|--|--|---|
| Adult Oriented Businesses | As specified by zoning permit | | | | A |
| Ambulance Services | 1 per 500 sq. ft., plus 1 space for each emergency vehicle based at the site | | | | A |
| Animal Boarding | 1 space per 400 sq. ft. | | | | A |
| Animal Grooming | 1 space per 400 sq. ft. | | | (B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | A |
| Animal Hospitals | 1 space per 400 sq. ft. | | | | A |
| Animals, Retail Sales | 1 space per 200 sq. ft. | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | | | A |
| Artists' Studios | 1 space per 1,000 sq. ft. | | | | |
| Automobile Washing | 1 space per 200 sq. ft. of sales, office, or waiting area, plus queue for 5 cars per washing station | | | | |
| Bars, Cafés, and Restaurants | | | | | |
| Having less than 4,000 sq. ft. of floor area | 1 space per 100 sq. ft. of gross floor area | (SA Only) 1 space per 200 sq. ft. of gross floor area | (DA Only) < 5,000 sq. ft.: Exempt | (B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | A |
| Having 4,000 sq. ft. or more | 40 spaces, + one for each 50 sq. ft. of seating area over 4,000 sq. ft. | (SA Only) 1 space per 100 sq. ft. of gross floor area | ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | | A |
| With Entertainment Activities | 1 space per 35 sq. ft. seating area; plus 1 space per 35 sq. ft. dance floor | | | | |
| Bed and Breakfast Inns | 1 space per guest room, plus 1 | | | | |
| Building Materials and Services | 1 space per 1,000 sq. ft. for lot area | | | | A |

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| Business Services | 1 space per 400 sq. ft. | (DA Only) 1 space per 500 sq. ft. | (B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | |
| Catering Services | 1 space per 400 sq. ft. | | | A |
| Commercial Recreation | | | | |
| Bowling Alleys | 4 spaces per alley, plus 1 per 250 sq. ft. of public assembly and retail areas | (DA Only) < 5,000 sq. ft.: Exempt | (B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | A |
| Electronic Game Centers | 1 space per 400 sq. ft. | | | |
| Skating Rinks | 1 space per 5 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats; plus 1 space per 250 sq. ft. floor area not used for seating | ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | | A |
| Other Commercial Recreation | As specified by the Zoning Enforcement Official | | | |
| Communications Facilities | 1 space per 500 sq. ft. | | | B |
| Convenience Stores | 1 space per 200 sq. ft. | | | A |
| Drive-up Facility | Queue space for 5 cars per window | | | |
| Fast Food Establishments, Large Scale and Small Scale | 1 space per 100 sq. ft. | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | (B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | A |
| Financial Institutions; Retail and Check Cashing/Personal Loan Services | 1 space per 300 sq. ft., plus one space for each 200 sq. ft. of | (SA Only) 1 space per 400 sq. ft., plus 1 space | | (DA Only) < 5,000 sq. ft.: Exempt |

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| | lobby and customer-waiting areas, and 3 spaces for each walk-up teller window and automatic teller machine | for each 200 sq. ft. of lobby and customer-waiting areas, and 3 spaces for each walk-up teller window and automatic teller machine | ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | | |
| Food Processing | 1 space per 750 sq. ft. | | | | |
| Furniture and Appliance Stores | 1 space per 600 sq. ft. | | (DA Only) < 5,000 sq. ft.: Exempt | (B-TOD Only) < 5,000 sq. ft.: Exempt | |
| Hardware Stores | 1 space per 600 sq. ft. | | | | |
| Health and Fitness Centers | 1 space per 200 sq. ft. | (SA Only) 1 space per 333 sq. ft. | ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. (DA Only) < 5,000 sq. ft.: Exempt - ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. (DA Only) < 5,000 sq. ft.: Exempt - ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | |
| Horticulture, Limited | 1 space per 2 acres | | | | |

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|--|--|--------------------------------------|--|--|---|
| Hotels, Motels and Time Share Facilities | 1.1 spaces per guest room; plus 1 space per 50 sq. ft. banquet seating area plus parking for other uses and facilities as required by this schedule. | | | | A |
| Instruction and Improvement Services | 1 space per 250 sq. ft. | (SA Only) 1 space per 333 sq. ft. | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | (B-TOD Only) <u>< 5,000 sq. ft.: Exempt</u> <u>≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft.</u> | |
| Laboratories | 1 space per 500 sq. ft. | | | | A |
| Maintenance and Repair Services | 1 space per 500 sq. ft. | | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | 1 space per 500 sq. ft. | A |
| Marine Sales and Services | 1 space per 350 sq. ft. | | | | |
| Cannabis Dispensary | 1 space per 200 sq. ft. | | | | |
| Mortuaries | 1 space per 50 sq. ft. seating area | | | | A |
| Music Studio | 1 space per 600 sq. ft. | | | | |
| Neighborhood/Specialty Food Markets | 1 space per 200 sq. ft. | (SA Only) 1 space per 333 sq. ft. | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | (B-TOD Only) <u>< 5,000 sq. ft.: Exempt</u> <u>≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft.</u> | A |
| Nurseries | 1 space per 1,000 sq. ft. lot area for | (SA Only) | (DA Only) | | |

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|------------------------------------|--|--|---|--|---|
| | first 10,000 sq. ft.; 1 space per 5,000 sq. ft. thereafter, plus 1 space per 250 sq. ft. sales floor area | 1 space per 1,000 sq. ft. lot area for first 10,000 sq. ft.; 1 space per 5,000 sq. ft. thereafter, plus 1 space per 333 sq. ft. sales floor area | < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | | |
| Offices, Business and Professional | 1 space per 300 sq. ft. | (SA Only) 1 space per 333 sq. ft. for ground floor; 1 space per 500 sq. ft. for upper stories | (DA Only) 1 space per 500 sq. ft. | (B-TOD Only) <u>Sub-Area 1:</u> <u>maximum 1 space per 400 sq. ft.</u> <u>Sub-Areas 2 and 3:</u> <u>minimum 1 space per 1,000 sq. ft.;</u> <u>maximum 1 space per 400 sq. ft.</u> | B |
| Offices, Medical and Dental | 1 space per 200 sq. ft. | (SA Only) 1 space per 333 sq. ft. | (DA Only) 1 space per 500 sq. ft. | <u>maximum 1 space per 400 sq. ft.</u> | B |
| 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 5 spaces for each thousand sq. ft. of gross leasable floor area (GLFA) for the first one million sq. ft. and 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. | | | (B-TOD Only) <u>Sub-Area 1:</u> <u>maximum 1 space per 400 sq. ft.</u> <u>Sub-Areas 2 and 3:</u> <u>minimum 1 space per 1,000 sq. ft.;</u> <u>maximum 1 space per 400 sq. ft.</u> | |

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|-------------------------------------|--|--|--|--|---|
| 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. | (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. | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | (B-TOD Only) <u>< 5,000 sq. ft.: Exempt</u> <u>≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft.</u> | A |
| Retail Services | 1 space per 300 sq. ft. | (SA Only) 1 space per 400 sq. ft. | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 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. | (SA Only) 1 space per 333 sq. ft. | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | (B-TOD Only) <u>< 5,000 sq. ft.: Exempt</u> <u>≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft.</u> | |
| 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. | | (DA Only) 1 space per 500 sq. ft. | | |
| Vehicle/Equipment Repair | 1 space per 400 sq. ft. | | | | A |

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|---|---|--|--------------------------------------|---|
| 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 | | | |
| 3. INDUSTRIAL | | | | |
| Industry, Custom and General | 1 space per 1,000 sq. ft. | | C | |
| Industry, Limited | 1 space per 750 sq. ft. | | C | |
| Industry, Research and Development | 1 space per 400 sq. ft. | | C | |
| Parcel Processing and Shipping Centers | 1 space per 1,500 sq. ft. or as required by administrative approval | | A | |
| Public Storage | 1 space for the exclusive use of a resident manager plus 4 spaces for up to 150 storage units; 6 spaces for 151 to 500 storage units; 10 spaces for 501 to 1,000 storage units, and one additional space for each 500 storage units (or portion thereof) in excess of 1,000 | | | |
| Trucking Terminals | As specified by use permit | | | |
| Warehousing, Distributions and Storage Facilities | 1 space per 1,500 sq. ft. | | A | |
| 4. PUBLIC AND SEMIPUBLIC | | | | |
| Assembly Uses | 1 space per 50 sq. ft. used for assembly purposes | | C | |
| Convalescent Facilities | As specified by use permit | | C | |
| Cultural Institution | 1 space per 300 sq. ft. | | C | |
| Day Care, General | 1 space per 6 children or fraction thereof; maximum enrollment based on maximum occupancy load | | | |
| Detention Facilities | As specified by use permit | | | |
| Emergency Health Care | As specified by use permit | | | |
| Government Offices | 1 space per 300 sq. ft. | (SA Only) 1 space per 333 sq. ft. for ground floor space, and 1 space per 500 | (DA Only) 1 space per 500 sq. ft. | B |

| | | sq. ft. for upper story space | |
|------------------------------------|---|-------------------------------|---|
| Hospitals | 1 space per 1.5 licensed beds | | C |
| Maintenance and Service Facilities | 1 space per 500 sq. ft. | | A |
| Marinas | As specified by use permit | | |
| Park and Recreation Facilities | As specified by use permit (for private facilities) | | |
| Public Safety Facilities | As specified by use permit | | C |
| Schools, Public or Private | As specified by use permit | | A |
| Utilities, Major | As specified by use permit | | A |

SECTION 4.08.128, Bicycle Parking

- A. Where Required. Bicycle parking may be required as part of Site Development or Use Permit approval and may, if so specified by the Site Development Sub-Committee or Board of Zoning Adjustments, be used as a substitute to automobile parking spaces.
- B. Number Required.
 - 1. Public and Semipublic Use Classifications. As specified by use permit.
 - 2. Commercial Use Classifications. Five percent of the requirement for automobile parking spaces, except for the following classifications, which are exempt:
 - a. Ambulance Services
 - b. Animal Boarding
 - c. Animal Grooming
 - d. Catering Services
 - e. Commercial Filming
 - f. Horticulture, Limited
 - g. Funeral and Interment Services
 - h. Vehicle/Equipment Sales and Services (all classifications)
- C. Design Requirements. All required bicycle parking spaces shall permit the locking of the bicycle frame and one wheel with a u-type lock and support the bicycle in a stable position without damage to wheels, frame or components. Bicycle parking facilities shall be securely anchored so that they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.
- D. B-TOD Requirements. [Bicycle parking shall be provided for new development or changes of use in the B-TOD District in accord with the following specifications.](#)

| <u>Use Classification</u> | <u>Minimum Bicycle Parking Required</u> |
|--|--|
| <u>Residential</u> | <p><u>B-TOD Sub-Area 1: Minimum of 1.0 space per bedroom provided in a covered, secure, lockable bicycle storage facility intended for long-term use and storage, plus a minimum of 0.05 spaces per bedroom for guest bicycle parking</u></p> <p><u>B-TOD Sub-Areas 2 and 3: Minimum of 0.5 space per bedroom provided in a covered, secure, lockable bicycle storage facility intended for long-term use and storage, plus a minimum of 0.05 spaces per bedroom for guest bicycle parking</u></p> |
| <u>Offices, Business and Professional; Offices, Medical and Dental</u> | <p><u>< 5,000 sq. ft.: Exempt</u></p> <p><u>≥ 5,000 sq. ft.: Minimum of 1 space per 5,000 square feet provided in a covered, secure, access-controlled bicycle storage facility intended for long-term use and storage, plus a minimum of 1 space per 20,000 square feet for guest bicycle parking</u></p> |
| <u>Non-Residential Use Other than Office</u> | <p><u>< 5,000 sq. ft.: Exempt</u></p> <p><u>≥ 5,000 sq. ft.: Minimum of 1 space per 10,000 square feet provided in a covered, secure, access-controlled bicycle storage facility intended for long-term use and storage, plus a minimum of 1 space per 2,500 square feet for guest bicycle parking</u></p> |

CHAPTER 4.12 SIGNS

SECTION 4.12.112 Regulations for On-Premises Signs

- A. Maximum Total Sign Area. The maximum total sign area per tenant occupancy, excluding temporary signs and exempt signs, shall be as follows:

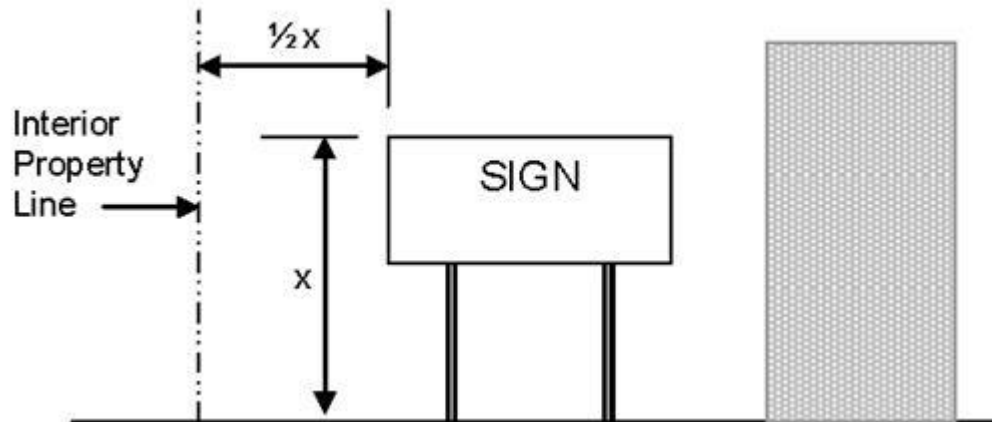
| Zoning District | Maximum Total Sign Area |
|--------------------------|--|
| RD, RO, and RS Districts | 24 square feet for permitted nonresidential uses, subject to prior approval of the Zoning Enforcement Official. |
| RM District | <ul style="list-style-type: none"> • Residential use: 8 square feet per frontage. • Exception for Residential sites over 2 acres: A greater area not to exceed 32 square feet may be approved as a condition of a use permit, as reasonable and necessary for identification of a development or use. • Permitted Nonresidential Uses: 12 square feet subject to prior approval of the Zoning Enforcement Official. |

| | |
|---|--|
| B-TOD, CC, CN, CS, DA-1, DA-2, DA-3, DA-4, DA-6, NA-1, NA-2, SA-1, SA-2, SA-3, IL, IG, IP, IT Districts | <ul style="list-style-type: none"> • Up to 55 feet of frontage: 2 square feet per lineal foot of frontage. • Sites with more than 55 feet of frontage: 15 times square root of frontage. |
| CR, OS, PD, and PS Districts | As prescribed by use permit. |
| P District | 40 square feet per frontage. |

1. Only the frontage that is developed or will be developed with an approved building permit shall be counted for purposes of determining the maximum allowable sign area; vacant land reserved for future development may not be used in determining the maximum allowable sign area.
2. The sign area may be allocated between wall signs, freestanding signs, and projecting signs, provided that each sign conforms to the applicable regulations of this section.
3. No sign or sign area permitted on one frontage shall be transferred to another frontage except in accord with a Master Sign Plan prepared pursuant to Section 4.12.120 Master Sign Programs and Sign Exceptions.

D. Freestanding Signs.

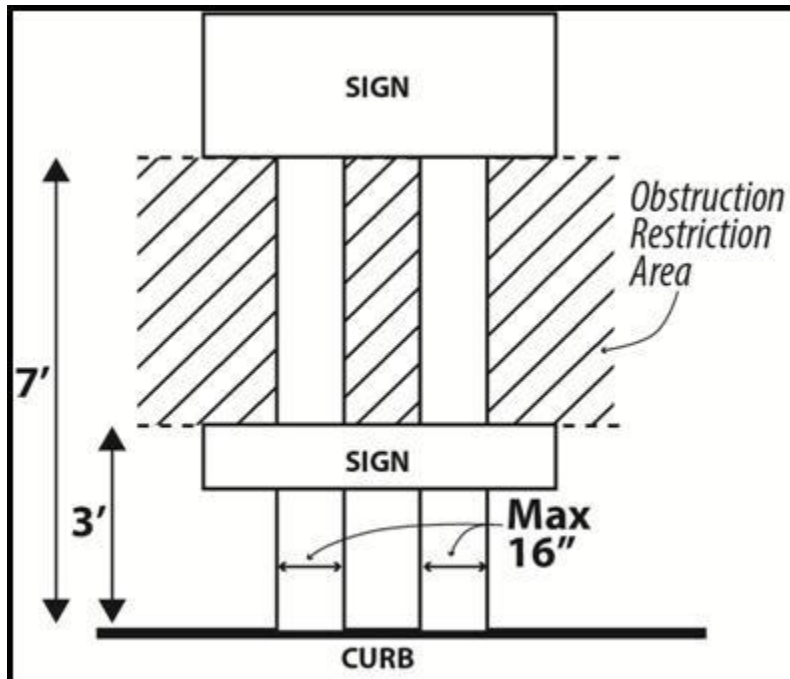
1. For multi-family and nonresidential uses permitted in R districts, one freestanding sign not exceeding five feet in height is permitted on a lot.
2. In the P district, one freestanding sign not exceeding 25 square feet in area or five feet in height.
3. In B-TOD, C, NA, SA, DA, and I districts, one freestanding sign not exceeding 64 square feet is permitted on each frontage. For large lots, a freestanding sign, not exceeding 64 square feet, shall be allowed for each 250 feet of frontage. The maximum height of freestanding signs shall not exceed six feet in the B-TOD District; eight feet in the CC, CN, DA-1, DA-2, DA-3, DA-4, DA-6, NA-1, NA-2, SA-1, SA-2, and SA-3 districts; and 12 feet in other C and I districts, except when reviewed and approved as part of a Master Sign Plan.
4. In OS, PD, and PS districts, the number and size of freestanding signs shall be as prescribed by the use permit for the principal use.
5. A freestanding sign shall not be closer to any property line than one-half its height.
6. A freestanding sign shall not be closer than 15 feet to another freestanding sign or projecting sign on the same site. A freestanding sign shall not be closer than 30 feet to another freestanding sign on an adjacent site or closer than 30 feet to a projecting sign on an adjacent site.
7. A freestanding sign shall not extend over a public right-of-way and shall not be located on the same frontage as a projecting sign extending over a public right-of-way.
8. All freestanding signs shall be no closer than 10 feet to the curb and placed within a landscaped area of not less than 75 square feet in CC districts and 50 square feet in other districts.

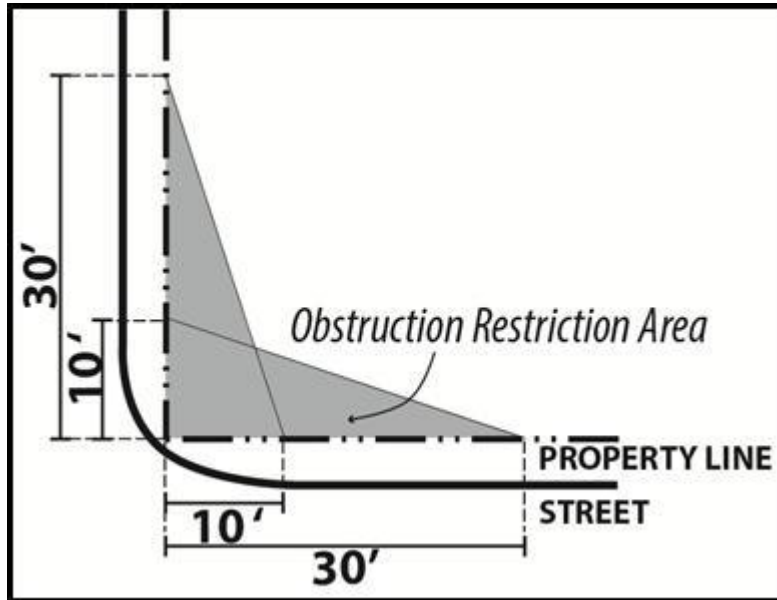


Freestanding Sign: Interior Property Line Minimum Setback

(The diagram is illustrative)

9. A freestanding sign in a required yard adjoining a street property line shall comply with the requirements of Section 4.08.148 Driveways—Visibility. At intersections, no freestanding sign shall create a visual obstruction within a vertical space between three feet and seven feet above the curb. Two vertical supports with no horizontal dimensions greater than 16 inches are permitted. The obstruction restriction area includes all the land in a triangular area measured 30 feet from the intersection along each street property line.





Freestanding Sign: Obstruction Restriction Areas

(The diagram is illustrative)

L. Prohibited Signs. The following signs are prohibited:

1. Canvas signs, banners, pennants, streamers, balloons or other temporary or wind signs except as provided in Subsection K.1 or E.8.
2. Mobile, A-frame, and portable signs except as provided in Subsection K.3.
3. Roof or canopy signs extending to a height more than four feet above the roofline.
4. Signs which resemble any official marker erected by the City, State, or any governmental agency, or which, by reason of position, shape, color or illumination would conflict with the proper functioning of any traffic sign or signal or would be a hazard to vehicular or pedestrian traffic.
5. Signs which produce odor, sound, smoke, fire, or other such emissions.
6. Window or contiguous window panes covered by paper, painted or other signs which exceed 25 percent of the total area of that window at any time.
7. A vehicle or equipment stored with mast arms in an elevated position with intent to advertise.
8. Abandoned signs.
9. [Cabinet Signs.](#)
10. [Signs with exposed raceways.](#)

Title 5 – Administration

Chapter 5.14 Development Plan Approval

5.14.100 Purpose

The purpose of this chapter is to provide a process for Development Plan Review, assuring that large-scale development will achieve the goals and policies of the General Plan and other applicable plans; that circulation components will interconnect with the overall circulation network; and that the overall site, building, landscaping, circulation and architectural design of the buildings will make a positive contribution to the City.

5.14.104 Applicability

Development plan approval is required for development on sites of five or more acres in the B-TOD District prior to obtaining any subdivision, site plan review, or other zoning permit approval.

5.14.108 Review and Approval Authority

The Board of Zoning Adjustments shall review and approve, conditionally approve, or disapprove applications for development plans based on consideration of the requirements of this chapter.

5.14.112 Application Requirements

Applications seeking Development Plan approval shall submit an application with the following information:

- A. A completed application form, signed by the property owner or authorized agent, accompanied by the required fee, copies of deeds, any required powers of attorney, plans and mapping documentation, or other information required on the application or deemed necessary by the Zoning Enforcement Official to assume the completion of the application, in the form prescribed by the Zoning Enforcement Official;
- B. A vicinity map showing the location and street address of the development site.

5.14.116 Notice and Public Hearing

- A. Public Hearing Required. The Board of Zoning Adjustments shall hold a public hearing on an application for a development plan.
- B. Notice. Notice of the hearing shall be given in the following manner:
 - 1. Mailed or Delivered Notice. At least 10 days prior to the hearing, notice shall be: (1) mailed to the owner of the subject real property or the owner's duly authorized agent, and the applicant; (2) all owners of property within 500 feet of the boundaries of the site, as shown on the last equalized property tax assessment roll or the records of the County Assessor or Tax Collector, which contain

more recent information than the assessment roll; and (3) any agency as required by Government Code Section 65091.

2. Published Notice. Notice shall be published once in a newspaper of general circulation in San Leandro at least 10 days prior to the hearing.
3. Proceeding Valid. No proceeding in connection with the hearing shall be invalidated by failure to send notice where the address of the owner is not a matter of public record or by failure to post public notices or by failure to receive any notice.
4. Supplemental On-Site Notice. For development plans that the Zoning Enforcement Official determines may have a significant impact on adjacent uses or may generate significant public concerns, the Director may require that the applicant and/or property owner erect an on-site public notice sign, minimum three feet by five feet in size and six feet in height that provides a description of the proposed development, the date, time, and place of scheduled public hearing(s), the name of the proponent, and other information as required to clarify the proposal. Such sign shall be subject to review and approval of the Community Development Director and shall be installed at a prominent location on the site a minimum of 10 days prior to the scheduled public hearing.

C. Contents of Notice. The notice of public hearing shall contain:

1. A description of the location of the development site and the purpose of the application;
2. A statement of the time, place, and purpose of the public hearing;
3. A reference to application materials on file for detailed information; and
4. A statement that any interested person or an authorized agent may appear and be heard.

5.14.120 Duties of Board of Zoning Adjustments

- A. Public Hearing. The Board of Zoning Adjustments shall conduct the public hearing, which may be continued from time to time, and hear testimony for and against the application.
- B. Decision and Notice. After the close of the public hearing, the Board shall approve, conditionally approve, or deny the application. Notice of the decision shall be mailed to the applicant and any other party requesting such notice within seven days of the date of the action ratifying the decision.

5.14.124 Required Findings

An application for a development plan as it was applied for or in modified form as required by the Board, shall be approved if, on the basis of the application, plans, materials, and testimony submitted, the Board finds:

- A. The proposed development plan is allowed within the applicable district and complies with all other applicable provisions of this Code and the San Leandro Municipal Code;
- B. The proposed development plan is consistent with the General Plan and any applicable specific plan;
- C. The proposed development plan will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
- D. The design, location, size, and operating characteristics of the proposed development plan are compatible with the existing and reasonably foreseeable future land uses and circulation in the vicinity; and
- E. The site is physically suitable for the type of use(s) being proposed, including access, utilities, and the absence of physical constraints.

5.14.128 Conditions of Approval

In approving a development plan, reasonable conditions may be imposed as necessary to:

- A. Achieve the general purposes of this Code or the specific purposes of the zoning district in which the site is located or to make it consistent with the General Plan and any applicable specific plan;
- B. Protect the public health, safety, and general welfare;
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area; or
- D. Prevent or mitigate potential adverse effects on the environment.

5.14.132 Effective Date; Appeals

A development plan shall become effective 15 days after action by the Board of Zoning Adjustments, unless appealed to the City Council in accord with Chapter 5.20 Appeals.

5.14.136 Lapse of Approval; Transferability; Discontinuance; Revocation; Extension

- A. Lapse of Approval. A development plan shall lapse after two years, or at an alternative time specified as a condition of approval, after its date of approval unless:
 - 1. A building permit has been issued, coupled with diligent progress evidencing a good faith intent to commence the intended use; or
 - 2. A certificate of occupancy has been issued; or
 - 3. The approval is renewed, as provided for below.

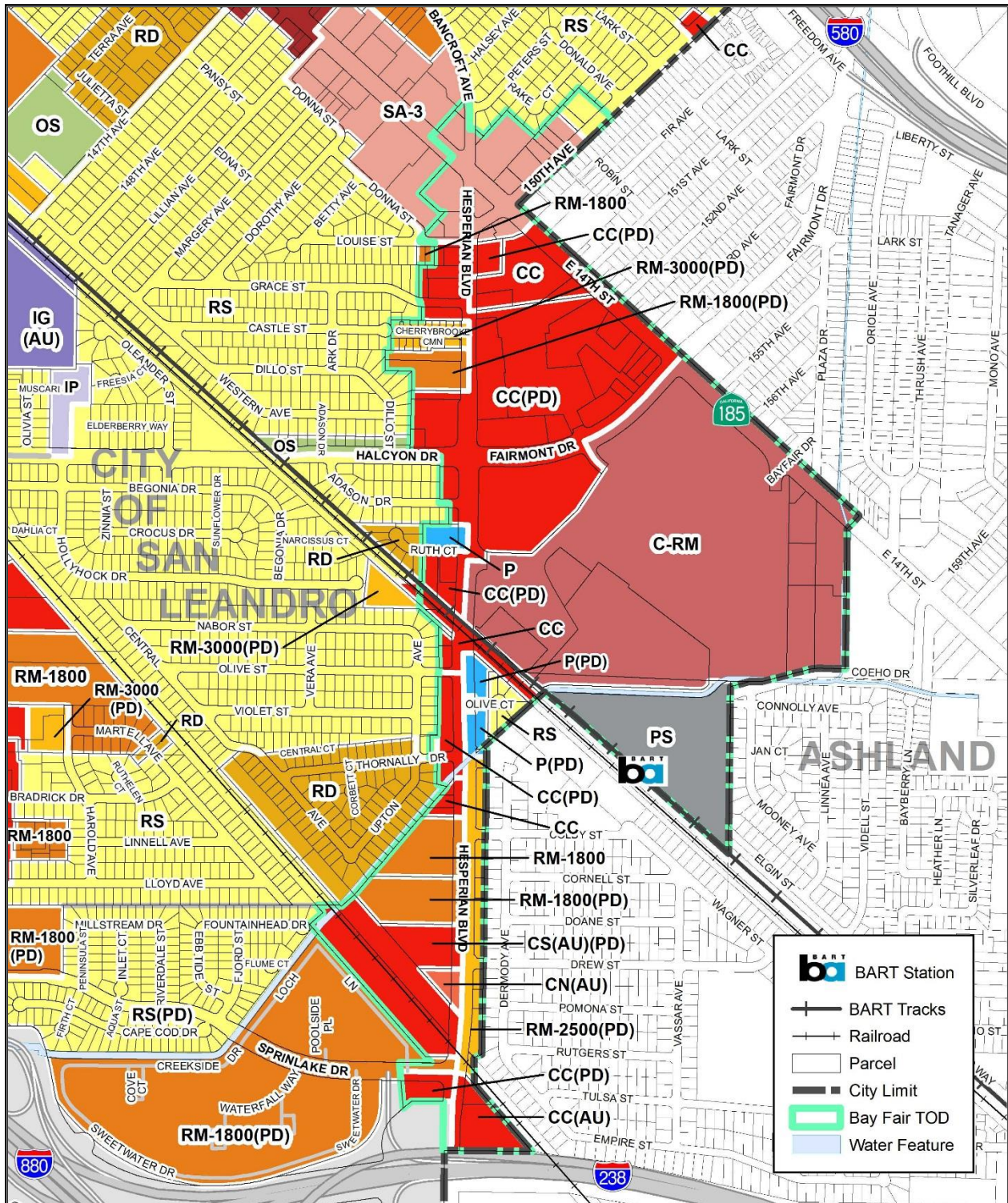
- B. Transferability. The validity of a development plan shall not be affected by changes in ownership or proprietorship.
- C. Revocation. A development plan that is exercised in violation of a condition of approval or a provision of this Code may be revoked, as provided in Section 5.24.108 Revocation.
- D. Extensions. Upon written request by the applicant, the Zoning Enforcement Official may extend a development plan without notice or public hearing for a period of not to exceed two years if it is found that:
1. The requested extension and development plan are consistent with the General Plan and any applicable specific plans;
 2. The findings required by Section 5.14.124 remain valid; and
 3. There are adequate provisions for public services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.) to ensure that the requested extension would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.

5.14.140 Changed Plans; New Applications

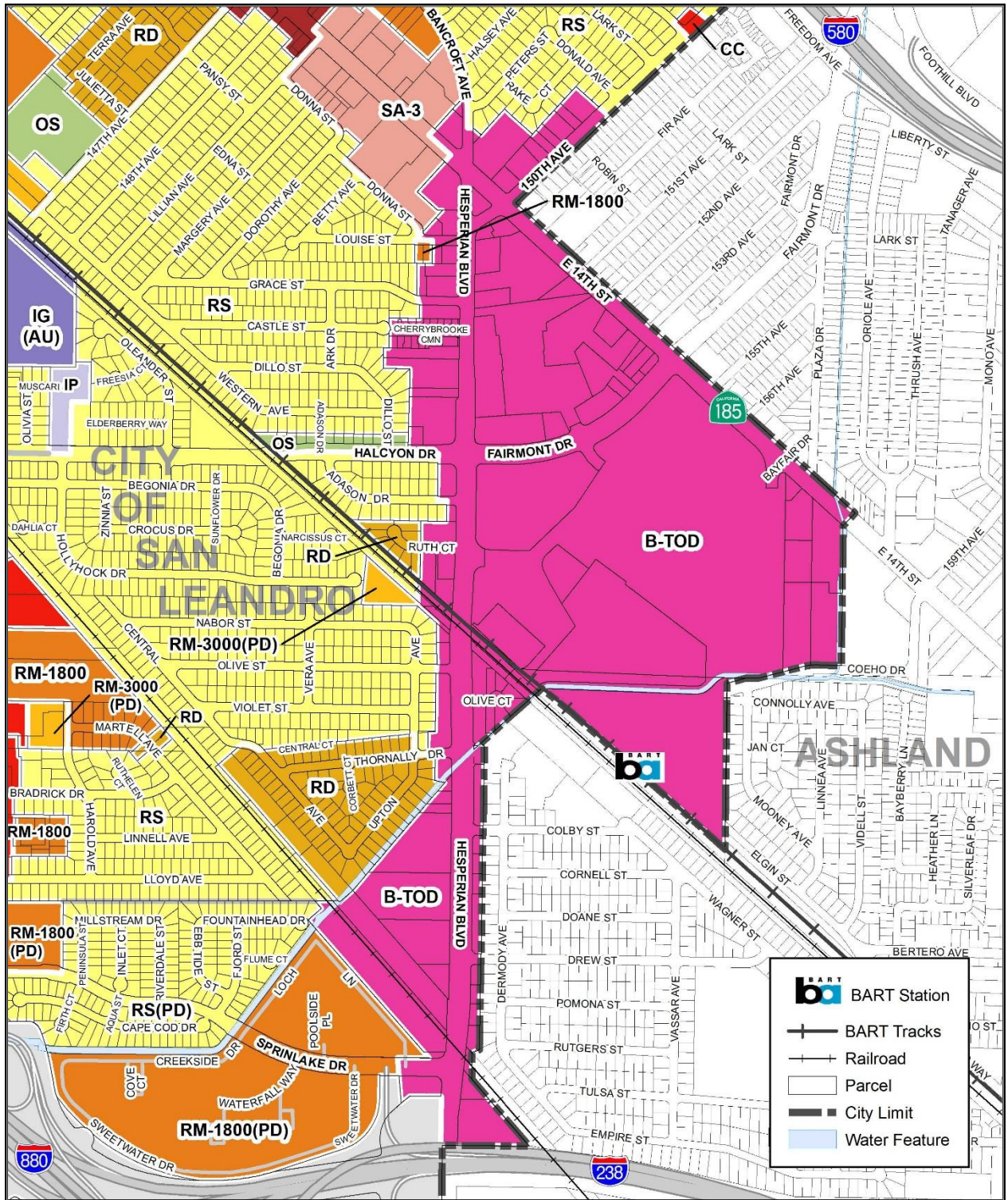
- A. Changed Plans. The Zoning Enforcement Official may approve changes to approved plans or in conditions of approval without a public hearing upon determining that the changes in conditions are minor and consistent with the intent of the original approval. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications.
- B. New Application. If an application for a development plan is disapproved, no new application for the same or substantially the same, development plan shall be filed within one year of the date of denial of the initial application, unless the denial is made without prejudice.

ATTACHMENT 2 Zoning Map Amendments

Existing Zoning



Proposed Zoning



ATTACHMENT 3
Proposed Municipal Code Amendments

Additions in underline, deletions in ~~striketrough~~.

Title 7 – MAPS, BUILDINGS, AND SUBDIVISIONS

CHAPTER 7-1 SUBDIVISION ORDINANCE

ARTICLE 8. DEDICATIONS AND RESERVATIONS

7-1-875 Non-Applicable Subdivision.

The provisions of Sections 7-1-805 through 7-1-865 do not apply to commercial or industrial subdivisions, or to condominium projects and stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old when no new dwelling units are added. Notwithstanding the forgoing, such subdivisions may still be required to provide publicly accessible open space as required elsewhere in this Code, including the Zoning Code.

CHAPTER 7-13 PARK FACILITIES DEVELOPMENT IMPACT FEE

ARTICLE I. PARK FACILITIES DEVELOPMENT IMPACT FEE

7-13-120 CREDIT FOR PUBLICLY ACCESSIBLE OPEN SPACE

If a developer is required by this Code, including the Zoning Code, to provide publicly accessible open space for the development of residential units, a credit against the fee otherwise levied by this Article on the development project shall be offered by the City. The amount of the credit shall be based on the value of the property being provided as publicly accessible open space, using the per acre value for park facilities established by the City Council when adopting the park impact fee pursuant to Section 7-13-100, as adjusted from time to time.

ATTACHMENT 4

PROPOSED AMENDMENTS (REDLINED) BAY FAIR TRANSIT-ORIENTED DEVELOPMENT (TOD) SPECIFIC PLAN

Proposed edits to the Bay Fair TOD Specific Plan are as follows. Deleted text is shown with ~~strikethrough~~ and added text is shown with underline:

1. **Figure 3.1 Street Network.** Delete note from bottom of Figure 3.1: Street Network on page 48.
~~*The location of new streets and connections is approximate and could be adjusted based on future conditions.~~

2. **Use Regulations.** Amend p.70 Land Use Policies as follows:

USE REGULATIONS. Land use within the Bay Fair TOD Specific Plan Area shall be consistent with the Bay Fair TOD (B-TOD) Land Use classification and Zoning District in the San Leandro Zoning Code ~~and shown on pages 72-73.~~

3. **List of Uses.** Delete the entirety of pages 72 and 73 (“Allowed Uses” section) and repaginate document. (Detailed list of uses is now contained in Bay Fair Zoning Code Chapter, Section 2.10.200.)

4. **Block Lengths.** Amend the first paragraph of page 35 (“Create a Smaller Street Grid” section) as follows:

Small block sizes improve access and walkability throughout a neighborhood, offering more route choices for pedestrians. The Bay Fair area currently lacks clear connections and a coherent block structure, and is dominated by several very large parcels without connections through them. To address this issue, large parcels should be divided into smaller blocks over time as development or on-site improvements occur, ensuring the desired “village” character and smaller, more walkable neighborhood scale. In general, blocks should be no longer than 400-~~500~~ feet, with mid-block connections breaking up larger blocks. New connections should be publicly-accessible, although they may occur on privately-owned land. Publicly accessible connections might be streets, alleys, pedestrian-and-bicycle-only connections, or publicly-accessible linear open spaces. New connections should lead from one public right-of-way or publicly accessible connection to another, avoiding cul-de-sacs and dead-ends.

5. **Active Ground-Floor Frontages.** Amend page 79-80 (“Building Frontage Standards” Section) as follows:

~~1. **ACTIVE FRONTAGES.** Active, pedestrian-oriented ground-floor street frontages shall be required in the following locations:~~

- ~~• Along new internal streets and pedestrian/bicycle connections~~
- ~~• Along East 14th Street~~
- ~~• When directly fronting or across the street from a public plaza or park~~

~~Active ground-floor uses of all types are allowed and encouraged in all other locations.~~

12. ACTIVE GROUND-FLOOR FRONTAGES ~~TYPES~~. Active, pedestrian-oriented ground-floor frontages shall be provided in all new development. Active ground-floor frontage may consist of any of the following:

- **Retail active frontages.** Active retail frontages are defined as retail and restaurants with transparent storefronts, public open spaces and plazas, outdoor dining areas, amenity areas with seating, bicycle parking, services and educational / cultural spaces that have regular customer foot traffic, and transparent storefronts or lobbies.
- **Residential active frontages.** Residential active frontages include stoops at residential entries, entry lobbies, porches and stoops, transparent lobbies, fitness and activity rooms with transparent storefront treatment, community rooms, amenity areas with outdoor seating, and/or residential amenity areas with transparent frontage.
- **Office active frontages.** Active ground floor office uses are semipublic areas that are well used and will provide interest and have regular customer foot traffic. Examples include lobbies, cafeterias, common amenity uses, meeting spaces, fitness rooms, lobbies or office space with transparent storefront treatment, and/or other cultural and educational spaces.

7. **OCCUPIED BUILDING AREA.** Occupied building area may project beyond the ground floor facade into the setback area above ~~13-12 feet and 6 inches~~ from grade. If these projections are across or project into fire access areas, the minimum height must be 13 feet and 6 inches. Occupied building encroachments may extend into the setback area for a maximum of 65% of the length of the building frontage.

6. Clarification of Tenant Space Depth Standard. Amend Guideline 4 on page 81 as follows:

4. **MINIMUM TENANT SPACE DEPTH.** Ground-floor retail and commercial ~~shall~~should have tenant space depths of adequate for the needs of a range of businesses; most should be at least 40 feet. To create a more vibrant and active retail street, narrower and deeper tenant spaces are encouraged to increase the number of storefront entries per linear foot of frontage.

7. Clarification of Privacy Standards. Amend Guideline 4 on page 84 as follows:

4. ~~TRANSPARENCY~~PRIVACY. Landscaping, grade separation, and/or screening/shielding of first floor windows ~~should~~shall be used to ensure privacy for ground-floor units.

8. Occupied Building Area. Clarifications and Corrections to Building Height Standards. Amend page 86 as follows:

Building Height Standards

1. **MAXIMUMS.** Building heights shall not exceed the maximums shown in Figure 5.2.
2. **HEIGHT AREA 1 MINIMUMS.** In Height Area 1, new residential, office, and mixed-use buildings shall be built to a minimum of 4 stories and 45 feet to provide an appropriate development intensity for their location near transit. There is no height minimum for new retail development in Height Area 1, or for changes of use within existing buildings. Ground-floor residential units or nonresidential space integrated with a larger building

are permissible as long as the larger building complies with the height minimums specified for Area 1.

3. **HEIGHT EXCEPTIONS IN HEIGHT AREA 1.** In Height Area 1, projects may ~~potentially~~ exceed the maximum height limit provided they 1) meet all applicable zoning, design and development regulations, 2) provide significant community benefits identified as part of a community process and approved by the City, ~~and~~, and 3) support the vision presented in the Bay Fair TOD Specific Plan.

~~Building Height Guidelines~~

- ~~4.~~ **SINGLE-STORY NON-RESIDENTIAL FRONTAGES.** For new single-story non-residential buildings, at least 75% of the street-facing portion of the building ~~shall~~~~should~~ have a height of at least 25 feet, to ensure pedestrian-supportive street presence and appropriate scale with neighboring uses.

9. **FAR and Residential Density.** Revise Standard 1 “Maximum FAR” from page 90 (“Site Design and Setback Standards” Section) as follows:

1. **MAXIMUM FAR.** The ~~re are no~~ maximum FARs ~~or densities~~ within the Plan Area is specified in the General Plan. All projects shall meet applicable standards for maximum and minimum building height, setbacks, open area, lot coverage, building placement, and other related requirements.

10. **Minor Corrections to Parking and Loading Design Section.** Correct Standard 4 and Guideline 4 on p.94 as follows:

4. **PRIVATE PARKING RATIO REQUIREMENTS.** Parking for private development projects must be consistent with the parking requirements and potential reductions included in Chapter 3 Mobility.
6. **CIRCULATION THROUGH EXISTING PARKING LOTS.** When site or building improvements are made, existing surface parking lots should be enhanced to provide clear pedestrian and bike pathways from public streets to building entries. Access ways should be shaded and clearly identifiable from the street.

11. **Publicly Accessible Open Space Requirements.** Amend page 99 (“Public Open Space Standards”) and page 100 (“Public Open Space Guidelines”) as follows:

Publicly Accessible Open Space Standards

- ~~1. — RESIDENTIAL SERVICE STANDARDS. New residential development shall dedicate land or provide park in lieu fees subject to the Park Facilities Development Impact Fee, based on the City’s park acreage minimum for new development (4.86 acres per 1,000 residents) per Title 7, Section 13 of the City Municipal Code. To allow for innovative and urban public spaces such as plazas, playgrounds, flexibly programmed open space, linear parks and pathways, projects that dedicate land may be eligible for a reduction of the required park acreage ratio.~~
1. **RESIDENTIAL USES.** Residential development in Height Area 1 and Height Area 2 shall provide at least 25 square feet of publicly accessible open space per dwelling unit.

2. NON-RESIDENTIAL USES. Non-residential development exceeding 20,000 square feet shall provide at least 25 square feet of publicly accessible open space per 1,000 gross square feet of new development.
3. 2. DIMENSIONS. New publicly accessible open space shall have a minimum 35-foot length in at least one dimension.
- ~~3. NEW OPEN SPACES. New development shall include a map and information showing the proposed location and acreage of any new privately built public open spaces compared to the Plan's Public Open Space Illustrative Concept, as shown in Figure 5.5. Projects shall include a justification of how their development proposal contributes to the strategy. Projects that pay in-lieu fees are exempt from this requirement.~~
4. AGGREGATED OPEN SPACE. Project applicants shall work with the City to identify opportunities to create larger combined open spaces, or to collaborate on open space design and location with adjacent projects.
5. SMOKE-FREE ENVIRONMENTS. Public spaces shall be maintained as smoke-free environments to support resident and visitor health.
6. PUBLIC FRONTAGE PROVIDED BY PRIVATE DEVELOPMENT. All new development projects shall provide public frontage and sidewalks for their project, consistent with the standards and guidelines included in Chapter 3 "Mobility."

Publicly Accessible Open Space Guidelines

12. Private Open Space Requirement. Amend page 101 of the Specific Plan ("Private Open Space Standards") as follows:

1. OFFICE USES. Office development over 20,000 gross square feet shall provide at least~~the following minimum private open space:~~
 - ~~25-50~~ square feet of ~~private~~-usable open space per 1,000 gross square feet of new development, of which at least 25 feet must be publicly accessible. ~~office space~~
 - ~~Publicly accessible open space and semi-private common areas are encouraged and can contribute to the required amount of private usable open space for office uses~~
 - ~~Common open space shall have a minimum 20-foot dimension.~~
2. RESIDENTIAL. Residential uses shall provide at least~~the following minimum private open space:~~
 - ~~200~~60 square feet of private usable open space per unit; this can be accommodated in private balconies, terraces, and other private areas, as well as in semi-private common areas or publicly accessible open spaces such as courtyards, forecourts, or plazas.
 - ~~Common open spaces shall have a minimum 20-foot dimension~~
 - ~~Private open spaces shall have a minimum 6-foot dimension~~
 - ~~Residential courtyards with units facing on both sides should have a minimum 1-to-1 ratio of building facade to courtyard width.~~
3. DIMENSIONS. New private open space shall comply with the following standards:
 - Common open space shall have a minimum 20-foot length in at least one dimension.
 - Private open space shall have a minimum 6-foot length in at least one dimension.

- Common open space areas with residential units facing on two opposite sides shall have a minimum width equal to the height of the shortest building facade facing the courtyard.

43. ALTERNATIVE SPACES. The City may administratively authorize, as an eligible type of open space, improvements to an alleyway or easement within a square block of the project site.

13. Street Implementation List. Amend Table 7.6 (“Street and Public Space Improvement Projects”) on page 131 as follows:

Table 7.6 Street and Public Space Improvement Projects

| PROJECT | DESCRIPTION | ESTIMATED PROJECT TIMING |
|---------------------------------------|---|--------------------------|
| Estudillo Canal | In coordination with property owners and the Alameda County Flood Control District, create at least one large open space adjacent to the Estudillo Canal that also provides a stormwater management function. | Medium-Term |
| Fairmont Road Diet | Install the Fairmont Drive road diet and buffered <u>protected</u> bike lanes, as described in Specific Plan concepts. | Medium-Term |
| Hesperian Road Diet | Install the Hesperian Boulevard road diet and buffered <u>protected</u> bike lanes, as described in Specific Plan concepts. | Medium-Term |
| <u>East 14th Road Diet</u> | <u>Install the East 14th Street redesign and sidewalk extension as described in Specific Plan concepts, in coordination with CalTrans.</u> | <u>Medium-Term</u> |
| Major Intersection Improvements | Intersection pedestrian crossing improvements along East 14 th Street and Hesperian Boulevard. | Medium-Term |

14. Shall instead of should. The word “should” is proposed to be replaced with the word “shall” in the locations that are **highlighted in yellow** on the following pages.

A photograph of an outdoor cafe or courtyard. In the foreground, several people are seated at round, black metal tables with lattice-patterned chairs. A woman with short grey hair and a floral patterned top is seated at a table on the left. In the background, more people are visible, some standing and some seated, under the shade of large, leafy green trees. A white canopy is partially visible on the right side. The scene is bright and sunny, suggesting a pleasant outdoor environment.

chapter 5

**DEVELOPMENT STANDARDS
+ GUIDELINES**

The following chapter provides development standards and guidelines that apply to future development in the Bay Fair TOD Specific Plan Area, as well as to future infrastructure and design. For some topics, there is additional guidance about a specific location, use type, frontage type, or other specific design situation that may arise. The chapter addresses the following topics:

- 1 BUILDING FRONTAGES**
- 2 BUILDING HEIGHTS**
- 3 TRANSITIONS TO EXISTING DEVELOPMENT**
- 4 BUILDING AND SITE DESIGN**
 - Site Design and Setbacks
 - Building Design
 - Parking and Loading Design
 - Building Performance
- 5 PUBLIC OPEN SPACE**
- 6 PRIVATE OPEN SPACE**
- 7 PUBLIC ART**
- 8 SIGNAGE AND WAYFINDING**
- 9 FENCES**

SAFETY + CRIME PREVENTION

Promoting safety and preventing crime is an important goal of the Specific Plan. One important strategy for doing this is to provide active, well-designed, well-maintained public space, and more “eyes on the street” to reduce the opportunity for unlawful activity. This strategy, also known as “Crime Prevention through Environmental Design” (CPTED), is integrated throughout the standards and guidelines in this chapter. Some of the CPTED principles promoted in this chapter and the rest of the plan are as follows:

- Active and well-maintained public spaces.
- Building design and visibility to promote “eyes on the street.”
- Clear delineation between private and public space.
- Natural access control between public and private space.
- Removal or repair of vandalism or broken property.

In general, all applicable standards and guidelines must be met to approve a development proposal or move forward with a public improvement. However, this guidance is not intended to restrict innovation, imagination, or variety in design. A method that results in a superior project design or outcome for the community, while supporting the Specific Plan’s vision, may be considered in lieu of that guidance if it consistent with the zoning code and other applicable laws and regulations. This is a long-term visioning and planning document, and we understand that future projects will need to be consistent with all applicable building and fire codes and undergo Fire Department review for access, circulation, and design on a project-by-project basis.

Building Frontages

Creating active frontage helps promote vibrancy and activity along key streets and gathering spaces. Active ground-floor uses can be retail, residential, or office, although the design guidelines identify specific locations where retail is a particularly desirable type of active frontage (Figure 5.1). The guidelines below provide specific design guidance depending on which type of active ground-floor use – retail, residential, or office – is being provided.

Building Frontage Standards (All Uses)

1. ACTIVE FRONTAGES. Active, pedestrian-oriented ground-floor street frontages shall be required in the following locations:

- Along new internal streets and pedestrian/bicycle connections
- Along East 14th Street
- When directly fronting or across the street from a public plaza or park

Active ground-floor uses of all types are allowed and encouraged in all other locations.

2. ACTIVE GROUND-FLOOR FRONTAGE TYPES. Active ground-floor frontage may consist of any of the following:

- **Retail active frontages.** Active retail frontages are defined as retail and restaurants with transparent storefronts, public open spaces and plazas, outdoor dining areas, amenity areas with seating, bicycle parking, services and educational / cultural spaces that have regular customer foot traffic, and transparent storefronts or lobbies.
- **Residential active frontages.** Residential active frontages include stoops at residential entries, entry lobbies, porches and stoops, transparent lobbies, fitness and activity rooms with transparent storefront treatment, community rooms, amenity areas with outdoor seating, and/or residential amenity areas with transparent frontage.
- **Office active frontages.** Active ground floor office uses are semi-public areas that are well used and will provide interest and have regular customer foot traffic. Examples include lobbies, cafeterias, common amenity uses, meeting spaces, fitness rooms, lobbies or office space with transparent storefront treatment, and/or other cultural and educational spaces.

- 3. ALLEY FRONTAGES.** Active ground-floor uses are not required along delineated alleys.
- 4. MINIMUM INTERIOR HEIGHT.** Ground-floor retail uses shall have a minimum 14-foot indoor floor-to-ceiling-structure height. Residential ground floors shall have a minimum 12-foot floor to floor height.
- 5. ENTRANCES.** Principal building entrances shall face a public street, public pedestrian pathway, or public open space (such as a landscaped square, plaza or similar space), with doors or windows facing this street, pathway, or open space.
- 6. PROJECTIONS.** Awnings, canopies, marquees, signs, shading devices, cornices, and lighting may encroach into the setback area above a minimum height of 10 feet from sidewalk grade. If these projections are across or project into fire access areas, the minimum height must be 13 feet and 6 inches.
- 7. OCCUPIED BUILDING AREA.** Occupied building area may project beyond the ground floor facade into the setback area above 13 feet and 6 inches from grade. Occupied building encroachments may extend into the setback area for a maximum of 65% of the length of the building frontage.
- 8. HIERARCHY OF SPACE.** New residential development shall establish a clear visual and physical separation between private and public realm spaces by distinguishing between entry types, creating transition areas between public sidewalks and private stoops, and/or utilizing contrasting paving materials.

Ground-Floor Retail Building Frontage Guidelines

1. **RECOMMENDED ACTIVE, GROUND-FLOOR RETAIL LOCATIONS.** Active, ground-floor retail is strongly encouraged along East 14th Street, near the BART Station, and along the connecting streets between these two locations, in whatever location these connections occur.
2. **GROUND-FLOOR RETAIL USE TYPES.** Public-serving street-level uses such as restaurants, retail shopping, customer services, community facilities, education facilities and cultural uses such as theaters, performance spaces, and gathering spaces are particularly encouraged.
3. **RETAIL BUILDING FRONTAGES.** Retail frontages shall be composed of architectural elements that enhance the public realm and provide a human-scaled street environment. The following elements can be used to achieve this goal:
 - Facade treatments and details that are scaled to the pedestrian
 - Distinct corner articulation through differentiation in materials, fenestration, glazing, and roof form
 - Transparent ground-floor storefronts with awnings or canopies
 - Generous sidewalks for pedestrian amenities like displays, benches, and cafe tables.
4. **MINIMUM TENANT SPACE DEPTH.** Ground-floor retail and commercial shall have tenant space depth of at least 40 feet. To create a more vibrant and active retail street, narrower and deeper tenant spaces are encouraged to increase the number of storefront entries per linear foot of frontage.
5. **FREQUENCY OF PEDESTRIAN ENTRANCES, RETAIL GROUND FLOOR.** Entrances shall be located at least every 50 feet to a maximum separation of 100 feet, depending on ground floor use. Corner commercial uses shall have a corner entrance or entrance toward both streets.



Example of well-designed retail frontage

- 6. **TRANSPARENCY.** The majority of each ground floor commercial facade shall be transparent along streets, pedestrian pathways, or plazas, providing visibility into and out of the space through clear windows. Window films, mirrored glass, and spandrel glass are strongly discouraged.
- 7. **SIDEWALK EXTENSION.** Areas between the right-of-way and a commercial building face near the street shall be paved as though they are extensions of the sidewalk. Small landscaped areas or planters are allowed.

- 8. **EXTERIOR ACTIVE USES.** Exterior spaces such as outdoor dining areas, amenities such as seating areas and community gathering areas, bicycle parking, public open spaces, plazas, and landscape areas are strongly encouraged in private frontage zones.
- 9. **EYES ON THE STREET.** Retail and mixed-use building frontages should provide “eyes on the street” to increase pedestrian safety and provide a sense of community.



Example of ground-floor transparency and corner entry facing both streets in an active ground-floor retail use



Example of retail active frontage

Figure 5.1: Locations Where Ground-floor Retail is Encouraged



- Potential Locations for Retail Along Special Pedestrian-Oriented Connections Strongly Encouraged
- Potential Locations for Retail Along East 14th Strongly Encouraged
- City Limit
- Project Boundary
- Bay Area BART Station
- Transit Right of Way

Ground-floor Residential Building Frontage Guidelines

1. **GRADE SEPARATION.** Ground-floor units shall be a minimum of two (2) feet above grade on average, and no more than four (4) feet; three (3) feet is encouraged.
2. **STREET ENTRANCES.** All ground-floor units shall have direct pedestrian access to the adjacent street, sidewalk, or open space.
3. **EYES ON THE STREET.** Residential building frontages should provide “eyes on the street” through frequent windows and doors to increase pedestrian safety and provide a sense of community.



Example of well-designed ground-floor residential frontage



Example of active residential and retail with stoops, elevated ground-floor spaces and landscaping.



Example of active residential lobby space, and common area in a multi-unit residential building.

4. **TRANSPARENCY.** Landscaping, grade separation, and screening/shielding of first floor windows should be used to ensure privacy for ground-floor units.
5. **TRANSITION FROM PUBLIC TO PRIVATE.** Residential frontages are encouraged to provide landscaped areas, stoops, terraces, and/or porches along the sidewalk to clearly delineate the transition from public to private space.

6. **INTERIOR ACTIVE SPACES.** Spaces such as lobbies, common amenity spaces, leasing offices, or similar spaces shall have transparent windows or storefronts. These spaces should have direct access to the adjacent street, patio, or open space.

Ground-Floor Office Building Frontage Guidelines

1. **OFFICE BUILDING FRONTAGES.** Office frontages shall be composed of elements that provide high transparency, regular articulation, and spaces that promote gathering and social activity. The following elements and frontage types can be used to achieve this goal:
 - Distinct vertical and horizontal articulation through differentiation in materials, glazing, and massing
 - An open or semi-enclosed forecourt area adjacent to the sidewalk where a portion of the building facade is set back noticeably from the property line. Typically it is the middle section of the building that is set back to create a central entry area
 - Landscaped office yards, where the entire building facade is set back in a dimension large enough to create a common yard (can be contiguous with neighboring yards)
 - Transparent ground-floor storefronts with awnings or canopies
 - Public amenity areas
 - Office entry lobbies
2. **PEDESTRIAN ENTRANCES, OFFICE GROUND FLOOR.** Buildings shall have at least one main entrance for employees and the public. Entries should be adjacent to entry lobbies that are inviting, well-lit, and secure. Entries shall be open to and entered from streets or open spaces. Main entrances shall meet the sidewalk at grade.
3. **TRANSPARENCY.** Office frontages may have fewer and less frequent entrances than retail and residential frontages, but shall have abundant clear windows along the ground floor. Glazing should provide a high degree of light transmittance and be non-reflective.

Building Heights

As shown in Figure 5.2, the Specific Plan focuses the tallest building heights close to BART and away from residential neighborhoods (“Height Area 1”), with various levels of reduced heights allowed further away from BART toward East 14th, along Hesperian Boulevard, north of Fairmont Drive and near adjacent neighborhoods. Along Hesperian Boulevard, the lowest height limit (“Height Area 3”) is in place to respond to the scale

of adjacent residential neighborhoods. In addition, two height overlays – the Residential Transition Height Overlay and the Corridor Transition Height Overlay – further limit height and massing along transitions to residential neighborhoods and adjacent corridors. These are further described in the “Transitions to Existing Development” section below.

Building Height Standards

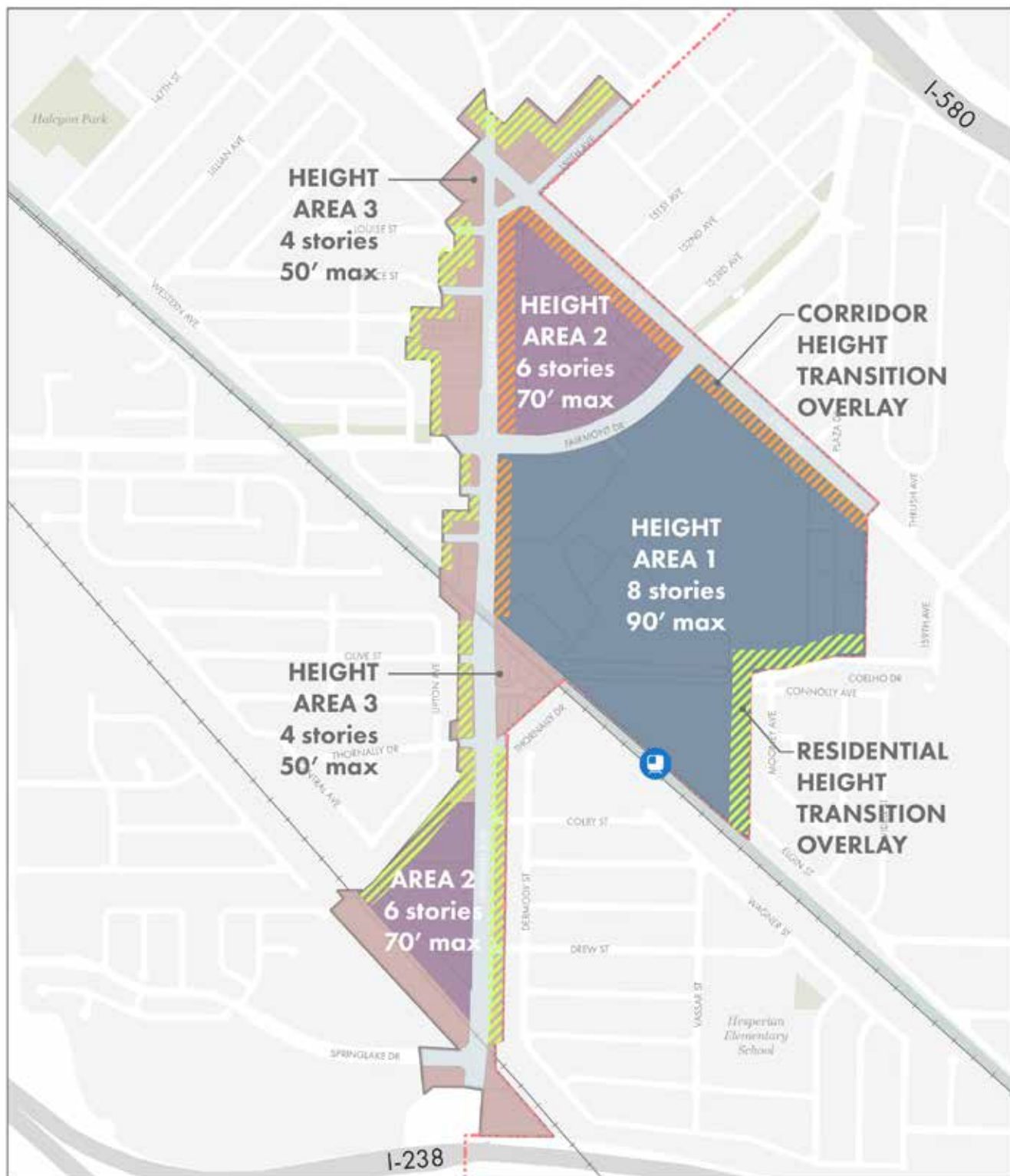
- 1. MAXIMUMS.** Building heights shall not exceed the maximums shown in Figure 5.2.
- 2. HEIGHT AREA 1 MINIMUMS.** In Height Area 1, new residential, office, and mixed-use buildings shall be built to a minimum of 4 stories and 45 feet to provide an appropriate development intensity for their location near transit. There is no height minimum for new retail development in Height Area 1, or for changes of use within existing buildings. Ground-floor residential units or non-residential space integrated with a larger

building are permissible as long as the larger building complies with the height minimums specified for Area 1.

- 3. HEIGHT EXCEPTIONS IN HEIGHT AREA.** In Height Area 1, projects may potentially exceed the maximum height limit provided they 1) meet all applicable zoning, design and development regulations, 2) provide significant community benefits identified as part of a community process and approved by the City, and , and 3) support the vision presented in the Bay Fair TOD Specific Plan.

- 4. SINGLE-STORY NON-RESIDENTIAL FRONTAGES.** For new single-story non-residential buildings, at least 75% of the street-facing portion of the building shall have a height of at least 25 feet, to ensure pedestrian-supportive street presence and appropriate scale with neighboring uses.

Figure 5.2: Building Height Limits



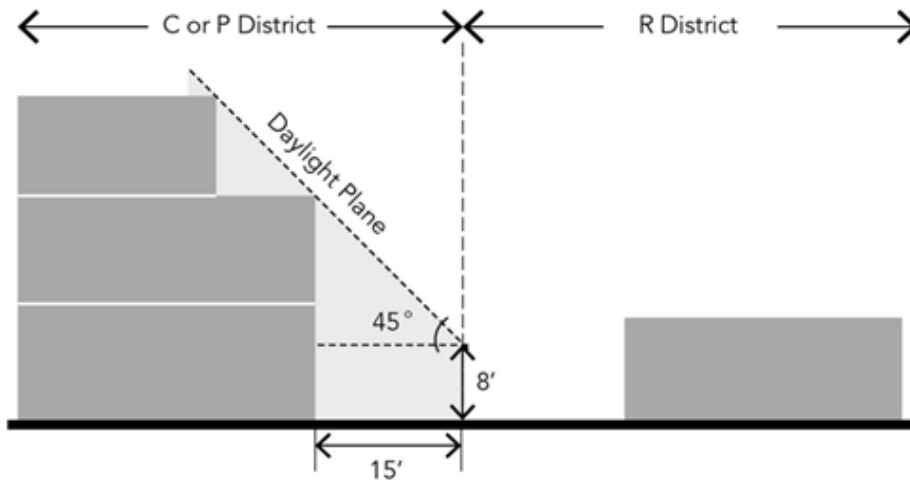
| | |
|--|---|
| HEIGHT AREA 1: 8-story / 90' Maximum | RESIDENTIAL HEIGHT TRANSITION OVERLAY: 45-degree Daylight Plane Requirement |
| HEIGHT AREA 2: 6-story / 70' Maximum | CORRIDOR HEIGHT TRANSITION OVERLAY: 5-story / 58' / 8-story / 90' (40' from back of sidewalk) |
| HEIGHT AREA 3: 4-story / 50' Maximum | |

Transitions to Existing Development

It is important that new development provides appropriate transitions of height and scale to existing neighborhoods. To achieve this, there are two different height transition overlay areas shown in Figure 5.2. The Residential Transition Overlay requires development to step down toward single-family residential neighborhoods, ensuring solar access and privacy for existing low-density residential properties in the City and nearby Alameda County. The Corridor Transition Overlay requires development to step down to both East 14th Street and Hesperian Boulevard to provide an appropriate and sensitive transition

to existing retail, office and/or residential uses across the street. The Corridor Transition Overlay is compatible with the scale and height allowed in Alameda County’s Ashland/Cherryland Business District Specific Plan (up to five stories), which regulates County properties on the other side of East 14th Street. It is also compatible with the scale and height allowed by this Bay Fair TOD Specific Plan on the west side of Hesperian Boulevard (four stories, as shown for “Area 3” in Figure 5.3 below).

Figure 5.3: Residential Transition Overlay

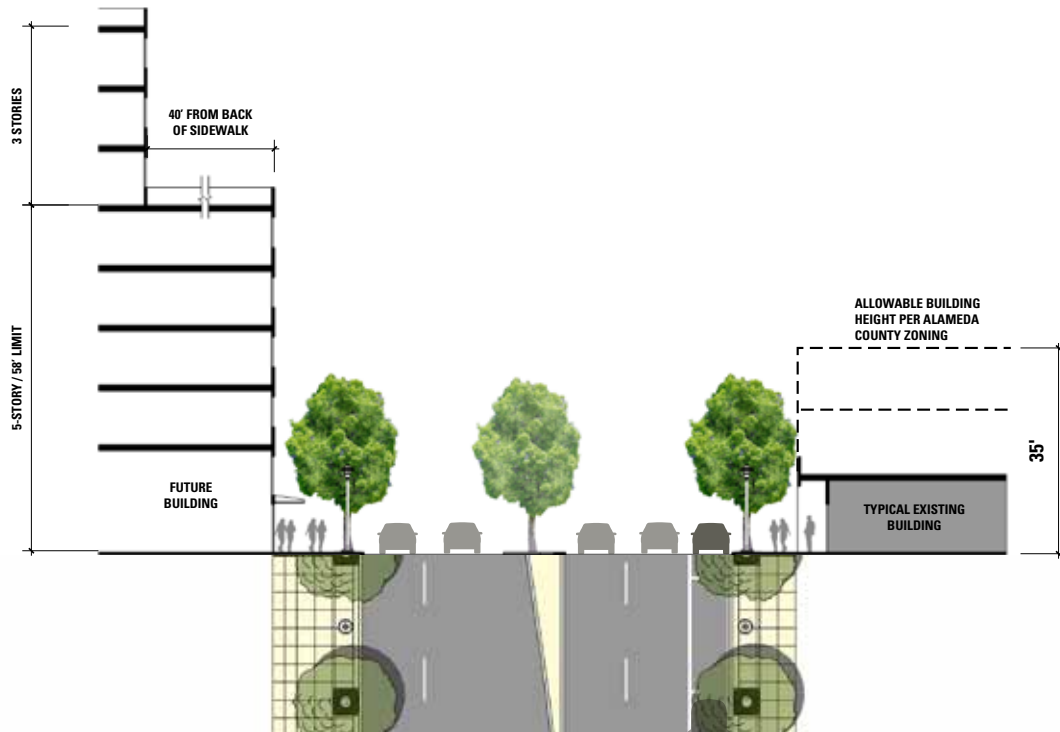


Transition Standards

- 1. RESIDENTIAL TRANSITION OVERLAY.** As shown in Figure 5.2 “Building Height Limits”, 45 degree Daylight Plane height transitions are required for any new development adjacent to RS or RD zoning districts, as required by the Daylight Plane height restrictions found in the existing San Leandro Zoning Code. This requirement applies to all future use types within the Residential Transition Overlay area, including residential development. Per the Zoning Code and as shown in Figure 5.2 “Residential Transition Overlay Height Limits,” this is defined as a 15-foot minimum setback at a 45-degree angle from a point 8 feet above the property line.

- CORRIDOR TRANSITION OVERLAY.** New development within the Corridor Transition Overlay, as shown in Figure 5.2 “Building Height Limits,” shall be limited to a 5-story / 58-foot maximum building height for the first 40 feet as measured from back of sidewalk.

Figure 5.4: Corridor Transition Area Overlay Height Limits



Transition Guidelines

- RESIDENTIAL TRANSITION DESIGN.** Projects subject to the Residential Transition Overlay should use physical buffers and design treatments to reduce their impacts on adjacent residential properties. Buffers may include larger setbacks, landscaped strips, transition zones, fencing, and screening. Design treatments include height and/or bulk step downs and other architectural measures such as matching the form or roof style of adjacent properties.
- RESIDENTIAL BALCONIES.** Balconies in new projects should use architectural design, screening, and building orientation to reduce privacy impacts on existing residential parcels.
- EAST 14TH STREET FRONTAGES.** New frontages along East 14th Street should support the vision and character for East 14th Street articulated in Alameda County’s Ashland/Cherryland Business District Specific Plan – a vibrant mixed-use environment with active shopfronts that serves the daily needs of surrounding residents.

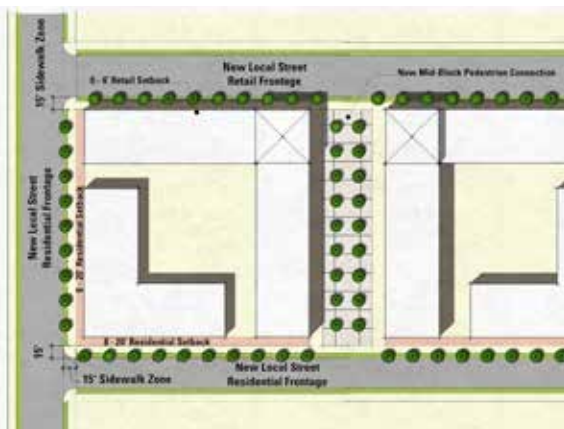
Building and Site Design

The placement and orientation of a building on a parcel, the condition of the private property setback, and the design of parking and loading areas strongly influence how development interacts with public streets and pathways. Building articulation, facade design, and architecture also have a powerful effect on the overall character of the area. This section provides guidance for both site and building design, as well as for building performance and desired green building features in new development.

Site Design and Setbacks

Site Design and Setback Standards

1. **MAXIMUM FAR.** There are no maximum FARs or densities within the Plan Area. All projects shall meet applicable standards for maximum and minimum building height, setbacks, open area, lot coverage, building placement, and other related requirements.
2. **BUILDING AND BLOCK LENGTH.** No new building or block shall be longer than 440 feet in length without a publicly accessible connection through the parcel to another publicly accessible connection such as street, pedestrian path, or park/plaza. Desired connections are shown in Figure 2.4. The 440-foot maximum may be exceeded by up to 10% with approval from the City Zoning Enforcement Official (ZEO). The 440-foot maximum block size is encouraged but not required for future improvements to existing buildings within existing blocks.
3. **SITE COVERAGE.** Maximum lot coverage is 80% for all development types including mixed-use, residential, office, and retail. Minimum open area coverage for all development types is 20% of lot area. Open area may be a combination of public and private, consistent with standards and guidelines. At least one-third of the required open area should be vegetated with grass, trees, or other landscaping.
4. **PARCEL AGGREGATION.** Contiguous parcels may be aggregated under common or affiliated ownership to create larger, more flexible development sites.
5. **SURFACE PAVEMENT COVERAGE.** For new development, pavement areas for automobile parking and circulation shall cover no more than 30% of the total site area.



Examples of Bay Fair building setbacks, mid-block connection, and public sidewalk dimensions

- 6. **OUTDOOR WATER EFFICIENCY.** All new outdoor landscaping shall comply with the City’s Bay-Friendly Water Efficient Landscape Ordinance (WELO) in the Zoning Code.
- 7. **BUILDING SETBACKS.** Building setbacks shall meet the standards established by Table 5.1, consistent with their ground floor use and the street which they front. Any building facade facing a street shall comply with setback requirements for that street.
- 8. **BUILDING PLACEMENT.** A minimum of 70% of the building shall be placed within the build-to-area (between the minimum and maximum setback) shown in Table 5.1.
- 9. **UNDERGROUND UTILITIES.** All new utilities and utility connections shall be underground. Certain types of ground-based equipment may be above ground if necessary.

Table 5.1 Building Setback Standards

| | HESPERIAN | | FAIRMONT | | EAST 14TH | | ALL OTHER NEW OR EXISTING STREETS | | | | | |
|------------------------|---------------|-----|---------------|-----|---------------|-----|-----------------------------------|-----|--------|-----|-------------|-----|
| | All Use Types | | All Use Types | | All Use Types | | Retail | | Office | | Residential | |
| | min | max | min | max | min | max | min | max | min | max | min | max |
| Required Front Setback | 8’ | 20’ | 12’ | 20’ | 0’ | 12’ | 0’ | 6’ | 8’ | 12’ | 8’ | 20’ |

Site Design and Setback Guidelines

- 1. **ALLEYS.** Alleys are encouraged to provide buildings with a “back of house” to locate refuse pick-up, utilities, and other functions that may detract from active ground-floor uses and the pedestrian realm. Alleys do not qualify as a publicly accessible connection unless more than 80% frontage contains active uses and is publicly accessible.
- 2. **STRUCTURED PARKING.** Structured parking is encouraged as an alternative to surface parking lots.
- 3. **PLACEMENT OF UTILITIES.** Utilities, including all “dry” utility access, above-ground equipment, building refuse containers, or other features that will diminish the pedestrian environment, are discouraged within front setback areas, along mid-block pedestrian connections, or within 50 feet of a corner. Ground-based equipment is discouraged from the front setback area, particularly the pedestrian zone.
- 4. **DESIGN OF UTILITIES.** Utilities and trash receptacles shall be screened and integrated with the building architecture. Where this is not possible, these ancillary facilities should be located in free standing enclosures compatible with the development’s architectural style.
- 5. **FEMA FLOOD PLAN.** Areas subject to flooding from the 100 year storm should be elevated in conformance with FEMA flood protection standards as a requirement of any development proposal.

Building Design

Building Design Guidelines

1. **BUILDING ARTICULATION.** Facades shall use the following horizontal and vertical articulation strategies:
 - **Vertical articulation.** Projections, minor setbacks, architectural details and variations in materials shall be used to distinguish between upper and ground floors. Variations in height, massing, and vertical articulation are encouraged.
 - **Horizontal articulation.** Facades longer than 100 feet shall be subdivided with at least one major massing break (minimum width of 20 feet and minimum depth of 20 feet) every 100 feet. In addition, all building facades shall contain minor massing breaks every 50 feet on average.
 - **Building projections.** The total area of all architectural projections shall not exceed 50% of the primary building facade area. The primary building facade is the facade built at the property or setback line.
 - **Upper floor treatment.** Materials shall vary moving upward to lighten building tops and reduce the appearance of height.
2. **BLANK FACADES.** Blank walls (facades without doors, windows, landscaping treatments or other pedestrian interest) shall be less than 25 feet in length along sidewalks, pedestrian walks, or open space.
3. **FACADE ARTICULATION.** All highly visible building facades shall be designed with consistent or complementary materials, articulation, and quality.
4. **LOCAL STREET BUILDING FACADES.** Local street ground floor frontages should support pedestrian interest and accessibility, which may include commercial storefronts and building entrances or stoops in other locations.
5. **BUILDING COMPONENTS.** New buildings should be designed with a defined base, a middle or body, and a top, cornice or parapet cap. The cornice or top of the building should provide a strong termination and add visual interest.
6. **GROUND FLOOR FACADE.** The ground floor along primary facades shall be composed of a distinctly different character from upper floors (distinguished by a greater floor to ceiling height, greater articulation, finer design details, unique colors, enhanced ground-floor entrances, and/or architectural variation).
7. **BUILDING SCALE.** Facade elements should establish building scale; for example, windows and doors should appear in a regular pattern, or be clustered to form a cohesive design. Horizontal building elements shall be roughly aligned (within about 3 feet in height) with others in the same block.
8. **FRANCHISE RETAIL.** Chain or franchise uses should be expected to adapt their standard designs to the unique qualities of the Bay Fair TOD area and San Leandro.
9. **BUILDING ACCESS.** Doors to common facilities should contain some transparency and be access-controlled. Courtyard gates and shared building entrances that access individual units should automatically lock when closed.

- 10. **BUILDING ACCESSIBILITY.** Provide building types and entrances that are accessible to people of all ages and abilities, including ground-floor accessible entries, lobbies, and elevator access.
- 11. **NIGHTTIME VISIBILITY.** Building entries and addresses shall provide clear nighttime visibility from the street.
- 12. **HIGH-QUALITY, DURABLE MATERIALS.** Utilize high-quality, durable finishing materials such as concrete, steel, wood, and glass.
- 13. **ICONIC LANDMARKS.** Encourage iconic, memorable landmarks and buildings distinguished from their surroundings in a variety of architectural styles.
- 14. **ARCHITECTURAL DETAILS.** Encourage architectural details such as reveals, course lines, decorative cornices, columns, canopies, arbors, trellises, etc.
- 15. **PEDESTRIAN ENTRYWAYS.** Encourage porches, balconies, stoops and other pedestrian entryways along the street frontage.
- 16. **SEPARATE ENTRANCES.** Provide separate entrances for different uses in vertical mixed use developments.



Examples of desirable building design and articulation strategies

Parking and Loading Design

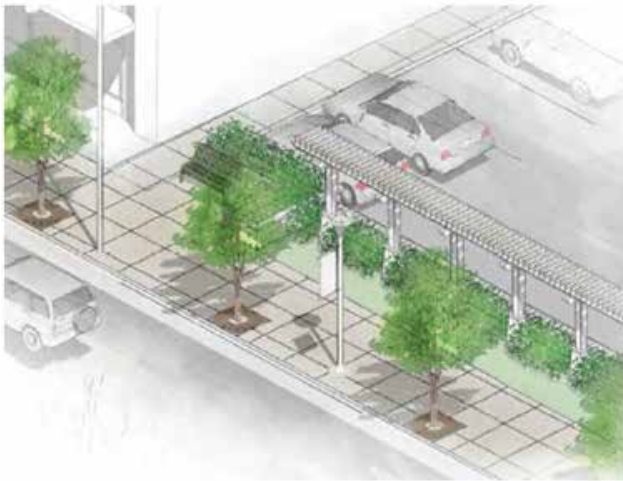
Parking and Loading Standards

1. **GARAGE ENTRANCE WIDTH.** Garage entrances at grade facing the street shall be no more than 20 feet wide.
2. **CURB-CUT LOCATION.** A maximum of one curb cut per 200 feet of frontage on a single project site is allowed, unless otherwise required for emergency vehicle access. If required, the second curb cut may be restricted to emergency vehicles. Curb cuts shall be located a minimum of 50 feet from street corners.
3. **CURB-CUT WIDTH.** Maximum curb-cut width shall not exceed 20 feet (plus the flare), or minimum required for emergency vehicle access. One-way driveways may have curb cuts with a width no greater than 12 feet (plus the flare) or minimum required for emergency vehicle access.
4. **TREE CANOPY.** New and reconfigured surface parking lots shall provide a tree canopy plan with a goal of 50% or greater coverage at maturity, which may be offset by the substitution or mixing of solar panels.
5. **PRIVATE PARKING RATIO REQUIREMENTS.** Parking for private development project must be consistent with the parking requirements and potential reductions included in Chapter 3 Mobility.

Parking and Loading Design Guidelines

1. **PARKING STRUCTURE DESIGN.** Parking structures shall be integrated into the overall development. They should be underground, lined with active uses, or designed with attractive building facades to screen structural elements of the garage. Above-ground parking garages should be designed to complement the overall building design on project sites.
2. **GARAGE ENTRIES.** Garage entries shall be integrated into building facades using architectural techniques, matching facade or material treatments, and/or by partially recessing the entries into the building. Door design treatments and details should minimize the apparent width of the entrance in accordance with the building's predominant architectural character.
3. **SHARED PARKING ENTRY.** In mixed-use development, shared entrances for both retail and residential uses are encouraged. In shared entrance conditions, secure access for residential parking should be provided.
4. **SURFACE PARKING LOCATION.** Wherever possible, parking and vehicle areas should be located behind or under buildings. On shallower lots (less than 150 feet deep), surface parking may be located adjacent to the building, but should not take up more of the primary frontage than the building. On deeper lots, the vehicle areas along the primary frontage should be limited to driveways and a few associated parking stalls. Parking shall not be located on corners.
5. **PUBLIC PARKING.** Wherever possible, projects should seek to provide structured public parking facilities, as described in Chapter 3, Mobility.
6. **CIRCULATION THROUGH EXISTING SURFACE PARKING LOTS.** When site or building improvements are made, existing surface parking lots should be enhanced to provide clear pedestrian and bike pathways from public streets to building entries. Access ways should be shaded and clearly identifiable from the street.

- 7. SURFACE PARKING SCREENING.** Surface parking lots shall be screened from adjacent streets. Screening should provide visual interest, but should not be so large and dense that the screening elements (such as walls or landscaping) limit sight lines for safety and security.
- 8. PARKING FOR SMALL PARCELS.** Smaller parcels located along Hesperian Boulevard or 150th Avenue should make their best efforts to comply with parking design guidelines, but flexibility will be provided given their lot configuration.



Example of surface parking screening along street

- 9. ADAPTABLE PARKING STRUCTURES.** Explore adaptability of parking structures for future changes in use.
- 10. PHASED DEVELOPMENT OF PARKING.** As new development occurs in the Plan Area, pedestrian access between sidewalks, parking lots, and building entrances should be maintained, with a minimum 5-foot wide pedestrian path from the sidewalk to the interior of the site/building. This walkway should be easily recognizable and have landscaped edge treatments, pedestrian-scaled lighting and other features to maintain a high quality walkway from the street to entries.
- 11. DRIVEWAYS.** Vehicle access into parcels should occur from side streets or alleys. If necessary, they should be located as far as possible from potential pedestrian activity areas. Curb cuts and driveways should be designed to minimize impacts to sidewalks and other pedestrian access to buildings, plazas or open spaces. Adjacent sites should share driveway access.
- 12. LOADING AND SERVICE ACCESS.** Loading docks shall be no greater than 20 feet in width and be screened from the right-of-way and adjacent properties to address visual and noise impacts. Service access and loading docks shall be located on side streets or alleys and away from the front of the building. Loading docks shall be internal to the building envelope and equipped with closable doors.
- 13. HORIZONTAL FACADE LINES ON STRUCTURED PARKING.** For parking structures or buildings with internal parking structures, maintain horizontal facade lines throughout the exterior facade; do not repeat the sloping floor lines of interior parking ramps on the exterior facade.

Building Performance

Performance Standards

- 1. CALGREEN.** New development shall achieve the mandatory elements of CalGreen as required by State law, but should seek opportunities to exceed, pursue, and achieve CalGreen Tier 1 or 2.
- 2. LEED FOR NEIGHBORHOOD DEVELOPMENT.** LEED for Neighborhood Development (LEED-ND) certification is required for any new development over five acres in size, and is encouraged for any project involving two buildings or more. For projects under five (5) acres in size, encourage features consistent with LEED-ND criteria such as walkable streets, green infrastructure, multi-modal transportation facilities, energy- and water-efficient buildings, and access to diverse uses and public space.
- 3. SOLAR-READY BUILDINGS.** All new buildings shall be built with solar-ready electrical systems/hardware and provided with adequate roof surface area for these systems.
- 4. STORMWATER TREATMENT.** New development shall integrate stormwater catchment and treatment systems into its site and buildings as shown in Alameda County's "Stormwater Technical Guidance" manual.
- 5. SUSTAINABLE ROOFS.** New construction, additions, and alterations shall follow the CalGreen guidance for solar-reflective roofs to reduce heat island effect. Vegetated roofs may also be used.
- 6. DECARBONIZATION.** In light of the City's Climate Action Plan goals for emissions reductions and State Long Term Energy Strategic Plan and increasing renewable energy portfolios, buildings should attempt Zero Net Energy (ZNE) or decarbonization of buildings and water.

Performance Guidelines

- 1. GREEN BUILDINGS.** Green building certification such as LEED for Building Design and Construction (LEED-BD+C) or GreenPoint Rated is encouraged for new development.
- 2. INDOOR WATER REUSE.** New construction is encouraged to use on-site graywater systems to facilitate indoor water capture and reuse.
- 3. STORMWATER HARVESTING.** Buildings are encouraged to re-use collected rainwater.
- 4. VEHICLE CHARGING STATIONS.** CalGreen requires new development to be EV ready, therefore, new development should include electric charging stations for electric automobiles for residents.
- 5. DISTRICT SYSTEMS.** District systems should be explored and are encouraged for stormwater management, sewer treatment, gray water re-use, energy generation and shared heating/cooling.

Public Open Space

The design of public spaces in the Bay Fair Plan Area should promote gathering, enjoyment, and active use by a broad range of the community. Open spaces should create usable spaces that meet the human needs at all stages of life, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity, and maintain or improve local character. Figure 5.5 shows conceptual locations for publicly-accessible open spaces. Several could be located along key street corridors and intersections for convenient pedestrian access. Others might be located more centrally within the Plan Area and serve as neighborhood centers, pocket parks, or plazas.

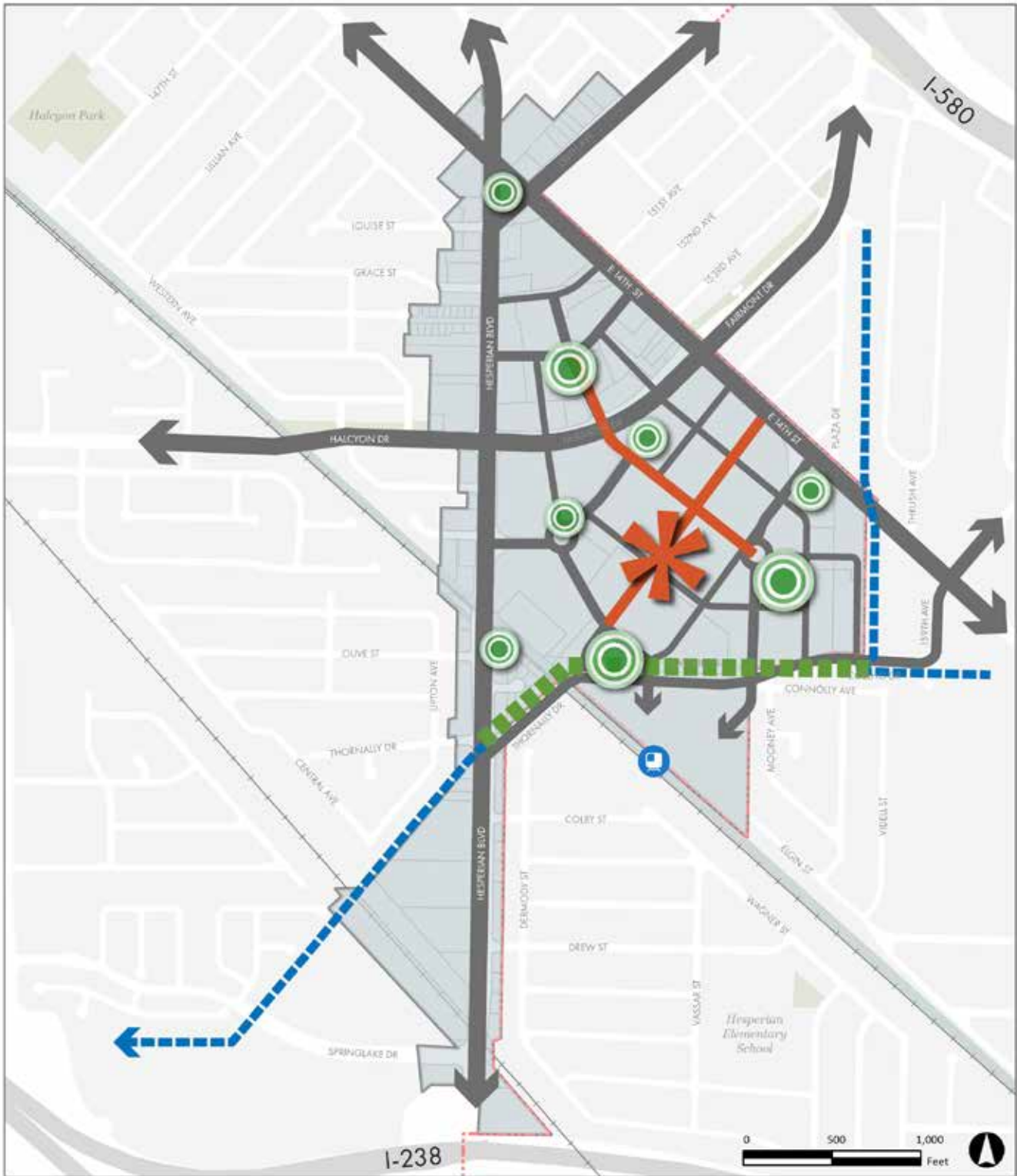
The City of San Leandro has an existing typology of park spaces, as established in the General Plan. The vision for Bay Fair is to utilize these existing typologies (such as mini-parks, neighborhood parks, and community parks) while also encouraging new types of open spaces (such as urban plazas, linear parks, and public art installations). The area-wide goal for the Bay Fair area is to achieve the following mix of open spaces over time:










- **LARGE SPACES.** 1 to 2 large urban gathering spaces such as a major plaza, linear park, community park or neighborhood park.
- **SMALL AND MEDIUM SPACES.** 7 to 12 small or medium parks, tot lots, urban plazas, pocket parks, flexible performance spaces, public art installations, Mini-Parks, or other small open space types.

The City's objectives for public open space are as follows:

- **DEDICATION.** Implementing existing policy, the City's preference is for private development to build and maintain public open spaces. Projects that dedicate land may be eligible for a reduction of the required ratio for park acreage.
- **IN-LIEU FEES.** Fees are set to achieve the citywide park acreage ratio goal of 5 acres per 1,000 residents.
- **SMALL PROJECTS.** Development projects with fewer than 50 residential units shall have the option to pay the in-lieu fee rather than dedicate land, with the intent of contributing to larger open spaces in coordination with other Bay Fair projects.

Figure 5.5: Public Open Space Illustrative Concept



-  Central Plaza or other Large Public Open Space (potential location)
-  Special Pedestrian-Oriented Active Connection (potential location)
-  Neighborhood Plaza or Park (potential location)
-  Existing Estudillo Canal
-  Focus of Proposed Stormwater/ Open Space Improvements for Estudillo Canal
-  City Limit
-  Bay Fair BART Station
-  Project Boundary
-  Union Pacific Right of Way

Public Open Space Standards

1. **RESIDENTIAL SERVICE STANDARDS.** New residential development shall dedicate land or provide park in-lieu fees subject to the Park Facilities Development Impact Fee, based on the City's park acreage minimum for new development (4.86 acres per 1,000 residents) per Title 7, Section 13 of the City Municipal Code. To allow for innovative and urban public spaces such as plazas, playgrounds, flexibly-programmed open space, linear parks and pathways, projects that dedicate land may be eligible for a reduction of the required park acreage ratio.
2. **DIMENSIONS.** New public open space shall have a minimum 35-foot length in at least one dimension.
3. **NEW OPEN SPACES.** New development shall include a map and information showing the proposed location and acreage of any new privately-built public open spaces compared to the Plan's Public Open Space Illustrative Concept, as shown in Figure 5.5. Projects shall include a justification of how their development proposal contributes to the strategy. Projects that pay in-lieu fees are exempt from this requirement.
4. **AGGREGATED OPEN SPACE.** Project applicants shall work with the City to identify opportunities to create larger combined open spaces, or to collaborate on open space design and location with adjacent projects.
5. **SMOKE-FREE ENVIRONMENTS.** Public spaces shall be maintained as smoke-free environments to support resident and visitor health.
6. **PUBLIC FRONTAGE PROVIDED BY PRIVATE DEVELOPMENT.** All new development projects shall provide public frontage and sidewalks for their project, consistent with the standards and guidelines included in Chapter 3 "Mobility."



Examples of publicly accessible open spaces

Public Open Space Guidelines

1. **OPEN SPACE DEVELOPMENT.** New public open spaces should be coordinated with private development projects and planned infrastructure improvements.
2. **PROVISION OF OPEN SPACE.** Whenever possible, new development should provide on-site public open space rather than in-lieu fees.
3. **CONNECTED OPEN SPACES.** New public open spaces should be accessible from and located within a comfortable walking and biking distance of residents and shoppers.
4. **SUSTAINABILITY.** New public open spaces should be designed to incorporate best practices in sustainability, including water use and conservation, stormwater management, landscaping, and drought tolerant planting.
5. **STORMWATER FUNCTION FOR OPEN SPACE NEAR ESTUDILLO CANAL.** Any new open space located along the Estudillo Canal should function as a stormwater management feature.
6. **AMENITIES.** Seating, shading, and other amenities should be integrated into new public parks and plazas.
7. **RANGE OF PARK TYPES.** Encourage park and public space design consistent with Bay Fair’s intended mix of uses. This includes resident-oriented spaces such as playgrounds, dog parks, gardens, and sports facilities as well as visitor-oriented spaces such as event spaces, plazas, public seating areas, public spaces for markets and commerce, and flexible community gathering spaces.
8. **PUBLIC SPACE USE.** The design of the parks and plazas in the Bay Fair area should promote public gathering, enjoyment, and active use by a broad range of the community.
9. **OPEN SPACE LIGHTING.** Appropriate pedestrian-scale lighting should be provided in any new parks, plazas, and other open spaces.
10. **SAFE PARKS.** Utilize CPTED (Crime Prevention through Environmental Design) strategies to improve safety in new and existing parks by adding appropriate lighting and visibility in park facilities; activating parks with programs/ community gardens/community events; increasing natural surveillance by trimming surrounding vegetation and allowing views in and out of park spaces; and removing graffiti and maintaining parks.
11. **ESTUDILLO CANAL.** Estudillo Canal should become an attractive, ecologically valuable open space and stormwater amenity over time.

Private Open Space

Private usable open space may be designed as plazas, courtyards, parks, forecourts, rooftop amenities and other common areas designed for pedestrian circulation, outdoor gatherings, recreation, or passive activities. Private open space can also include private balconies and other structured outdoor areas.

Private Open Space Standards

1. OFFICE USES. Office development shall provide the following minimum private open space:

- 25 square feet of private usable open space per 1,000 square feet of office space
- Publicly accessible open space and semi-private common areas are encouraged and can contribute to the required amount of private usable open space for office uses
- Common open space shall have a minimum 20-foot dimension.

2. RESIDENTIAL. Residential uses shall provide the following minimum private open space:

- 200 square feet of private usable open space per unit; this can be accommodated in private balconies, terraces, and other private areas as well as in semi-private common areas or publicly accessible open spaces such as courtyards, forecourts, or plazas
- Common open spaces shall have a minimum 20-foot dimension
- Private open spaces shall have a minimum 6-foot dimension
- Residential courtyards with units facing on both sides should have a minimum 1 to 1 ratio of building facade to courtyard width.

3. ALTERNATIVE SPACES. The City may administratively authorize, as an eligible type of open space, improvements to an alleyway or easement within a square block of the project site.



Examples of common private open space

Private Open Space Guidelines

1. **LOCATION.** Semi-private open space should be located close to and visible from building entrances and/or the street.
2. **LANDSCAPING.** Courtyards and terraces should include vegetation through use of planters, tree grates, and other planting techniques compatible with a hardscape environment.
3. **GREEN ROOFS.** The use of roof gardens, green roofs, and other environmentally sustainable options should be used as semi-private open space in new developments.
4. **OUTDOOR WATER EFFICIENCY.** Beyond the required WELO reductions, the City strongly encourages additional efforts to reduce outdoor water usage.
5. **PLANTING AND LANDSCAPE CHARACTER.** The following guidelines apply to front and side landscaping:
 - Drought-tolerant plant materials should be incorporated into new sites to reduce water use and irrigation requirements.
 - Whenever possible, use native and bay-friendly planting palettes.
 - Implement rainwater harvesting and other features that provide a stormwater retention co-benefit.
 - Mature, existing trees should be preserved whenever possible.
 - Trees should be placed to maximize climate benefits and energy savings. Deciduous trees should be located to allow sunlight to reach buildings during winter months, and to provide shade during summer months.
6. **REAR LANDSCAPING.** Substantial landscaped screening should be planted along the rear of commercial and mixed-use buildings adjacent to residential streets or properties.
7. **FRONT YARD TREES.** Portions of buildings without ground floor commercial spaces should provide trees within the front setback to provide additional screening for those uses. Front yard trees may also be provided in areas with ground floor commercial spaces if they are appropriate to the circulation and visibility needs of the businesses.
8. **EDIBLE LANDSCAPING.** Encourage new development to incorporate edible landscaping for community gardening.
9. **NATURAL SURVEILLANCE.** Outdoor spaces such as courtyards should be placed for visibility from as many residential units as possible. Site entrances should be visible from public streets. Patios, porches, decks, and balconies are encouraged for increased outdoor surveillance capability.
10. **LANDSCAPING FOR SURVEILLANCE.** Encourage proper placement, selection, and maintenance of plant materials that maximizes natural visibility or observation.

Public Art

Public Art can add beauty and character to the streetscape. This enriches the pedestrian experience, fosters identity, and creates a sense of place. It can also encourage community ownership and attachment to an area by providing memorable, publicly accessible destinations and landmarks. The City of San Leandro has an active public art program with a successful track record of establishing public art installations throughout the City.

Public Art Guidelines

1. **ART INTEGRATION.** Art should be incorporated into new development whenever feasible. Art should be placed in visible areas, particularly at intersections or within public or common open spaces. Art may consist of both permanent and temporary installations.
2. **ICONIC PUBLIC ART.** The City should work with property owners to establish one or more iconic art installations in a public place in the Bay Fair Plan Area.
3. **GRAFFITI.** Art, patterns, murals or other means should be used to take away the “blank canvas” to discourage graffiti.
4. **SITE-APPROPRIATE.** The design and placement of art should enhance and be coordinated with other streetscape improvements to ensure a coherent character for a particular area or corridor. Art should be:
 - **Locally-sourced.** New open spaces and private developments should offer opportunities for local artists to exhibit their work.
 - **Interactive.** Interactive art is encouraged, such as pieces that invite user participation or provide sensory stimulation through touch, movement, or sound.
 - **Interpretive.** Art should be used as a means to enhance community understanding of the Bay Fair area’s history and cultural assets.
 - **Functional.** Functional art that doubles as seating, wayfinding, or lighting is encouraged.

Signage and Wayfinding

Clear, consistent wayfinding and signage that is appropriately scaled for each user helps pedestrians, bicyclists, and drivers easily access stores, jobs, and housing in the Plan Area. Well-designed signage and wayfinding can also add visual interest, character, and a recognizable district identity.

Signage and Wayfinding Standards

1. **SIGNAGE RELATION TO ZONING ORDINANCE.** Signs shall be subject to the sign regulations contained in the Zoning Code regarding exempt signs, prohibited signs, and general sign regulations, unless otherwise specified in this Bay Fair TOD Specific Plan.
2. **CABINET SIGNS.** Cabinet signs are not allowed.

Signage and Wayfinding Guidelines

1. **IMPROVED WAYFINDING.** New developments adjacent to the BART Station should improve wayfinding signage for persons arriving at the station. This could include signage identifying major destinations within and surrounding the Bay Fair area, bicycle routes, bus routes, and other attractions.
2. **COMMON LIGHTING.** New development should use similar styles of pedestrian lighting as adjacent developments.
3. **CORRIDORS.** New development should include coordinated signage and wayfinding along major corridors, such as East 14th Street and Fairmont Drive.
4. **BART VISIBILITY.** New buildings or alterations located along access routes to BART should work to increase visibility of the BART station.
5. **PARKING ACCESS.** New development should provide signage to lead shoppers and visitors easily to shared parking structures and encourage a “park once” experience.
6. **ICONIC SIGNAGE.** New construction should provide highly visible and iconic signage to improve orientation and wayfinding through the area.
7. **WAYFINDING IN OPEN SPACES.** New open spaces should support wayfinding and provide signage where appropriate.
8. **SIGN MATERIALS.** Signs should be made of durable and high quality materials, such as metal, wood or individual channel letters.
9. **MONUMENT SIGNS.** Monument signs shall be less than 6 feet high.



Examples of a unified district wayfinding palette

Fences

Standards and guidelines for fencing are included below.

Fence Standards

1. **ZONING CODE.** All fencing shall be consistent with the San Leandro Zoning Code.
2. **COMMERCIAL FENCES.** No fences are permitted between commercial uses and any major streets in the Plan Area. Fences to delineate outdoor dining or display areas are allowed up to 42 inches in height. Special uses such as child day care and schools may have fences that exceed this height.
3. **RESIDENTIAL FENCES.** Low fencing and gates are allowed up to 42 inches in height along residential building frontages. These shall be well-designed and detailed with high quality materials to add character and visual interest.
4. **SIDE AND REAR YARD FENCES.** Side and rear yard fences shall be a maximum of 8 feet high.
5. **FENCES ADJACENT TO RESIDENTIAL.** Fences along the rear and sides of parcels shall be a minimum of 7 feet and a maximum of 8 feet high when adjacent to residential land uses, and shall be made of masonry or other substantial and durable screening material.

Fence Guidelines

1. **FENCING MATERIALS.** Fencing shall be made of durable, high-quality materials.
2. **OPACITY.** Outdoor fencing, walls, and other visual barriers shall not be completely opaque so as to create clear line of sight along public and private walkways.



ATTACHMENT 5
Redlined General Plan Text Amendments
Additions Shown Underlined and Deletions with Strikethrough

| TABLE 3-1 ACREAGE IN EACH LAND USE TYPE | | |
|---|-----------------------------|----------------|
| | Acres (Approx.)* | Percent |
| Residential | 4,209 | 50.8 |
| ▪ Garden Residential | 160 | 1.9 |
| ▪ Low Density Residential | 3,098 | 37.4 |
| ▪ Low-Medium Density Residential | 206 | 2.5 |
| ▪ Medium Density Residential | 410 | 4.9 |
| ▪ Medium-High Density Residential | 217 | 2.6 |
| ▪ High Density Residential | 118 | 1.4 |
| Commercial | 398 | 4.8 |
| ▪ Neighborhood Commercial | 55 | 0.7 |
| ▪ General Commercial | 343 | 4.1 |
| Mixed Use | 561 | 6.8 |
| ▪ Downtown Mixed Use | 98 | 1.2 |
| ▪ Transit-Oriented Mixed Use | 158 | 1.9 |
| ▪ Corridor Mixed Use | 184 | 2.2 |
| ▪ Bay Fair TOD Mixed Use | 121 | 1.5 |
| Industrial | 1,693 | 20.4 |
| ▪ Light Industrial | 518 | 6.3 |
| ▪ General Industrial | 1,003 | 12.1 |
| ▪ Industrial Transition | 172 | 2.1 |
| Public/Open Space | 1,424 | 17.2 |
| ▪ Public/Institutional | 354 | 4.3 |
| ▪ Parks and Recreation | 548 | 6.6 |
| ▪ Resource Conservation | 522 | 6.3 |
| TOTAL | 8,285 | 100.0 |

Source: City of San Leandro, 2016

Notes: (*) Excludes 224 acres of Freeway ROW and 1,384 acres of surface water in San Francisco Bay

Corridor Mixed Use. This designation allows a mix of commercial and residential uses oriented in a linear development pattern along major transit-served arterials such as East 14th Street. A range of commercial and office uses is permitted, primarily serving neighborhood and community needs. Residential uses may be either free-standing or integrated into the upper floors of mixed use projects. Development should be designed to encourage walking and bicycle use, and should be sufficiently dense to support increased transit services along the corridors. A maximum allowable FAR of 1.0 applies in areas with this designation, although FARs of up to 1.5 may be permitted for projects incorporating housing. Where a Specific Plan or Area Plan has been prepared for an area with this designation, an FAR of 1.5 may also be permitted, subject to the conditions of that Plan. Maximum residential density in this category is dictated by the above floor area ratio limits rather than limits on housing units per acre.

Bay Fair Transit-Oriented Development. This designation includes approximately 120 acres within the San Leandro city limits around the Bay Fair BART Station, including Bayfair Center, Fairmont Square and Fashion Faire Place, and other commercial properties along Hesperian Boulevard, Fairmont Drive, and East 14th Street in the Bayfair Center vicinity. The BART parking lot is also included. As of 2016, a TOD Specific Plan for this area was underway. The intent is to create a new vision for this area, including retail, office, higher density housing, open space, and public land uses. A more urban development form is envisioned, with pedestrian-scaled streets and an orientation toward BART access and transit use. A maximum FAR of 3.0 applies, ~~although multiple zoning districts are envisioned and lower maximums may apply in some of these districts.~~ Maximum residential density in this category is dictated by floor area ratio limits rather than upper limits on housing units per acre.

Industrial Categories

Three industrial categories have been identified, as described below.

Light Industrial. Light Industrial areas may contain wholesale activities, distribution facilities, research and development or e-commerce uses, business services, technology, and manufacturing operations which produce minimal off-site impacts. Campus-style industrial parks and professional offices also are permitted. A limited range of commercial uses also is permitted in these areas. Uses in areas with this designation must be capable of locating adjacent to residential areas without creating

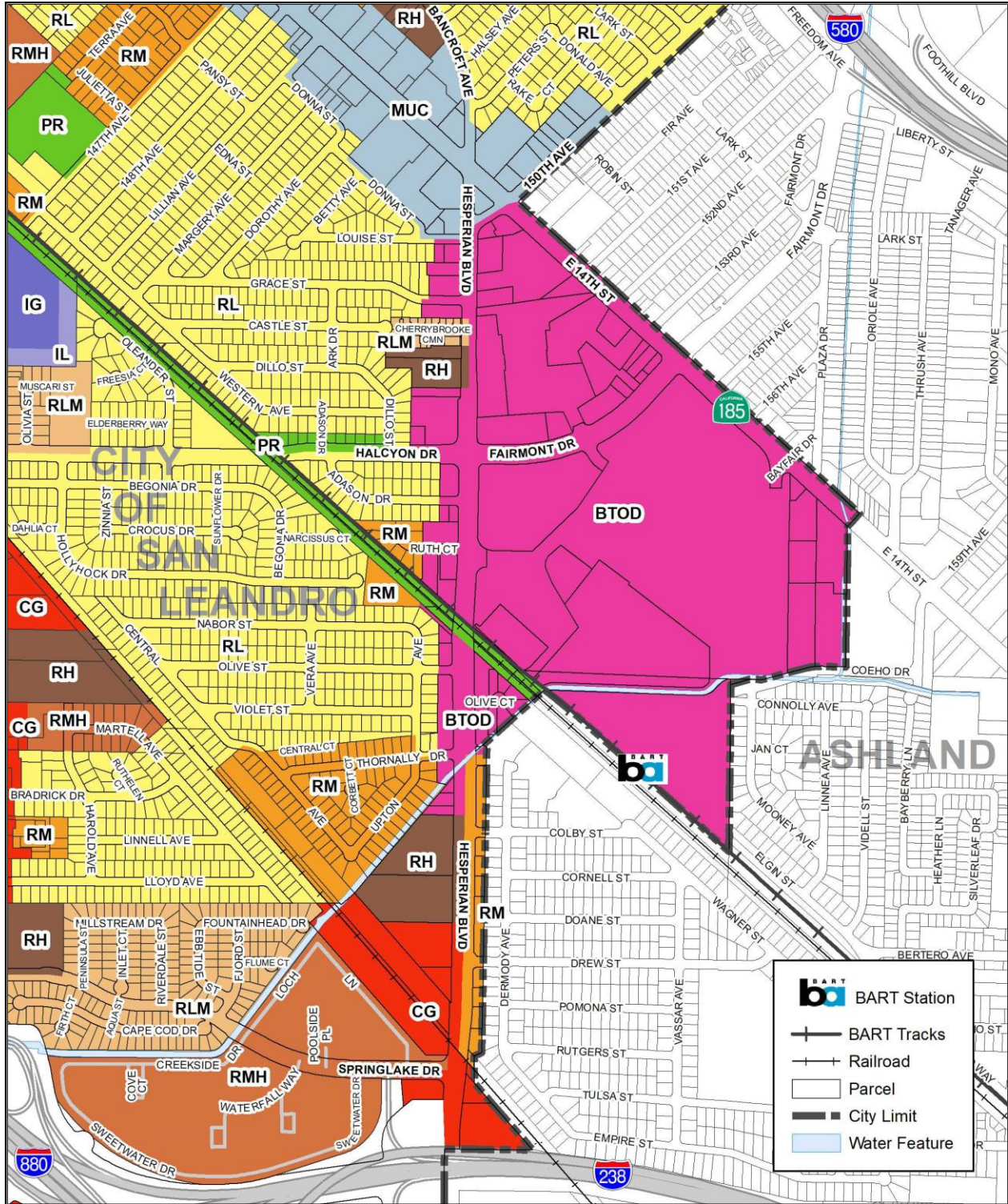
| TABLE 3-2 CORRESPONDENCE BETWEEN LAND USE DIAGRAM AND ZONING DESIGNATIONS | | |
|---|---|---|
| Land Use Category | Corresponding Zoning Designations | Conditionally Compatible Zoning Designations |
| Garden Residential | RO | RS, PS |
| Low Density Residential | RS, RS-40, RS (VP) | RS (PD), RD, PS, CN |
| Low-Medium Density Residential | RS (PD) | RD, RS, PS |
| Medium Density Residential | RD, RM-3500, RM-2500, RM-2000 | RS (PD), RD, PS |
| Medium-High Density Residential | RM-1800 | RM-2000, RM-2500, RM-3500, PS |
| High Density Residential | RM-875 (see Note 1) | RM-1800 |
| Neighborhood Commercial | CN, P | CC, CR, PS |
| General Commercial | CC, CS, CR, CR-M | CN, PS , P |
| Downtown Mixed Use | DA-1, DA-2, DA-3, P | RM-875, RM-1800, CN, PS |
| Transit-Oriented Mixed Use | DA-2, DA-3, DA-4, DA-6 | RM-875, RM-1800, PS |
| Bay Fair TOD Mixed Use | (See Note 2) B-TOD | |
| Corridor Mixed Use | NA-1, NA-2, SA-1, SA-2, SA-3, DA-2 | RM-875, RM-1800, RM-2000, RM-2500, RM-3000, CN, CC, P, PS, IL |
| Light Industrial | IL, IP | IG, CC, CS, P, PS |
| General Industrial | IG, IL, IP | CC, CS, P, PS |
| Industrial Transition | IT | IG, CC, IL, IP |
| Public/Semi-Public | PS | Depends on type of use |
| Parks and Recreation | OS | PS, CR |
| Resource Conservation | OS | PS |

Source: City of San Leandro, 2016

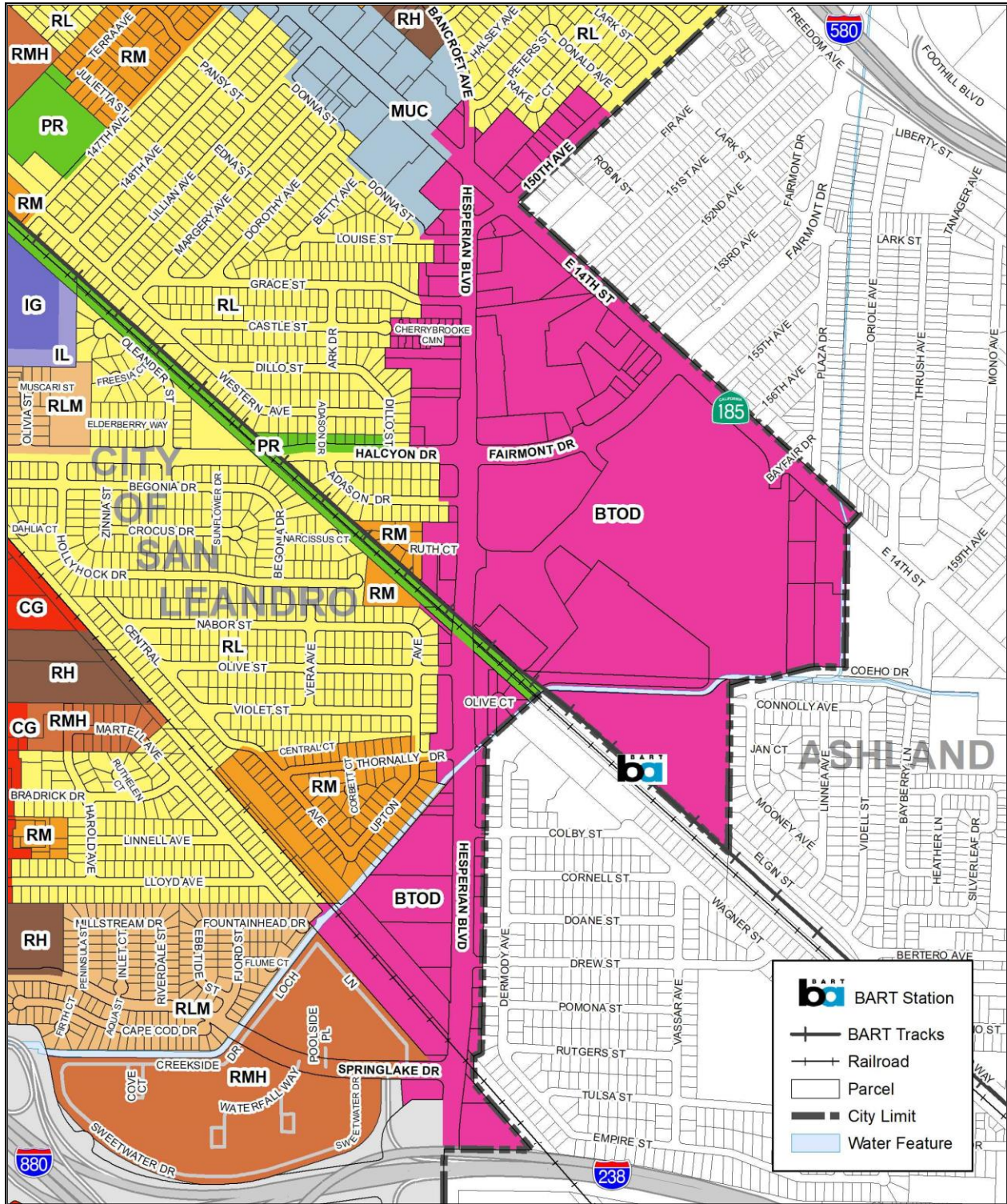
Notes: (1) RM-875 had not yet been created at time of General Plan adoption. RM-1800 is considered the conforming zone until such time as the RM-875 District (1 unit per 875 square feet) is adopted. ~~(2) Areas within this boundary are subject to a Specific Plan in progress at the time of General Plan adoption. Conforming zones will be determined through that process. Existing zones are considered conforming in the interim.~~

ATTACHMENT 6

Existing General Plan Land Use Map



Proposed General Plan Land Use Map



Bay Fair TOD Amendments



City of San Leandro

Meeting Date: December 7, 2020

Resolution - Council

File Number: 20-526

Agenda Section: PUBLIC HEARINGS

Agenda Number:

TO: City Council

FROM: Jeff Kay
City Manager

BY: Tom Liao
Community Development Director

FINANCE REVIEW: Not Applicable

TITLE: Resolution of the City of San Leandro City Council Amending the Bay Fair Transit-Oriented Development (TOD) Specific Plan, Amending the San Leandro General Plan, and Adopting an Addendum to the Previously Certified Bay Fair TOD Specific Plan Environmental Impact Report SCH NO.2017032016

WHEREAS, California Government Code Section 65300 *et seq.* requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that plan to reflect current conditions and issues; and

WHEREAS; in 2016, the City Council adopted the San Leandro 2035 General Plan; and

WHEREAS, Government Code Section 65450 *et seq.* permits a city to adopt a specific plan for the implementation of the general plan for part of the area covered by the general plan; and

WHEREAS, on February 20, 2018, the City Council adopted the Bay Fair Transit Oriented Development (TOD) Specific Plan (the "Specific Plan"); and

WHEREAS, the Bay Fair TOD Specific Plan Area encompasses 154 acres and is generally bound by East 14 Street to the northeast, Hesperian Boulevard to the west, and the border between the City and unincorporated Alameda County to the south and southwest (the "Specific Plan Area"); and

WHEREAS, the Bay Fair BART Station and parking lots, Bay Fair Center shopping mall, Fairmont Square and Fashion Faire Place shopping areas, and portions of the Hesperian and East 14th corridors are included within the Specific Plan Area; and

WHEREAS, the Specific Plan implements the City's General Plan, which identifies the

Specific Plan Area as one of the City's most significant areas of potential changes, and envisions the area as a dynamic, walkable, transit-oriented area with a mix of uses; and

WHEREAS, the Specific Plan provides a vision for a sustainable, vibrant, and safe transit-oriented village with a diversity of land uses serving local and regional populations; and

WHEREAS, the Specific Plan includes goals and policies related to land use, transportation/traffic, infrastructure, and design to fulfill the vision for the Specific Plan Area, and establishes uses and development standards for the Specific Plan Area; and

WHEREAS, the Specific Plan includes text and diagrams specifying the distribution, location, and extent of the uses of land within the area covered by the plan, as well as the location, and extent and intensity of major components of public and private transportation and other essential facilities located within the Specific Plan Area; and

WHEREAS, the Specific Plan identifies standards and criteria by which development will proceed; and

WHEREAS, the City Council desires to update the San Leandro Zoning Code, by adding Chapter 2.10, Bay Fair Transit-Oriented Development (B-TOD) District, to implement the Specific Plan and more specifically identify the standards for development within the Specific Plan Area; and

WHEREAS, the City Council also desires to update the Specific Plan's standards and requirements for both publicly accessible and private open space, and implement these standards through the Zoning Code; and

WHEREAS, new residential and non-residential uses in the Specific Plan Area will be required to provide certain minimum amounts of publicly accessible open space, as further specified in the Specific Plan and Zoning Code Chapter 2.10; and

WHEREAS, the City Council desires to amend minor portions of the Specific Plan and General Plan to ensure consistency between the two, as well as with the proposed Zoning Code Chapter 2.10; and

WHEREAS, the City released the proposed text of Zoning Code Chapter 2.10 for a two-week public review on or before August 21, 2020 and held a virtual public community meeting to solicit feedback on the zoning update on September 1, 2020; and

WHEREAS, public input was further solicited through a dedicated project website and through a meeting of the Planning Commission on July 2, 2020; and

WHEREAS, the proposed adoption of San Leandro Zoning Code Chapter 2.10 and other amendments to the San Leandro Zoning Code, the proposed amendments to the Bay Fair TOD Specific Plan, the proposed amendments to the San Leandro General Plan, and the proposed amendments to the San Leandro Municipal Code are collectively referred to as the "Project"; and

WHEREAS, the City prepared an Environmental Impact Report (“EIR”) to identify the potential environmental impacts of the Bay Fair TOD Specific Plan; and

WHEREAS, on February 20, 2018, the City Council adopted Resolution No. 2018-008 certifying a Final Environment Impact Report (the “EIR”) entitled, “Bay Fair Transit Oriented Development (TOD) Specific Plan Environmental Impact Report SCH#2017032016” and adopting a Mitigation Monitoring and Report Program for the Specific Plan; and

WHEREAS, the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq., and the State CEQA Guidelines Section 15162 require that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, that one or more of the following exists:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time of the previous EIR was certified as complete shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.

WHEREAS, the City retained Rincon Consultants, Inc. to study the potential environmental impacts caused by the Project; and

WHEREAS, the City prepared an addendum to the certified EIR documenting that the Project consists of only minor technical changes or additions and will not have significant new impacts or substantially increase previously identified significant impacts; and

WHEREAS, the Addendum to the EIR is dated September 2020 and is on file with the

Community Development Department at San Leandro City Hall located at 835 East 14th Street and available on the City's website, and is incorporated herein by reference; and

WHEREAS, a staff report dated November 5, 2020, incorporated herein by reference, described and analyzed the proposed Project for the Planning Commission; and

WHEREAS, the City of San Leandro Planning Commission held a duly noticed Public Hearing on November 5, 2020 for consideration of the proposed Project, and did consider all information pertaining to the Project, including the staff report, the findings, and all public comments and testimony received prior to and during the hearing; and

WHEREAS, the Planning Commission recommended approval of the proposed Project and adoption of an Addendum to the Bay Fair TOD Specific Plan Environmental Impact Report SCH#2017032016 to the City Council on a 7-0 vote; and

WHEREAS, a staff report dated December 7, 2020 and incorporated herein by reference, described and analyzed the Project and the related Addendum to the EIR for the City Council; and

WHEREAS, on December 7, 2020, the City Council reviewed the staff report and the draft Addendum to the EIR at a duly noticed public hearing on the Project, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City's General Plan, Zoning Code, and Municipal Code, as well as the Specific Plan, are incorporated herein by reference, and are available for review on the City's website.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLVES THAT: The above recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED THAT, the City Council of the City of San Leandro does hereby make the following findings and determinations regarding the proposed adoption of San Leandro Zoning Code Chapter 2.10 and other amendments to Zoning Code Text and Zoning Code Maps, the proposed amendments to the Bay Fair TOD Specific Plan, the proposed text and map amendments to the San Leandro 2035 General Plan, and the proposed amendments to the San Leandro Municipal Code, all of which are attached to the City Council Staff Report dated December 7, 2020 and incorporated herein by reference, based on the following findings and considering the staff report, the Addendum and the whole of the record related to the Project:

1. Pursuant to CEQA and the CEQA Guidelines, the City Council finds, on the basis of substantial evidence set forth in the record, including but not limited to, the EIR, the Addendum, and all related information presented to the City Council, that the environmental effects of the proposed Project were sufficiently analyzed and that an Addendum to the EIR is the appropriate environmental document for the proposed Project.

The City Council further finds that none of the circumstances described in the CEQA Guidelines requiring preparation of a subsequent or supplemental EIR exist because the

proposed Project:

- will not result in substantial changes in the Project which will require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- will not result in substantial changes with respect to the circumstances under which the Project is undertaken that would require major revisions of the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- does not present new information of substantial importance that was not known and could not have been known with exercise of reasonable diligence at the time the EIR was certified showing any of the following:
 - a. that the proposed Project would have one or more significant effects not discussed in the previous EIR;
 - b. that significant effects previously examined would be substantially more severe than shown in the previous EIR;
 - c. that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the project proponents declined to adopt the mitigation measure or alternative; and
 - d. that mitigation measures or alternatives considerably different from those analyzed in the EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives; and

2. Having considered the Addendum, the administrative record, the EIR and all written and oral evidence presented to the City Council, the City Council finds that all environmental impacts of the Project were addressed within the EIR and the Addendum. The City Council finds that no new or additional mitigation measures or alternatives are required. The City Council further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts beyond those analyzed in the EIR. The City Council finds that the Addendum contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the City Council.

BE IT FURTHER RESOLVED THAT: The City Council hereby adopts the following:

1. Amendments to the Bay Fair TOD Specific Plan, as shown in the attached Exhibit A and incorporated herein by reference; and
2. General Plan 2035 Text Amendments and the General Plan Map Amendment, as shown in attached Exhibit B and Exhibit C and incorporated herein by reference.

BE IT FURTHER RESOLVED THAT: The decision of the City Council is based on the following findings and considering the staff report and the whole of the record:

1. The proposed Project establishes appropriate goals, policies, and programs to address land use, transportation, housing, economic development, parks, safety, noise, historic preservation, urban design, and community services and facilities.

2. The proposed Project will not be detrimental to the public interest, health, safety, or welfare of the City.
3. The proposed Project is internally consistent, and is consistent with the City's General Plan, as amended.
4. The General Plan and Bay Fair TOD Specific Plan, as amended conform with the relevant and applicable provisions of the California Government Code for specific plans in that it systematically implements the General Plan for the Specific Plan Area, and adequately addresses all of the statutorily required components and content.

CITY OF SAN LEANDRO



SPECIFIC PLAN

adopted February 20, 2018

ACKNOWLEDGMENTS

CITY COUNCIL

Pauline Russo Cutter, Mayor
Lee Thomas, Vice Mayor
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WHAT IS TRANSIT-ORIENTED DEVELOPMENT (TOD)?

Transit-Oriented Development (TOD) has the potential to help transform regional land use and transportation landscape towards a more sustainable, multimodal, and low-carbon design. These transit-oriented planning policies are also climate action strategies that can assist local jurisdictions in achieving state and regional environmental and sustainability goals to reduce carbon and other greenhouse gas (GHG) emissions. These planning strategies also generate a range of potential benefits to residents, visitors, and businesses alike. Some key benefits to transit-supportive planning include:

- More efficient use of land area and natural resources
- Improved air quality
- Reduced vehicle miles traveled (VMT)

- Increased transit ridership
- Improved economic development
- Increased attraction of private development investment
- Safer streets
- Stronger sense of place
- Alternative travel modes (e.g., biking, walking)

Public transit offers a potential alternative to driving. Public transit improvements can also result in other benefits, including reduced traffic crashes, improved physical fitness and health, energy conservation, increased community livability, increased affordability, and economic development. Urban form, including the presence of compact development and access to public transit, tend to have a positive association with physical activity.





LAKESIDE VILLAGE
NO MAIN ENTRANCE

ALCO
HARD HOMES
LUMBER

A black and white photograph of a street intersection. In the foreground, a sign for a hardware store is visible, listing 'FENCING' and 'PLYWOOD'. The street has traffic lights and a car is driving. In the background, there are utility poles, trees, and buildings under a clear sky.

chapter 1

INTRO + CONTEXT

The City of San Leandro created the Bay Fair TOD Specific Plan in collaboration with its partners Alameda County, BART, Madison Marquette, and the broader community. The Plan presents a vision, policies, standards, and implementation strategies for the future of the Bay Fair TOD Specific Plan Area (shown in Figure 1.2). This project was primarily funded by a grant from the Metropolitan Transportation Commission (MTC), and contributions from the City of San Leandro, BART, and Madison Marquette (the owners and operators of Bayfair Center).

Location

Regional Location

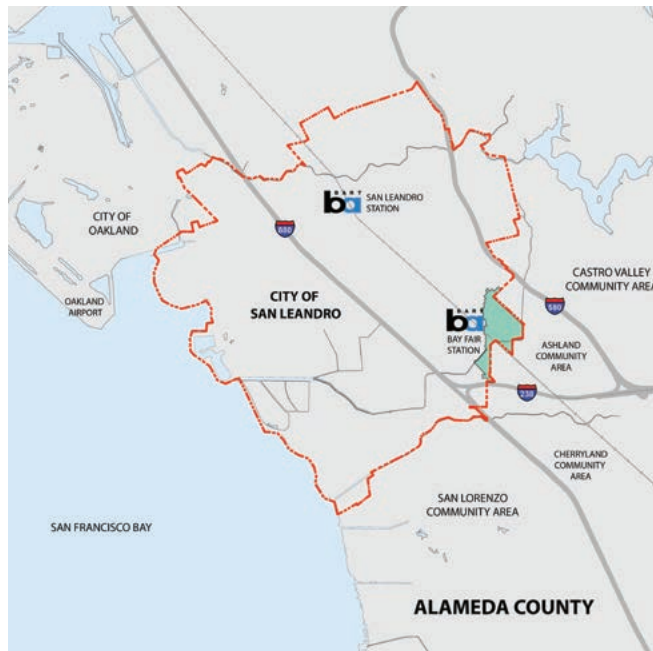
San Leandro is located in the San Francisco Bay Area East Bay, immediately south of Oakland, 15 miles southeast of San Francisco, and 30 miles north of San Jose. The City is well connected to major freeways (I-880, I-580, and I-238) and is served by two BART stations: the downtown San Leandro Station and Bay Fair Station.

Plan Area Location

The Bay Fair TOD Specific Plan Area is at the eastern edge of the City of San Leandro. Unincorporated Alameda County is directly adjacent to the Plan Area, to the east and south. The Plan Area includes the Bay Fair BART Station, Bayfair Center shopping mall, Fairmont Square and Fashion Faire Place shopping areas, and portions of the Hesperian and East 14th corridors. The project area is surrounded in most directions by single-family neighborhoods and further beyond, by three Interstate freeways (580, 238, and 880).

The Bay Fair TOD Specific Plan Area is a total of 154 acres, with mostly retail and commercial land uses. There is also a small number of office, light industrial, and residential land uses. The Plan Area's eastern edge runs along the San Leandro City limit.

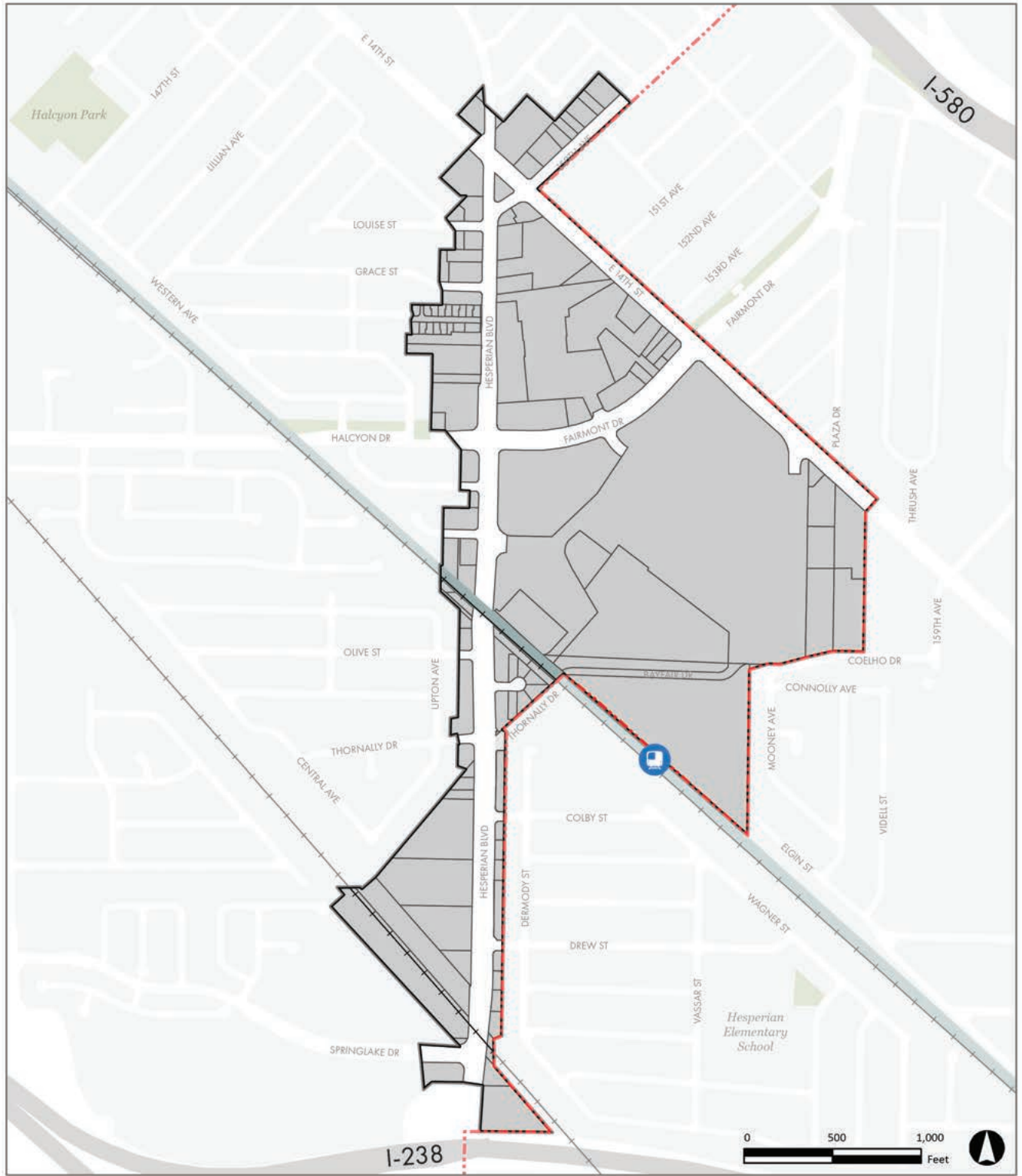
Figure 1.1: Regional Location



Quick Facts

- 154 acres
- Accessible by three Interstates (I-580, I-238, and I-880)
- Adjacent to Alameda County
- Plan Area is adjacent to Ashland/Cherryland
- Existing uses mostly retail and commercial with some office, light industrial, and residential
- Includes some of the City's largest shopping centers
- Regional Priority Development Area (PDA)

Figure 1.2: Bay Fair TOD Specific Plan Project Boundary



- City Limit
- Bay Fair BART Station
- Project Boundary
- Union Pacific Right of Way

Background + Context

The City Council and local stakeholders have for over a decade envisioned future possibilities within a quarter to half mile area near the Bay Fair BART Station as a vibrant mixed-use, transit-oriented retail, commercial and residential destination. Developing and implementing a sustainable and vibrant Bay Fair TOD Specific Plan would enable the City to come “full circle” in comprehensively planning and transforming the City’s East 14th Street corridor, which began with the East 14th Street South Area Development Strategy (adopted in 2004) and was followed by the Downtown TOD Strategy (adopted in 2007).

Another impetus for the City to create the Bay Fair TOD Specific Plan was to meet State (SB 375 from 2008) and regional goals towards transit-oriented development areas and greenhouse gas emissions reduction and gain access to future public funding opportunities to make needed area improvements. The regional transportation and land use agencies, Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), had adopted in 2013 a sustainable, long-range land use and transportation plan (Plan Bay Area) for the nine county San Francisco Bay Area region focused on higher density, mixed use development areas near major public transit systems (or Priority Development Areas or PDAs).

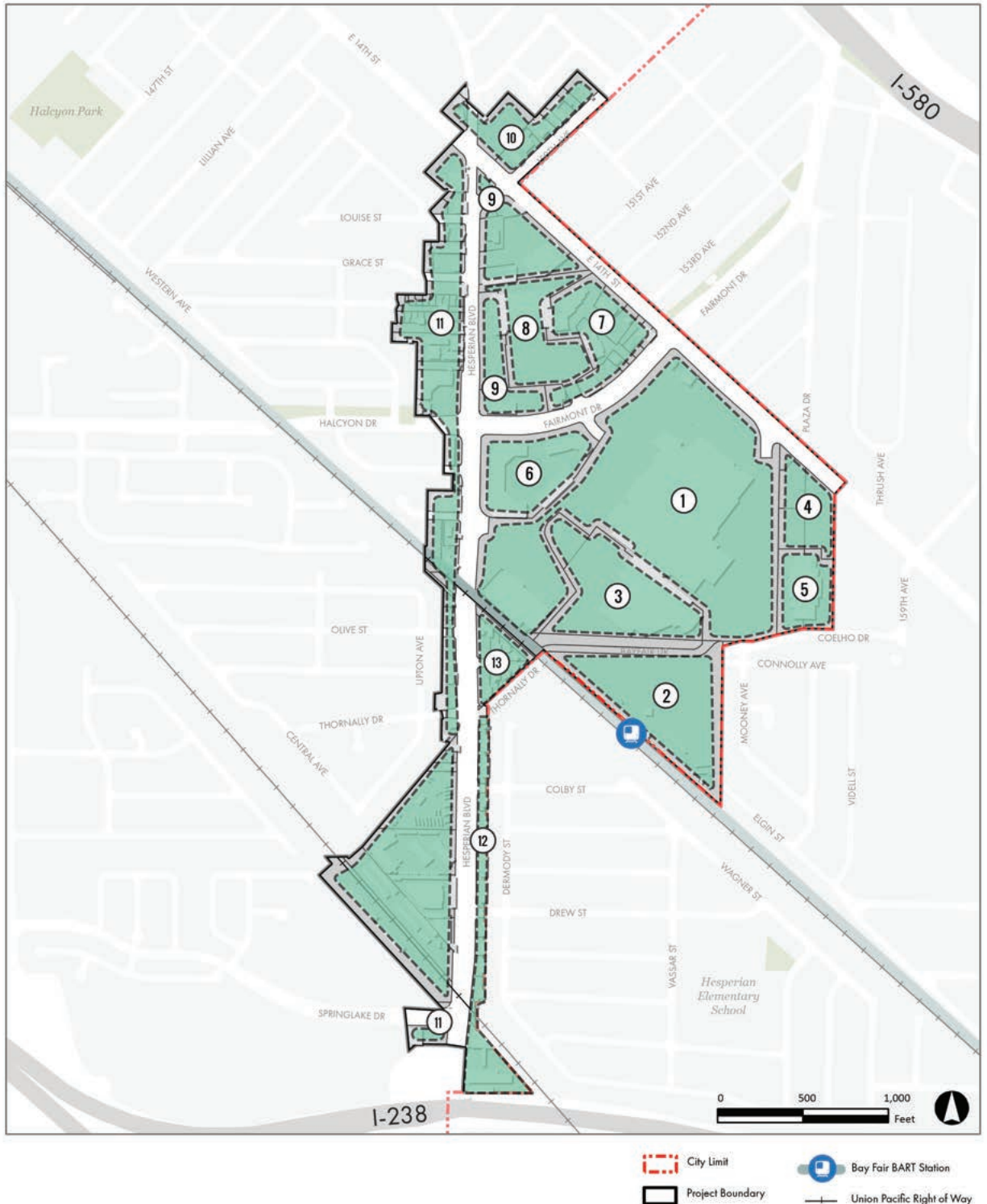
MTC/ABAG previously recognized the Downtown TOD and East 14th Street corridor (excluding the Bay Fair area) as PDAs, but the Bay Fair area does not yet have the PDA designation. Key benefits for PDA areas are CEQA streamlining and access to a variety of federal, State and regional funding sources. The City currently has two planned PDAs: Downtown and East 14th Street (north and south of downtown). The Bay Fair area is currently a potential PDA but will become a planned PDA upon adoption of the Bay Fair TOD Specific Plan.

The City issued a Request for Proposal (RFP) in Fall 2014 to over 20 qualified planning firms to serve as lead consultant for the Bay Fair TOD Specific Plan and related EIR. Five well regarded and highly qualified firms submitted proposals and the selection committee, consisting of representatives from the City, Alameda County, BART and Madison Marquette, reviewed the submittals, interviewed each firm, and forwarded its recommendation to the City Council. In May 2015, the City Council approved the experienced firm of Raimi + Associates, based in Berkeley, as the lead planning consultant.

Plan Area Overview

The map and descriptions below provide an overall introduction and guide to the main sub areas within the Bay Fair TOD Specific Plan Area. This information is intended for those who may be new to the area, or who may be interested in the status of particular parcels or opportunity sites. Some information may continue to change as the area develops over time.

Figure 1.3: Plan Area Overview



Sub Area Profiles

1. Bayfair Center

Built in 1956, Bayfair Center is one of the oldest malls in the Bay Area. It is currently owned by Madison Marquette and is the largest parcel in the Plan Area. The site includes an enclosed mall structure surrounded by surface parking. The site is accessible from all surrounding streets including Hesperian Boulevard, East 14th Street, and Fairmont Drive.

| | |
|---------------------------------|---|
| RANGE OF PARCEL SIZE(S) | > 5 acres |
| EXISTING USE | Commercial |
| ALLOWED HEIGHT | 90' max |
| CONTAINS OVERLAY ZONE | Residential Transition Overlay, Corridor Transition Overlay |
| ¼ MILE FROM BART | Yes |
| ADJACENT TO SINGLE FAMILY HOMES | Yes (Southern edge) |

2. Bay Fair BART Station

The Bay Fair BART Station was built in 1972 and currently acts as one of the primary transfer stations in the BART system, connecting the East Bay to Tri-Valley cities such as Dublin and Pleasanton. The BART-owned land surrounding the station is currently used for parking and an AC Transit bus station. In the past few years, BART has been developing on nearby properties (San Leandro, Hayward, Union City, and Dublin) to include additional housing and office. The portion of the BART parking lot southwest of the BART tracks is in Alameda County and is not subject to this Specific Plan. The portion of the BART parking lot northeast of the BART tracks is within San Leandro City limits and is subject to this Specific Plan.

| | |
|---------------------------------|---------------------------------------|
| RANGE OF PARCEL SIZE(S) | > 5 acres |
| EXISTING USE | Transportation/Utilities |
| ALLOWED HEIGHT | 90' max |
| CONTAINS OVERLAY ZONE | Residential Transition Overlay |
| ¼ MILE FROM BART | Yes |
| ADJACENT TO SINGLE FAMILY HOMES | Yes (Eastern edge and Southern edges) |

3. Target Property

Target is a large department store located north of the Bay Fair BART station. Unlike other nearby businesses and retail tenants, Target owns its own parcels, which include parking and store space.

| | |
|---------------------------------|------------|
| RANGE OF PARCEL SIZE(S) | > 5 acres |
| EXISTING USE | Commercial |
| ALLOWED HEIGHT | 90' max |
| CONTAINS OVERLAY ZONE | No |
| ¼ MILE FROM BART | Yes |
| ADJACENT TO SINGLE FAMILY HOMES | No |

4. King Property

The King property is composed of four parcels adjacent to Bayfair Center with frontage on East 14th Street. The land is currently vacant and for sale.

| | |
|---------------------------------|-----------------------------|
| RANGE OF PARCEL SIZE(S) | 3.6 acres |
| EXISTING USE | Commercial |
| ALLOWED HEIGHT | 90' max |
| CONTAINS OVERLAY ZONE | Corridor Transition Overlay |
| ¼ MILE FROM BART | No |
| ADJACENT TO SINGLE FAMILY HOMES | No |

5. Century Theatres

Century Theatres is on a 1.79 acre parcel just southeast of Bayfair Center. The property is owned by Madison Marquette and is leased to Cinemark. The building was constructed in 2001.

| | |
|---------------------------------|--------------------------------|
| RANGE OF PARCEL SIZE(S) | 1-2 acres |
| EXISTING USE | Commercial |
| ALLOWED HEIGHT | 90' max |
| CONTAINS OVERLAY ZONE | Residential Transition Overlay |
| ¼ MILE FROM BART | Yes |
| ADJACENT TO SINGLE FAMILY HOMES | Yes |

6. Fashion Faire Place

Fashion Faire Place is a 2.2 acre shopping center northwest of Bayfair Center. The property is owned by Kimco Realty, a real estate investment trust that owns over 534 shopping centers nationwide. The largest tenants include Michaels, Ross, Dollar Tree, and Beverages & More.

| | |
|---------------------------------|-----------------------------|
| RANGE OF PARCEL SIZE(S) | > 5 acres |
| EXISTING USE | Commercial |
| ALLOWED HEIGHT | 90' max |
| CONTAINS OVERLAY ZONE | Corridor Transition Overlay |
| ¼ MILE FROM BART | No |
| ADJACENT TO SINGLE FAMILY HOMES | No |

7. Fairmont Square (Dollinger Properties)

The majority of Fairmont Square’s southeast parcels are currently owned by Dollinger Properties, a property development company based out of Redwood City. Many tenants are financial businesses including US Bank, Patelco Credit Union, Chase Bank, and OneMain Financial. Other tenants include TOGO’s Sandwiches, the UPS Store, Round Table Pizza, and Vacuum City. Buildings on these parcels are either free standing or small strip mall developments.

| | |
|---------------------------------|-----------------------------|
| RANGE OF PARCEL SIZE(S) | 0-2 acres |
| EXISTING USE | Commercial |
| ALLOWED HEIGHT | 70' max |
| CONTAINS OVERLAY ZONE | Corridor Transition Overlay |
| ¼ MILE FROM BART | No |
| ADJACENT TO SINGLE FAMILY HOMES | No |

8. Lucky Supermarket Site

The Lucky Supermarket is the only grocery store in the Plan Area and is located in the Fairmont Square shopping center. The land is owned by RMP Properties.

| | |
|---------------------------------|------------|
| RANGE OF PARCEL SIZE(S) | > 5 acres |
| EXISTING USE | Commercial |
| ALLOWED HEIGHT | 70' max |
| CONTAINS OVERLAY ZONE | No |
| ¼ MILE FROM BART | No |
| ADJACENT TO SINGLE FAMILY HOMES | No |

9. East 14th and Hesperian North Parcels

Parcels in the northern edge of Fairmont Square consist of a range of uses including a gas station/car wash, medical center, and small strip mall. Ricky's Sports Theatre and Grill is located in this area.

| | |
|---------------------------------|-----------------------------|
| RANGE OF PARCEL SIZE(S) | > 5 acres |
| EXISTING USE | Commercial |
| ALLOWED HEIGHT | 70' max |
| CONTAINS OVERLAY ZONE | Corridor Transition Overlay |
| ¼ MILE FROM BART | No |
| ADJACENT TO SINGLE FAMILY HOMES | No |

10. East 14th and 150th Ave

Parcels on the northern corner of East 14th and 150th Ave consist of a small strip-shopping center, an energy efficiency company, and multiple apartment complexes.

| | |
|---------------------------------|--------------------------------|
| RANGE OF PARCEL SIZE(S) | 0-5 acres |
| EXISTING USE | Commercial and Residential |
| ALLOWED HEIGHT | 50' max |
| CONTAINS OVERLAY ZONE | Residential Transition Overlay |
| ¼ MILE FROM BART | No |
| ADJACENT TO SINGLE FAMILY HOMES | Yes |

11. Hesperian Boulevard (West)

Parcels located on the west side of Hesperian Boulevard range in size and are a combination of office, commercial, and residential uses, including a large storage facility and mobile home park in the southwestern area.

| | |
|---------------------------------|--------------------------------|
| RANGE OF PARCEL SIZE(S) | > 5 acres |
| EXISTING USE | Commercial |
| ALLOWED HEIGHT | 50-70' max |
| CONTAINS OVERLAY ZONE | Residential Transition Overlay |
| VACANT PARCELS | 0 |
| ¼ MILE FROM BART | No |
| ADJACENT TO SINGLE FAMILY HOMES | No |

12. Hesperian Boulevard (Southeast)

Parcels located on the southeast side of Hesperian Boulevard range in size and consist mostly of duplex and multi-family residential types, along with some small commercial properties.

| | |
|---------------------------------|--------------------------------|
| RANGE OF PARCEL SIZE(S) | > 5 acres |
| EXISTING USE | Commercial |
| ALLOWED HEIGHT | 50' max |
| CONTAINS OVERLAY ZONE | Residential Transition Overlay |
| ¼ MILE FROM BART | No |
| ADJACENT TO SINGLE FAMILY HOMES | No |

13. Olive Court

Olive Court is located off of Hesperian Boulevard and consists of six single family homes, a law office, and an insurance office. The single family homes were built in 1950 and are the only residential units of this type in the Plan Area.

| | |
|---------------------------------|----------------------------|
| RANGE OF PARCEL SIZE(S) | 0-5 acres |
| EXISTING USE | Commercial and Residential |
| ALLOWED HEIGHT | 50' max |
| CONTAINS OVERLAY ZONE | No |
| ¼ MILE FROM BART | Yes |
| ADJACENT TO SINGLE FAMILY HOMES | Yes |

Relationship to City Plans

2035 General Plan

San Leandro's recently updated General Plan is the over-arching policy document guiding the City's future development through 2035. It recognizes the Bay Fair Area as one of the City's most significant areas of potential change, and provides related high-level policies and actions, as shown below. The Bay Fair TOD Specific Plan is intended to implement this guidance provided in the General Plan. The General Plan envisions Bay Fair as a dynamic, walkable, transit-oriented area with a mix of uses – including retail, office, higher density housing, and open space – that leverage their prime location near BART. The General Plan establishes a land use designation of B-TOD for the Bay Fair TOD Specific Plan Area, deferring to the Specific Plan process to establish the details of land use, design, and development for the area. The General Plan refers to the “Bay Fair Transit Village Specific Plan,” but during the Specific Plan process this was changed to the current title of “Bay Fair TOD Specific Plan.” The B-TOD General Plan land use designation was also expanded by slightly to incorporate additional parcels along Hesperian Boulevard and East 14th street, ensuring that the B-TOD land use designation, the Bay Fair TOD Specific Plan, and the B-TOD zoning district all have identical boundaries.

2035 GENERAL PLAN POLICY GUIDANCE FOR BAY FAIR

POLICY LU-8.10: BAY FAIR AREA. Transform the area around the Bay Fair BART station, including Bayfair Center, other shopping centers, and properties along Hesperian, East 14th, and other major arterials, into a dynamic new transit oriented development area. Future development in this area should reposition Bayfair Center to reflect current trends in retailing; add a mix of higher-density residential, office, and other commercial uses; maximize the potential for BART use; and minimize dependence on autos for daily trips.

ACTION LU-8.10.A: BAY FAIR STATION TRANSIT VILLAGE. Complete the Bay Fair Transit Village Specific Plan now underway. The Plan should outline a vision for the area's future development, include standards and guidelines for future development, and present a strategy for achieving desired end results. Following its adoption, undertake rezoning and capital improvements to facilitate implementation.

ACTION LU-8.10.B: EAST 14TH STREET ACTION LU-8.10.A: STREETScape IMPROVEMENTS. Work collaboratively with Alameda County to improve East 14th Street in the Bay Fair area to make the area more attractive, distinctive, and friendly to pedestrians, bicyclists, and transit users.

ACTION LU-8.10.C: BAY FAIR BART CONNECTIONS. Improve the pedestrian and bicycle connection between the Bay Fair BART Station, adjacent transit waiting areas, Bayfair Center, and nearby neighborhoods and shopping districts.



General Plan Strategies

The General Plan promotes the following six overarching strategies throughout the City. These concepts are supported in a variety of ways through the Bay Fair TOD Specific Plan, as described below:

Strategy #1: Growing Strategically

The Bay Fair TOD Specific Plan Area is one of the City's key areas of growth for the next 20-30 years. Within the Bay Fair area itself, the Specific Plan focuses density and intensity near the BART station while transitioning to reduced heights and densities near surrounding neighborhoods.

Strategy #2: Building a Healthier City

The Specific Plan calls for new parks and plazas, bike and pedestrian connections, and a mix of uses, to promote healthier lifestyles. It also promotes equitable access to healthy foods through farmers markets and community gardens, as well as leisure activities and active transportation such as walking and cycling.

Strategy #3: Building a More Sustainable City

Transit Oriented Development is an important component of building a more sustainable community. Focusing urban, mixed use neighborhoods around the Bay Fair BART station will reduce the need to drive and reduce greenhouse gas emissions. The Plan also includes standards and guidelines for green buildings and infrastructure in future development.

Strategy #4: Transforming the Workplace

This Plan aims to evolve with changing workplace trends, and to encourage new uses such as entertainment, artisan studios, tech incubators, and co-working spaces. New investments in the public realm will change the area's character and create a greater focus on workplace livability.

Strategy #5: Becoming a "Smarter" City

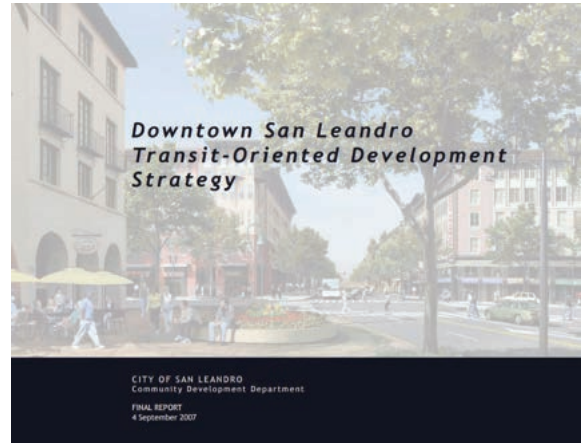
The Plan Area's position in the City makes it a prime location for implementing the City's goal of becoming a "Smart City". The Plan includes developing a plan to expand current fiber optic networks as well as other Smart City applications. This will attract new businesses and provide a significant amenity to residents and employers.

Strategy #6: Creating a "There"

The Plan Area's location and conditions presents a unique opportunity to create new gathering spaces and focal points that will attract residents, workers, and surrounding community members to visit the area. This plan includes strategies to create a "there" by encouraging new plazas, special gathering places, wayfinding and streetscape, a mix of uses, and high-quality architecture and building design.

Downtown San Leandro TOD Strategy

Adopted in 2007, the Downtown San Leandro Downtown Transit-Oriented Development Strategy provides a vision, land use framework, proposed circulation system, design guidelines and principles, and implementation actions to guide downtown development beyond 2030. The TOD Strategy was part of the basis for Downtown's designation by ABAG/MTC as a regional PDA, and recent major development projects downtown have begun to realize the Strategy's vision. The Downtown Strategy is a helpful precedent from another area of the City that is pursuing transit-oriented development.



E. 14th Street Plans

The City of San Leandro and Alameda County, respectively, have established plans for the segments of the East 14th Corridor that are adjacent to the Bay Fair project area, extending for several miles in either direction. Alameda County's Ashland Cherryland Business District Specific Plan (adopted 2015) covers the East 14th corridor as it continues southeast from the Bay Fair area. San Leandro's East 14th Street South Area Development Strategy (adopted 2004) provides design guidance for the portion of the East 14th corridor between Bay Fair and Downtown San Leandro. Many of the concepts in both plans – such as transitions to adjacent residential neighborhoods, corridor design and land use strategies, transportation and street facilities, and streetscape concepts – may be relevant to the portions of East 14th Street within the Bay Fair TOD Plan Area.

Relationship to Regional Plans

Plan Bay Area

Plan Bay Area was jointly approved by the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) in 2013, and is currently undergoing a strategic update called Plan Bay Area 2040. Plan Bay Area is the Bay Area’s Sustainable Community Strategy (required by the state per Senate Bill 375), which provides an imperative to reduce greenhouse gas emissions by creating more livable, equitable, and environmentally sustainable communities. It addresses land use, transportation, housing, economics, and sustainability in an integrated regional development plan for the Bay Area, with a particular focus on walkability and transit-oriented development.

San Leandro and Alameda County PDAs

San Leandro currently has two established PDAs: the Downtown TOD area and the East 14th Street Corridor (which shares a border with the northwest edge of the Bay Fair Specific Plan area). In addition, Alameda County has two established PDAs that are directly adjacent to the Bay Fair TOD Specific Plan area: the East 14th and Mission Boulevard PDA, which borders much of the Bay Fair project area to the East (including the BART parking lot and frontage along East 14th across from Bayfair Center), and the Hesperian Boulevard PDA, which extends along Hesperian Boulevard south from the Bay Fair TOD Specific Plan project area.

While surrounded by these various established PDAs, Bay Fair itself is only recognized by ABAG as a “Potential” PDA, shown in Figure 3.6 below. Creating the Bay Fair TOD Specific Plan will enable the Bay Fair area to gain PDA status from ABAG and MTC. Being a certified PDA makes an area eligible for a variety of federal, state, and regional funding, while strategically positioning an area to be consistent with regional planning and investment goals.

Plan Bay Area’s Bay Fair PDA Vision

“

Plans for the area include creating a place that is attractive and safe; improving connections to jobs, services, and transit; providing a range of housing options; fostering fiscal and economic growth that favors the creation of a higher-density and mixed-use district that promotes walking, biking, and transit use. Strategies to achieve these urban design goals include; circulation and access for pedestrians, bicyclists, drivers, and transit users; parking management; market and financial feasibility; and design guidelines for higher-density development and ensuring appropriate transitions to existing neighborhoods. In particular, these strategies focus on adding more housing in the area while improving the circulation network between the BART site, Bayfair Center, and surrounding areas.

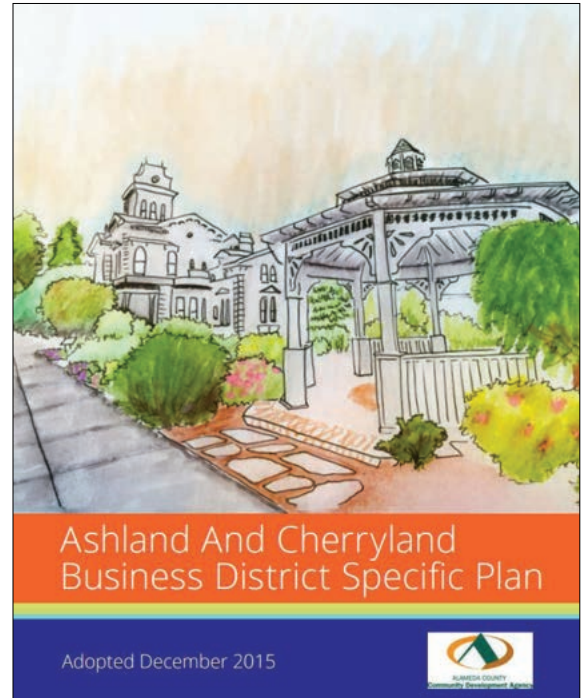
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(Plan Bay Area: Vision for Priority Development Areas, Jobs-Housing Connection Strategy, 2012)

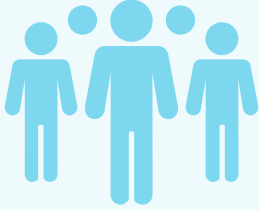
Ashland/Cherryland Business District Specific Plan (Alameda County)

In July 2015, Alameda County released a public draft of the Ashland/Cherryland Business District Specific Plan. The northwest portion of the Plan Area cover County land along East 14th Street, directly adjacent to the Bay Fair TOD Specific Plan Area (See Figure 3.2). The Ashland/Cherryland Business District Specific Plan provides direction for development and urban design, and seeks to support community and economic development by capitalizing on the area's unique assets and character.

The Specific Plan includes the "Bayfair Corridor" zone from 150th to 159th Avenue, adjacent to the Bay Fair TOD Specific Plan Area. The Bayfair Corridor zone is intended to provide a vibrant mixed-use environment adjacent to public transit that strengthens present and future commercial opportunities, serves daily needs of surrounding neighborhood residents, and accommodates growth and infill. Further south along East 14th Street (between 159th to 163th Avenue), the District Mixed-Use zone is intended to provide a vibrant, walkable urban main street environment with a variety of urban housing choices and commercial and entertainment opportunities.



How to Use this Document



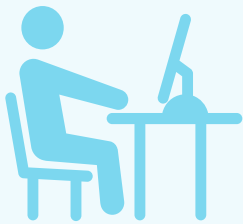
If you are a Community Member

For community members who are interested in learning about this plan, Chapter 2 will help you understand the vision and key strategies for the Bay Fair area in the next 20 years. Chapters 3, 4, and 5 have more detailed information about street improvements, land uses, and design standards that you could expect in this area.



If you are a Property Owner or Developer

Property owners who are interested in developing in the Plan Area should become familiar with the Plan's overall planning framework, as described in Chapter 2. Development applications and project designs will need to be consistent with the Specific Plan's development standards and guidelines (Chapter 5), as well as relevant guidance for Mobility (Chapter 3), Land Use (Chapter 4), and Infrastructure (Chapter 6).



If you Work for the City

If you are an elected City official or City staff, you will be responsible for guiding property owners and developers in their development decisions and applications. The City will use this plan to evaluate these applications and when planning public improvements to ensure new development is consistent with the overall vision and policies. Future public infrastructure, mobility, and public realm investments should be consistent with the Bay Fair TOD Specific Plan. The City should regularly monitor the progress being made on public projects in the Plan Area.

WHAT IS A POLICY, STANDARD, AND GUIDELINE?

- POLICY** Policies apply to the entire Bay Fair Plan Area, and are a statement of the City's approach to a particular topic. Not every project must fulfill every policy goal; rather, future projects will contribute in different and unique ways to the overall policy goals for the Plan Area.
- STANDARD** Standards are requirements that must be followed, unless an exception to a standard is otherwise noted. Standards are typically written with "shall" statements. Some standards include numeric requirements that must be followed.
- GUIDELINE** Guidelines are the City's expectation for how site, building, infrastructure and other improvements should be designed. Projects should comply with guidelines, but there is flexibility in how projects meet each guideline depending on project design and location. These guidelines are typically written with a "should" statement.
- ACTION** The Implementation Chapter includes actions - including both programs and physical improvements - that should be completed in order to fully achieve the vision of the Specific Plan.

Community Engagement

Central to the creation of the Bay Fair TOD Specific Plan was an extensive community outreach process to ensure broad public participation. The City prepared a Community Involvement Strategy prior to the start of the planning process. Key goals of the community involvement efforts were:

- Open and transparent process
- Engagement and empowerment of and relationship-building with diverse community stakeholders
- Meaningful education of the public
- Close coordination with project partners and other relevant public or private agencies
- Civil and respectful dialogue among participants
- Consistent communication
- Alignment of the Plan with community needs

Community involvement in this process was critical to understand how residents, business owners, visitors, and community organizations view the Bay Fair area conditions and how they envision the area in the future.

During the planning process, the City engaged several hundred community members in a variety of venues and formats. These included:

- **CAC and TAC (see descriptions on the following page).** Overall project guidance from a Community Advisory Committee and Technical Advisory Committee.
- **Pop-up events.** Pop-up outreach events at the Bay Fair BART station and Bayfair Center.
- **Website.** The City created a project website providing current project information, upcoming events and updates.
- **Survey.** An online survey with 44 responses soliciting input on project priorities and desired outcomes.
- **Stakeholder interviews.** Interviews with local stakeholders and stakeholder groups such as commercial property owners and HOAs impacted by the Plan Area, and the Chamber of Commerce.
- **Developer outreach.** A non-profit and market-rate developer focus group was conducted in October 2016 to gain input on the feasibility of market and affordable residential development in the Plan Area.
- **Appointed and elected bodies.** City staff and Raimi + Associates provided updates to and received direction from the Planning Commission and City Council throughout the planning process as well as relevant Boards/Commissions including the Board of Zoning Adjustments, Bicycle Pedestrian Advisory Committee, Youth Advisory Commission, and Senior Commission.
- **Mailing list.** Cultivation of a project mailing and email list, and regular communication through mail and email to communicate with the community and interested parties about the planning

process and public meeting dates. The email list consisted of over 450 individuals representing City and County stakeholders such individual homeowners & tenants, property owners, businesses, community organizations (such as HOAs), environmental organizations, housing advocates/stakeholders, transportation advocates/stakeholders, nearby school districts, elected officials, relevant City Boards/Commissions. The City also noticed property owners within 500 feet of the Plan Area about key public meetings, and also solicited assistance from Alameda County Supervisors Wilma Chan and Nate Miley’s offices to help outreach to their constituents impacted by the Plan.

- **Community workshops.** Community Workshop #1 occurred in September 2016 and was an interactive open house to gauge community preference on land use and design alternatives, potential transportation improvements, and desired outcomes. The community was asked to participate in multiple interactive exercises where they can give input on, street concepts, and desired outcomes and vision. Community Workshop #2 occurred in October 2017 where there was a presentation of the Draft Specific Plan and EIR, with interactive exercises to receive community feedback.
- **Multilingual outreach.** With public notices for community engagement events such as Planning Commission and City Council meetings and the community workshops, the City provided guidance in Spanish and Chinese regarding availability of translation and accommodations for persons with disabilities.

Citizens Advisory Committee

The Citizens Advisory Committee (CAC) was composed of 21 community members appointed by the City Council to help guide the preparation of the Plan and provide a broad diversity of perspectives. The City undertook a public process to solicit and select CAC member from the community. The City Council ratified the CAC members in February 2016. Members included interested citizens, business owners, advocates, and other stakeholders, from within the Plan Area and surrounding areas in the City and County. The CAC met a total of four times to identify desired project outcomes; provide initial feedback on project policies strategies; and help vet plan concepts before they were presented to the community, the Planning Commission, and the City Council.

Technical Advisory Committee

The Technical Advisory Committee (TAC) was composed of 10 members with the goal of providing technical input during the planning process. Members were from Alameda County, AC Transit, City of San Leandro, BART, Caltrans, Association of Bay Area Governments (ABAG), and other relevant agencies or technical partners in the area. The TAC provided technical and feasibility review to different stages of the project.





NO SMOKING BEYOND THIS POINT

"AHI WAS THAT MY TRAIN?"

INSIDE OUT
APRIL 19 - 20

HELLO... PERSONAL SPACE!



TO ALL TRAINS

TICKET VENDORS

chapter 2

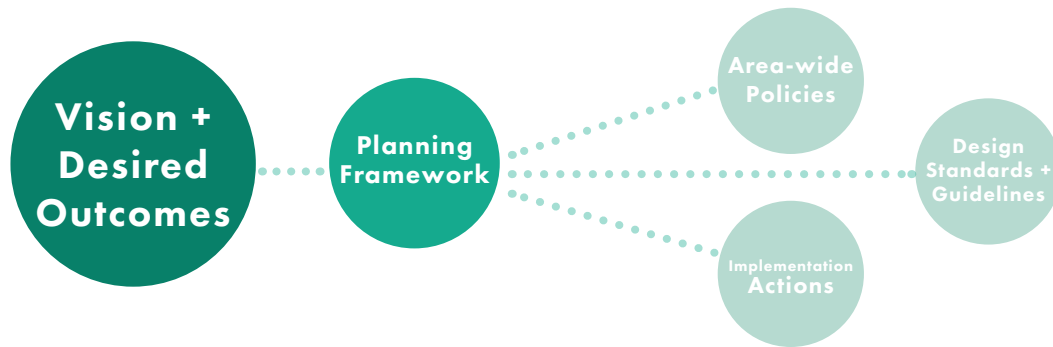
VISION + PLANNING FRAMEWORK

The Bay Fair TOD Specific Plan provides a vision for a sustainable, vibrant, walkable, and safe transit-oriented village with a diversity of land uses serving residents, workers, and visitors.

The Bay Fair Area will be a mixed-use urban village anchored by compact, transit-oriented buildings and public space that are attractive and have highly sustainable features. It will support housing, retail, office, entertainment, and civic uses, with safe pedestrian and bicyclist connections to public transit, services and employers. Buildings will be designed to respect the scale and character of adjacent residential neighborhoods. The village will feature stores, services and restaurants for neighbors and workers, as well as active plazas and open spaces throughout the area for public enjoyment. Bay Fair will be a model for sustainable, healthy development, and will embrace new technology and innovations, positioning the area for success over the next 20 years and beyond.

Desired Outcomes

The Bay Fair Specific Plan’s vision is implemented through the following desired outcomes, described below. The desired outcomes set the stage for the Specific Plan’s overall planning framework, and are supported by area-wide policies, design standards and guidelines, and implementation actions in the rest of the Plan.



- 1 **MORE PARKS AND OPEN SPACE.** Increase the amount of parks, green space, plazas, and other public space that encourages pedestrian activity, recreation, and access to nature.
- 2 **MORE WALKABLE ENVIRONMENT.** Improve the pedestrian experience, public space, aesthetics, and design quality to attract visitors, serve residents, and promote walking.
- 3 **BETTER MOBILITY AND CONNECTIVITY.** Improve pedestrian, bicycle, transit, and vehicle connections through the creation of an interconnected street grid, with a focus on better pedestrian and bicycle connections between the Bay Fair BART station and the adjacent shopping areas.
- 4 **IMPROVED SAFETY AND LESS CRIME.** Improve safety in and around the Bay Fair area through a range of strategies including increased pedestrian activity; more “eyes on the street;” enhanced and more coordinated policing; better lighting; activation of vacant spaces; and an increased sense of ownership and stewardship by residents, workers, and visitors.
- 5 **COMPATIBILITY WITH ADJACENT NEIGHBORHOODS.** Ensure compatibility with the residential neighborhoods adjacent to the Plan Area – including those in unincorporated Alameda County as well as the City of San Leandro – and encourage sensitive design transitions, public amenities, and uses and services that benefit surrounding neighborhoods.
- 6 **DIVERSITY OF USES.** Support a diverse, sustainable mix of uses including retail, housing, workplaces, and community spaces. Encourage a variety of essential goods and services such as grocery stores, pharmacies, banks, social services, restaurants, and other businesses.
- 7 **DIVERSE AND AFFORDABLE HOUSING.** Support both market rate and affordable housing, and seek to protect existing residents from involuntary displacement.
- 8 **RANGE OF EDUCATIONAL OPPORTUNITIES.** Provide a range of services to provide opportunities for higher education, business incubation, and vocational and employment training programs for all age groups.



- 9 **COMMUNITY FACILITIES.** Provide community facilities necessary to support the level and type of additional growth, including schools, community and senior centers, child care centers, and public safety facilities.
- 10 **EFFICIENT AND SHARED PARKING.** Implement parking management solutions that most efficiently use parking resources, including sharing of public and private parking spaces between different uses, and sharing between different use types such as residential, office, and commercial.
- 11 **BART AND BUS STATION IMPROVEMENT.** Support and improve the Bay Fair BART and bus stations as integral amenities for the surrounding neighborhoods, the City, the County, and the region.
- 12 **ZONING ALIGNED WITH COMMUNITY VISION.** Ensure future zoning is aligned with the community vision, while allowing flexibility to adjust to changing trends and land ownership.
- 13 **LOCAL AND REGIONAL DESTINATION.** Provide attractive and usable public space, outdoor dining, public art and dynamic retail experiences to create central gathering places that serve local and regional populations.
- 14 **INFRASTRUCTURE.** Improve and maintain basic infrastructure such as roads, landscaping, stormwater management facilities, flood control, and water, sewer, gas, lighting, and telecommunications service/high-speed fiber optics and wireless broadband services, including support for both community (i.e., San Leandro WiFiber, which is the City's free and public Wi-Fi service) and commercial(i.e., Comcast, AT&T, Lit San Leandro) networks.
- 15 **ENVIRONMENTAL SUSTAINABILITY.** Create a sustainable urban environment that incorporates green building features, green infrastructure and ecology, sustainable energy systems, water efficiency and conservation, and sustainable transportation systems.

Planning Framework

The following strategies are integrated throughout the Bay Fair TOD Specific Plan, providing a big-picture planning framework for the rest of the Specific Plan:

- 1 Improve Mobility for all Modes along Existing Major Streets**
- 2 Strengthen New Connections to BART**
- 3 Create a Grid of Smaller Blocks**
- 4 Create Special, Memorable Public Places and Open Spaces**
- 5 Enable Range of Future Scenarios**

Each is illustrated and described on the following pages. These key strategies build on the Vision and Desired Outcomes to show how they should play out physically in the Specific Plan. They are intended to be visionary yet flexible as the plan is implemented into the future. These framework concepts are not regulatory, but they are consistent with – and implemented by – the more detailed standards and guidelines found in the rest of the plan.

1 Improve Mobility for all Modes Along Existing Major Streets

The first step in transforming the Plan Area into a multi-modal walkable village is to make the major existing streets friendlier to pedestrian and bicycle users. To improve multi-modal access and safety on these streets, the Plan outlines a series of improvements including adding bicycle lanes, removing travel lanes, creating new intersection and crossings, requiring better landscaping and lighting, and improving the pedestrian environment. These changes will all contribute to making the area a more comfortable and inviting area to walk, ride a bicycle, and take transit. This, in turn, will encourage residents and visitors to patronize and utilize the area, supporting Bay Fair as a destination for retail, transit, and community gathering. A complete network of new streets and pedestrian ways shown on the map (see

Figure 2.1) will also improve connectivity and walkability throughout the Bay Fair TOD Plan Area.

New signalized crossings should be installed at existing intersections where the distance between crossings are the longest. These locations may include 156th Avenue and East 14th Street, 152nd Avenue and East 14th Street / Hesperian Boulevard, and at the planned East Bay Greenway crossing at Hesperian. New universally accessible crossing designs, including lighting and median refuge areas, will improve safety and remove barriers for surrounding neighborhoods to access and support retail and BART.



Complete streets re-design

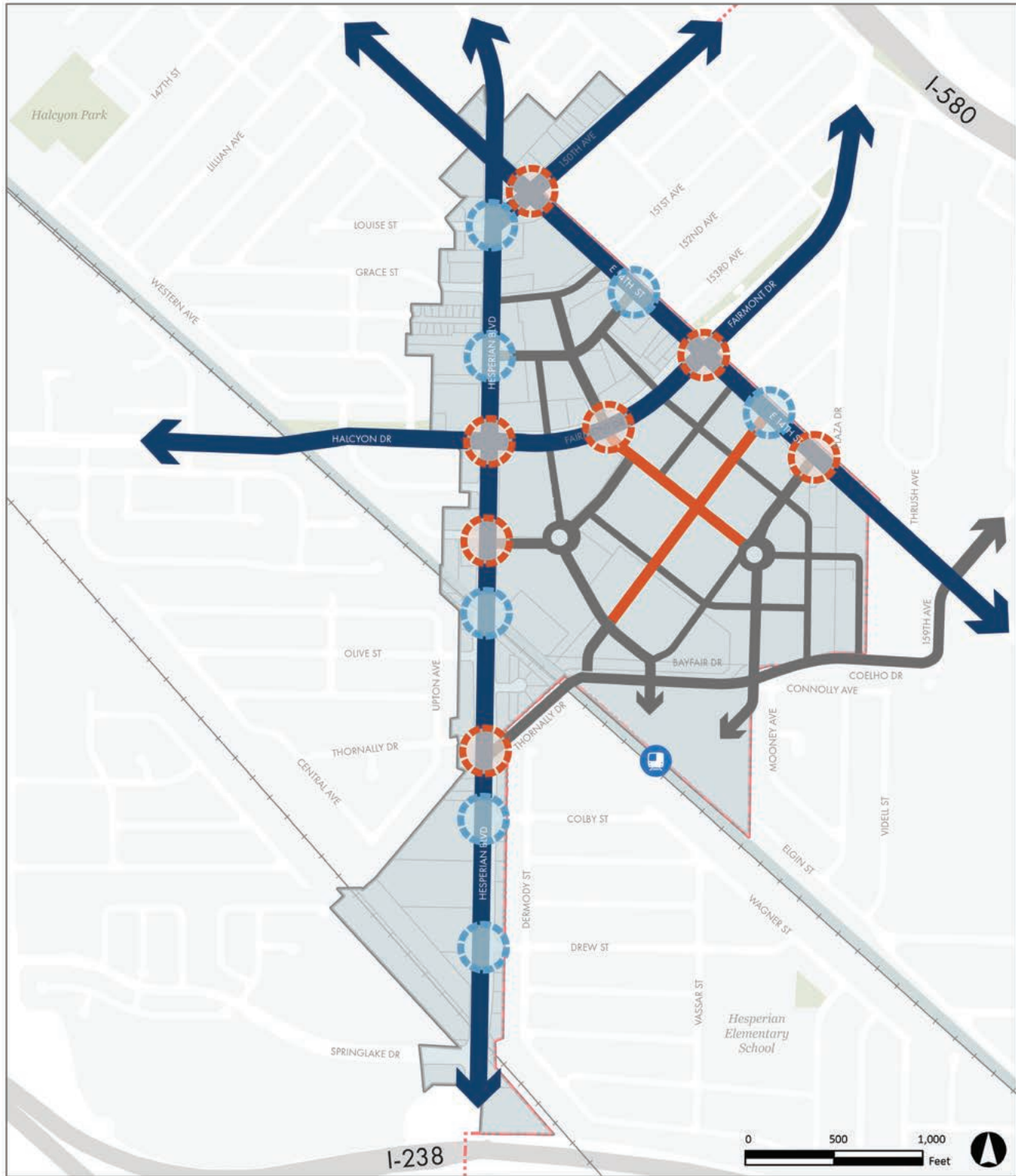


Pedestrian amenities



Mid-block crossing near Downtown San Leandro BART Station

Figure 2.1: Improved Mobility and Connections on Major Existing Streets



- Existing Arterial or Collector Street
- Local Street Connection
- Special Pedestrian-Oriented Active Connection
- Local Street or Pedestrian/Bicycle Connection
- New Crossings
- Improved Crossings
- City Limit
- Project Boundary
- Bay Fair BART Station
- Union Pacific Right of Way

2

Strengthen New Connections to BART

Connections to and from the BART station for all users including transit riders, vehicles, pedestrians and cyclists is important for the long-term success of the surrounding retail businesses and residential neighborhoods. Existing and new routes should be used to increase connectivity to and from BART. New connections should prioritize pedestrian and bike users. The Bay Fair TOD Plan recommends better way-finding, new connections through the Bayfair Center parcels and across the Estudillo Canal, improved visual connections from Hesperian Boulevard to the BART Station, implementation of the East Bay Greenway and new at-grade connections between the two BART parcels, in coordination with Alameda County and BART.

The diagrammatic network of streets and other connections shown here and elsewhere in the Plan illustrates the Plan's vision, while leaving flexibility for reasonable adjustments during the creation of final development plans, as long as the Plan's intent, standards and guidelines are met. Similar to the final land use mix being dictated by market forces, the final street and connectivity network will be partly driven by feasible plan phasing as it relates to economic forces and property ownership, especially during a transitional period between the current retail operations and final implementation of the Plan.



Example of BART wayfinding

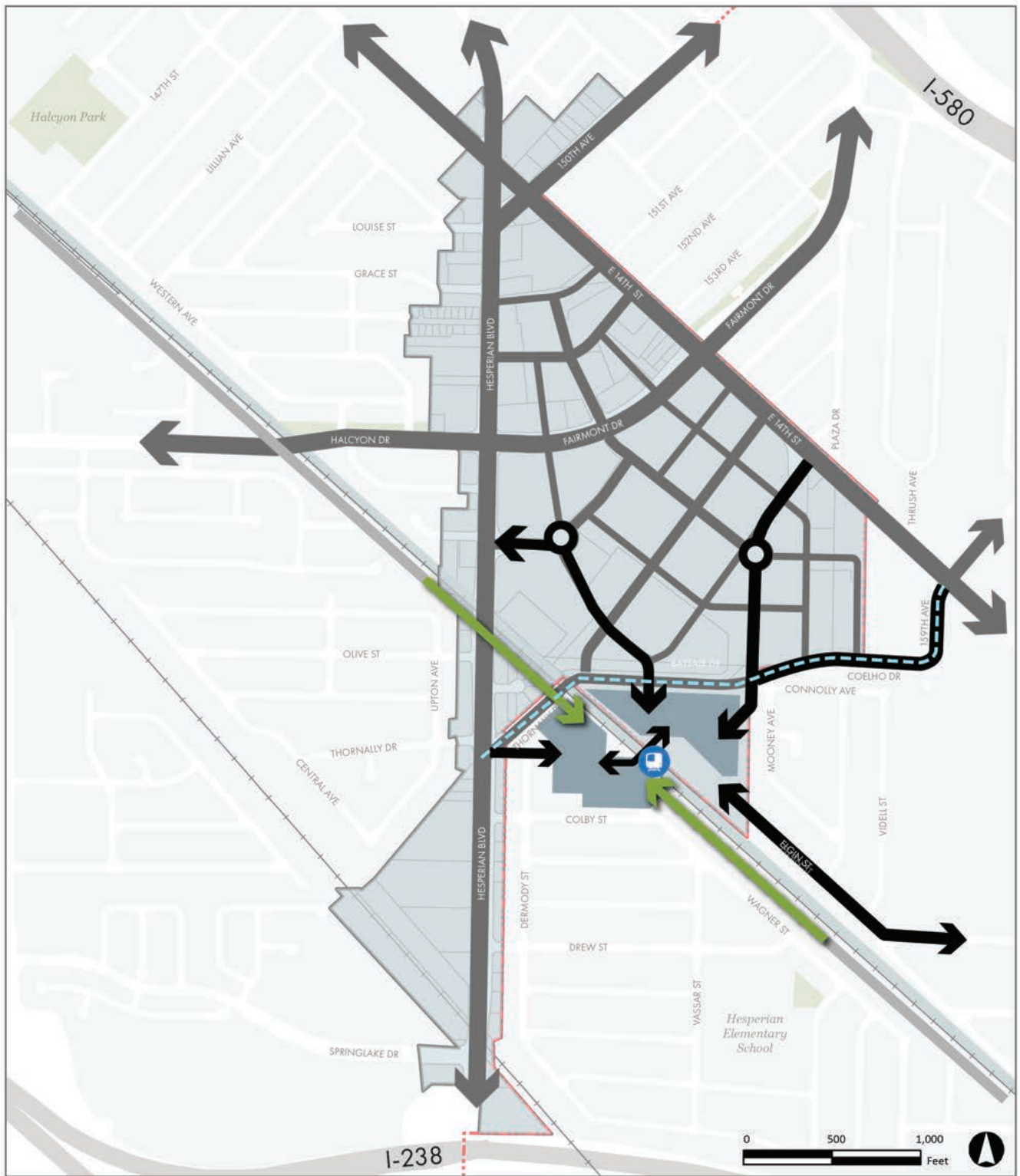


Example of pedestrian-oriented retail street



Example of an off-street path similar to the future East Bay Greenway

Figure 2.2: Stronger New Connections to BART



- ← New / Improved Connection to BART
- ← Other Connections
- ← Connection from East Bay Greenway
- BART Property
- - - Bus Transit Connection
- City Limit
- Project Boundary
- Bay Fair BART Station
- Union Pacific Right of Way

3 Create a Grid of Smaller Blocks

Small block sizes improve access and walkability throughout a neighborhood, offering more route choices for pedestrians. The Bay Fair area currently lacks clear connections and a coherent block structure, and is dominated by several very large parcels without connections through them. To address this issue, large parcels should be divided into smaller blocks over time as development or on-site improvements occur, ensuring the desired “village” character and smaller, more walkable neighborhood scale. In general, blocks should be no longer than 400 feet, with mid-block connections breaking up larger blocks. New connections should be publicly-accessible, although they may occur on privately-owned

land. Publicly accessible connections might be streets, alleys, pedestrian-and-bicycle-only connections, or publicly-accessible linear open spaces. New connections should lead from one public right-of-way or publicly accessible connection to another, avoiding cul-de-sacs and dead-ends.

Figure 2.4 shows an example of a new mid-block connection, while Figure 2.4 outlines the key connections that should be created when developing the large parcels. This is consistent with the guidance found in the Mobility (Chapter 3) and Development Standards (Chapter 5) chapters of the Bay Fair TOD Specific Plan.

Figure 2.3: Publicly-Accessible Mid-Block Connections for Long Blocks

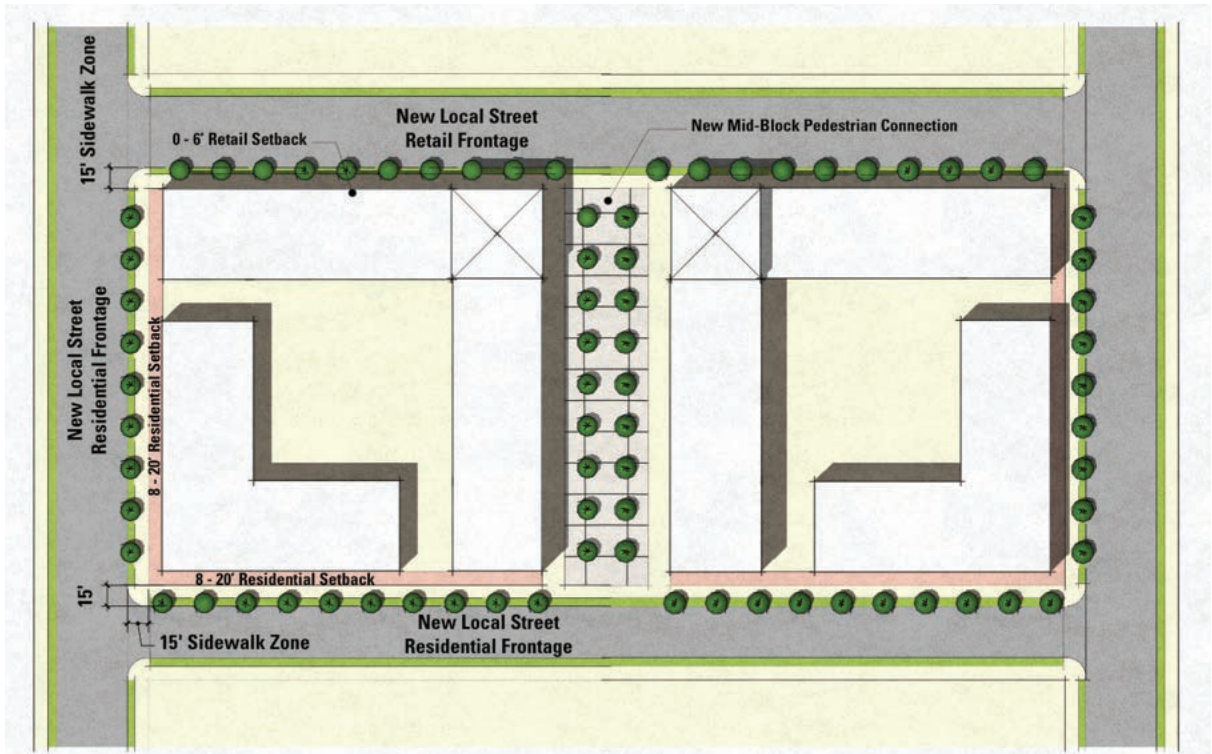
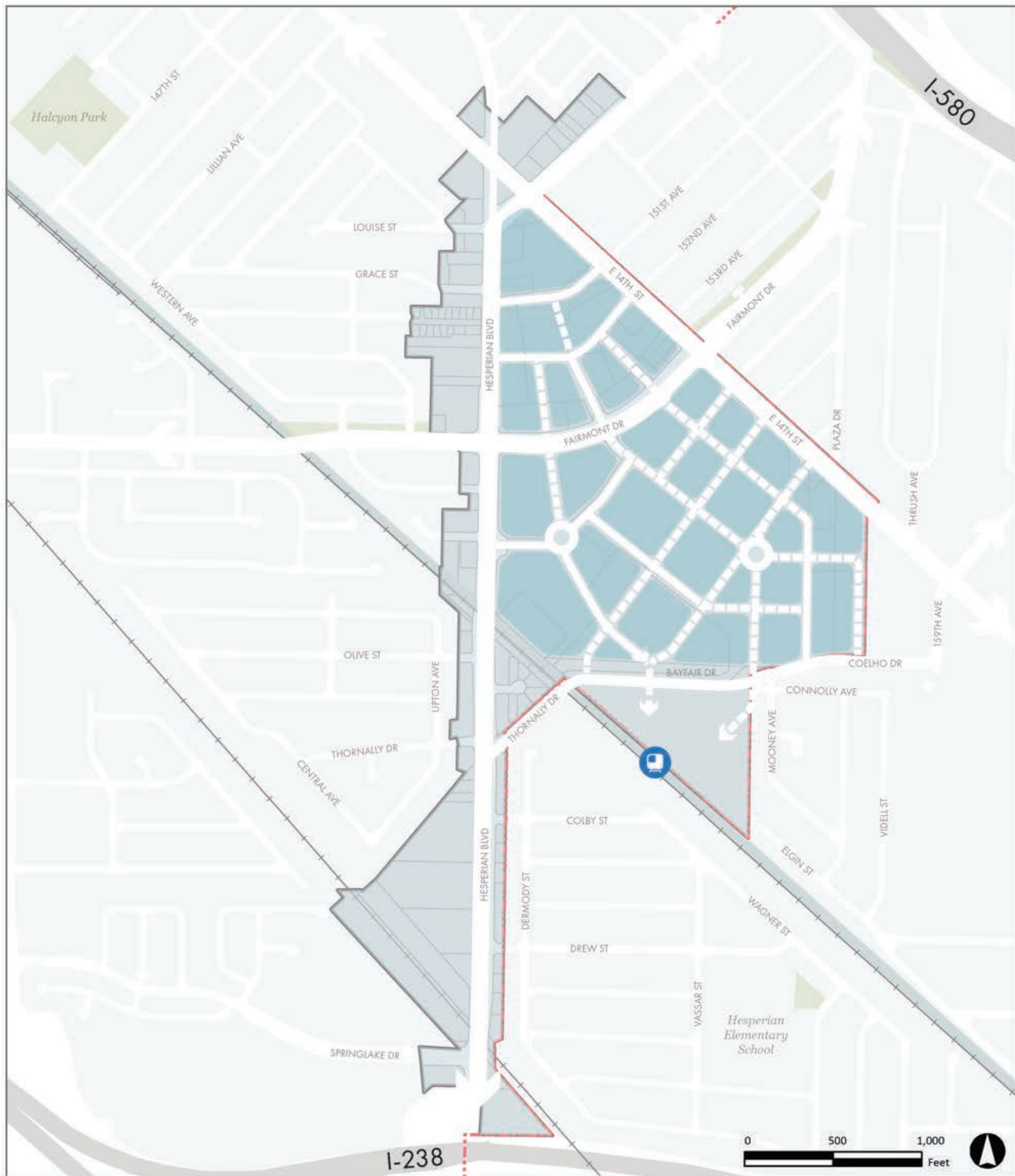


Figure 2.4: New Connections



— Connection along Existing Parcel Boundary, or Existing Street
 — New Mid-Block Connection within Existing Parcels

--- City Limit
 — Project Boundary
 B Bay Fair BART Station
 — Union Pacific Right of Way

4

Create Special, Memorable Public Places and Open Space

The Specific Plan seeks to create places, streets, and spaces that meet the needs of people at all stages of life; are safe and visually attractive; are accessible to users of different abilities; have their own distinctive identity; and contribute to local character.

Key to the successful transformation of Bay Fair is creating a network of memorable public spaces. Special places such as parks, plazas, pedestrian-oriented “main streets,” and shared streets can create a strong identity for the area as an important center of activity. Some examples of other successful pedestrian-oriented main street areas and public spaces near transit in the East Bay include Downtown San Leandro, Downtown Hayward, the Fruitvale station area in Oakland, and the emerging Fremont City Center area near Fremont BART.

Some of the key features of the future open space network are as follows:

- A primary “special” and identifiable place should be located at the heart of the new transit village. The “special” place may be a plaza, “main street,” or central park and may include public and/or interactive art.
- New open spaces should be located to improve way-finding throughout the Plan Area.
- Open space sizes, uses, and design types should be varied throughout the Plan Area.
- At least one major open space should be located within the Plan Area.
- Stormwater detention, swales, and green infrastructure should be integrated as an open space feature.
- Estudillo Canal should become an attractive, ecologically valuable open space amenity over time.



Example of central park



Example of plaza

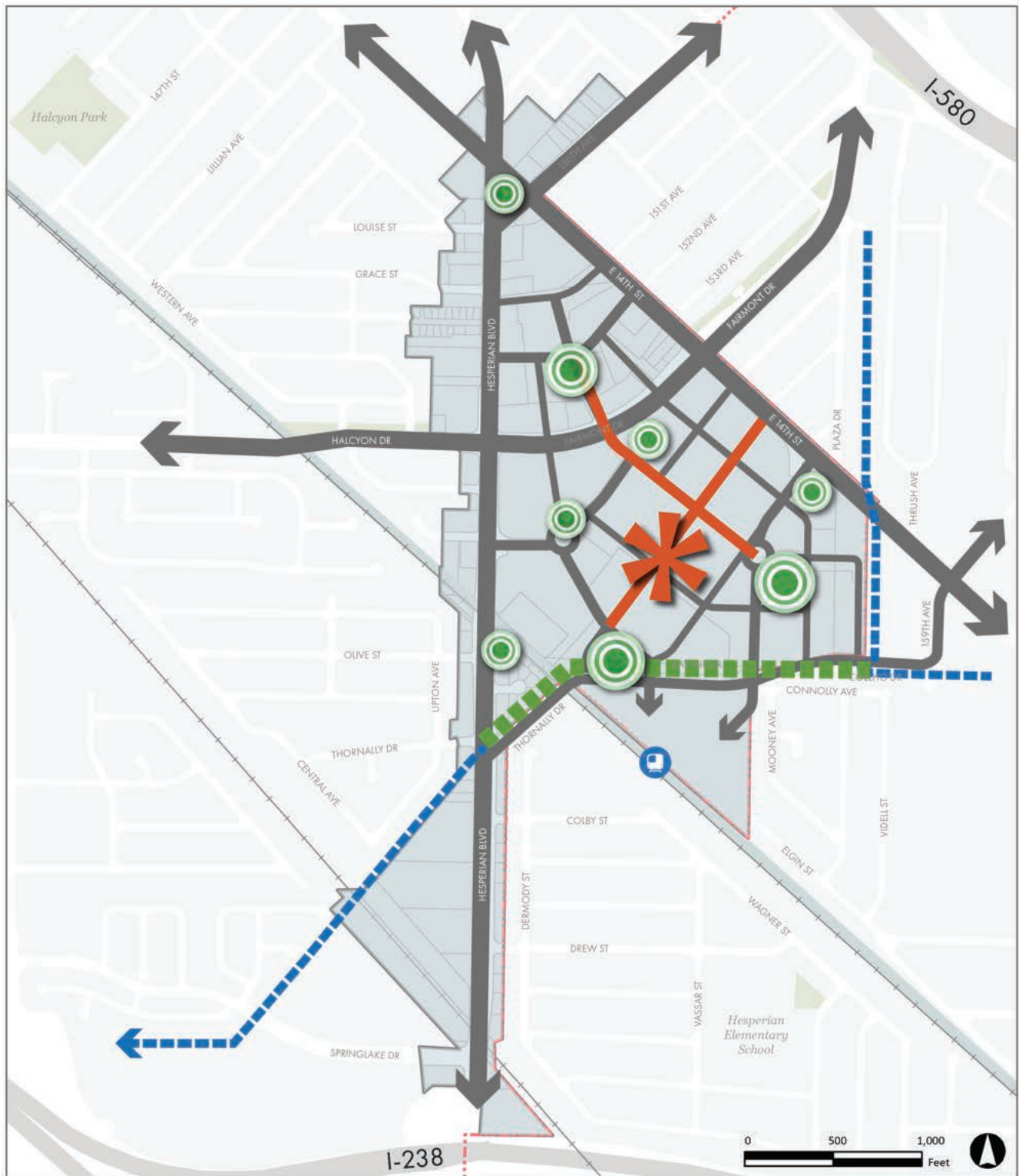











Example of restaurant patio



Example of pedestrian-only street

Figure 2.5: Special Public Places Concept



-  Central Plaza or other Large Public Open Space (potential location)
-  Special Pedestrian-Oriented Active Connection (potential location)
-  Neighborhood Plaza or Park (potential location)
-  Existing Estudillo Canal
-  Focus of Proposed Stormwater/ Open Space Improvements for Estudillo Canal
-  City Limit
-  Project Boundary
-  Bay Fair BART Station
-  Union Pacific Right of Way

5

Enable a Range of Future Scenarios

The intent of this Specific Plan is to provide clear standards for foundational land use and design elements, while providing flexibility for a range of potential future scenarios that could play out over time. The Plan takes a flexible approach to land use regulation, allowing a broad range of uses throughout the area, while focusing on excellent public space and pedestrian-oriented building design for all uses.

The illustrative scenarios below show a range of potential futures for the area that could be possible within the parameters established by this Specific Plan, over the 20-year time horizon of the Plan. These scenarios range from a future re-design and reconfiguration of the Bayfair Center and opportunistic housing development around the fringes (Figure 2.7) to a transformative redevelopment of almost

the entire area with a flexible mix of housing, office, retail, and new open spaces (Figures 2.8 and 2.9). In large part, the final land use mix in the area will be dictated by market forces, landowner decisions, the ability to provide infrastructure, and the feasibility of different project types as the Bay Fair area continues to evolve. Retail is expected to continue to have a significant presence in the area in all scenarios, with an amount of retail space similar to the current amount (about 1.2 million square feet as of 2017) or a slight reduction due to changing retail formats and building uses. There is anticipated to be an increase in housing in the area, but the exact amount is unknown and could vary significantly depending on market conditions. Similarly, there may be an increase in office space in the area, although the immediate economic feasibility of office may be more challenging than housing.

Figure 2.6: Existing Conditions

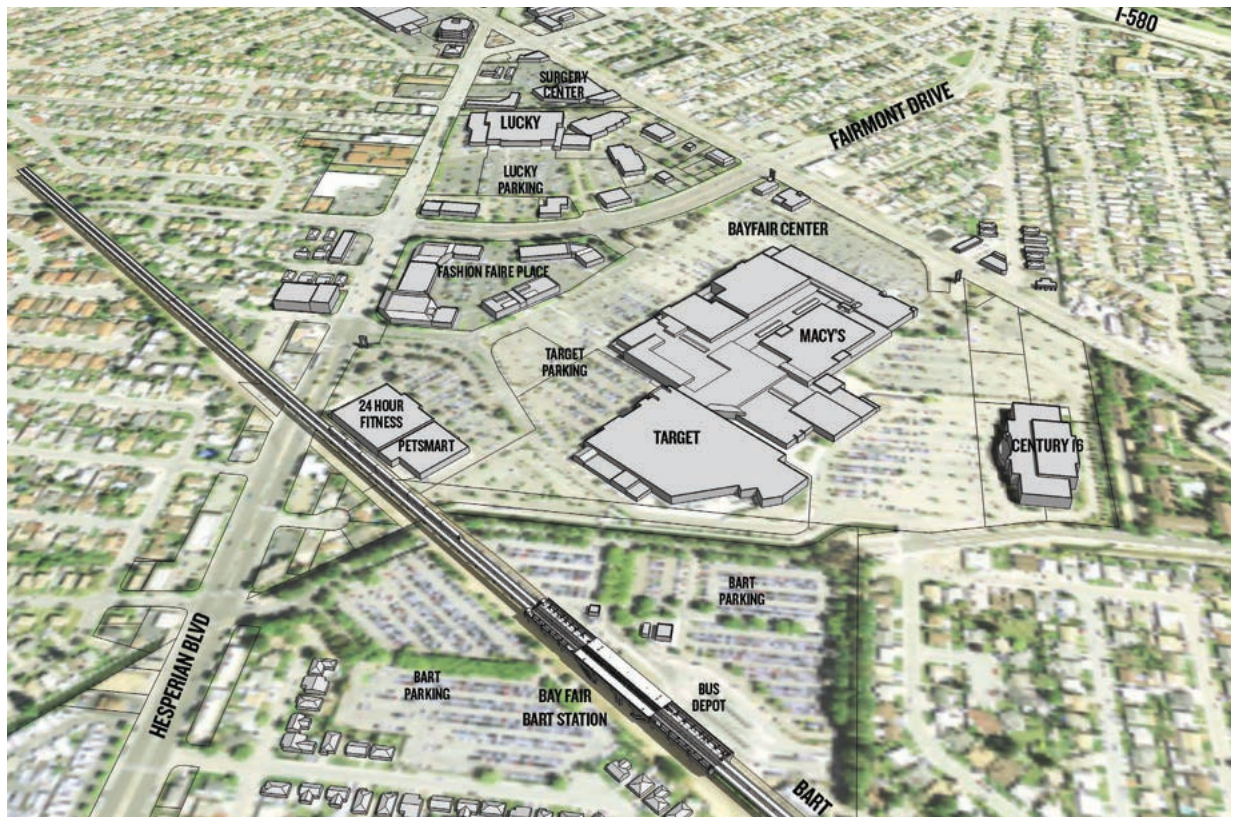


Figure 2.7: Mall to Village #1: Retail/Residential Potential Scenario

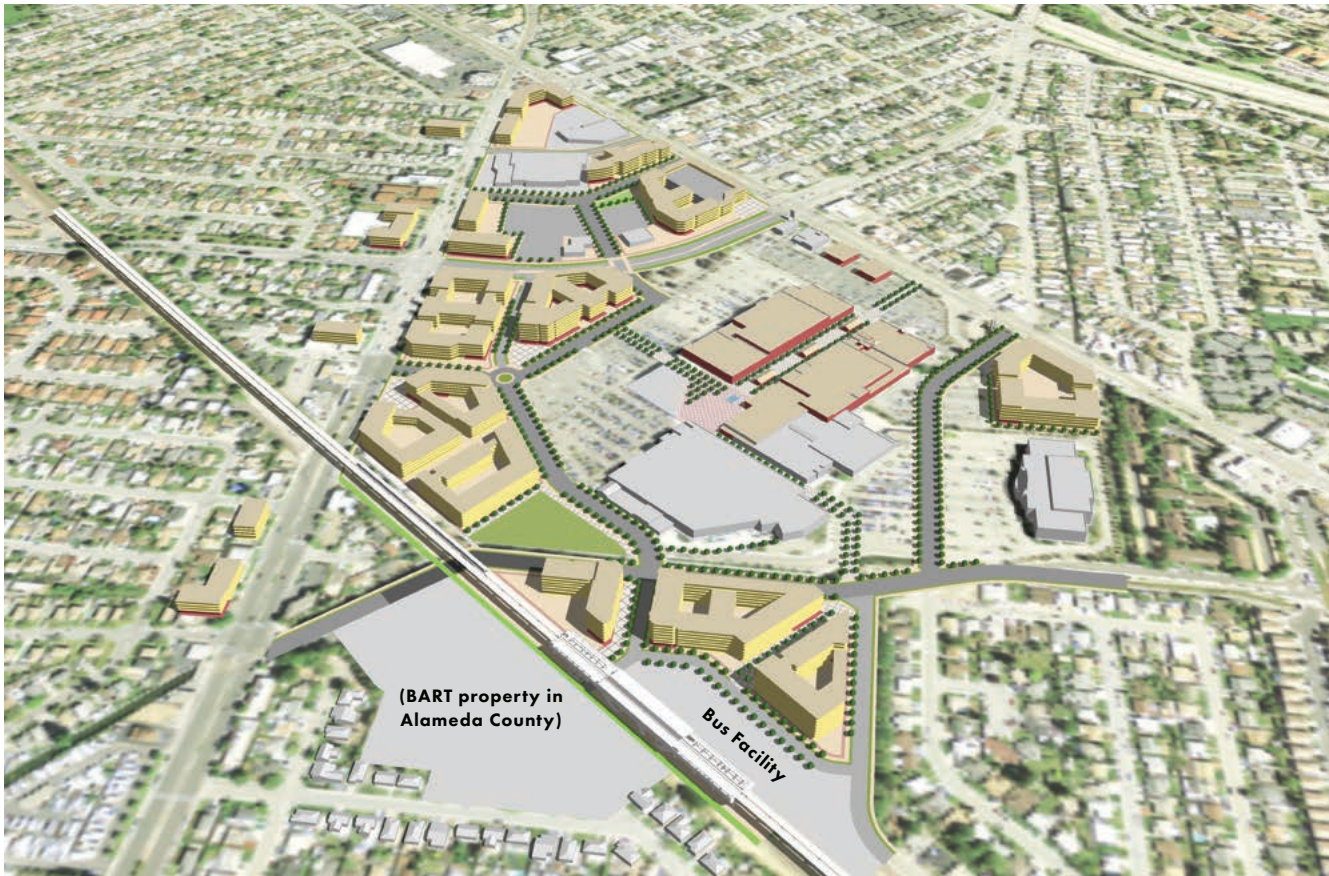


Figure 2.8: Mall to Village #2: Residential/Retail Potential Scenario (Higher Density)



Figure 2.9: Mall to Village #3: Residential/Office/Retail Potential Scenario



A photograph of a city street scene. In the foreground, a young tree with green leaves stands on a sidewalk. The street is paved with asphalt and has white lane markings. In the background, there are several palm trees and a clear blue sky. A dark blue rectangular overlay is positioned in the center of the image, containing the text 'chapter 3' in a light blue, italicized font and 'MOBILITY' in a white, bold, sans-serif font.

chapter 3
MOBILITY

The guidance in this chapter applies to any public street, bicycle/pedestrian connection, public right-of-way, or other transportation improvement completed by the City or private development projects. The network and design concepts are intended to improve connections and enhance walkability on existing corridors such as Fairmont Drive, Hesperian Boulevard, and East 14th Street, while providing new multi-modal connections throughout the Bay Fair area. The chapter also encourages proactive transportation demand management, efficient parking strategies, and well-designed public frontages and sidewalks to increase the area's overall functionality and livability. The transportation concepts in this chapter are consistent with the framework concepts presented in Chapter 2, as well as with the land use and building design guidance throughout the rest of this Specific Plan.

This chapter covers the following topics:

- 1 AREA-WIDE MOBILITY**
- 2 LOCAL STREET NETWORK**
 - Local Pedestrian Network
 - Local Bicycle Network
 - Local Transit Network
- 3 EXISTING ARTERIAL AND COLLECTOR STREETS**
 - East 14th Street
 - Hesperian Boulevard
 - Fairmont Drive
- 4 SIDEWALKS AND PUBLIC FRONTAGES**
- 5 PRIVATE PARKING**
- 6 PUBLIC PARKING**
- 7 TRANSPORTATION DEMAND MANAGEMENT**



An example of crosswalk and streetscape improvements along a large arterial street (on San Leandro Boulevard near the downtown San Leandro BART Station)

Area-wide Mobility

The policies below provide area-wide direction for mobility and transportation throughout the Bay Fair TOD Specific Plan Area. They provide a policy basis and framework for the more topic-specific, location-specific design standards and guidelines found in the rest of this chapter.

Area-wide Mobility Policies

1. **MOBILITY NETWORK.** The desired street, bicycle, and transit networks for the Plan Area are defined in Figures 3.1 (street), 3.2 (bicycle), and 3.3 (transit). The City may choose to work with developers to implement various alternatives to the transportation network shown in this plan as conditions change, as long as the alternatives provide a complete, connected network and support the overall plan vision.
2. **COMPLETE STREETS NETWORK.** Provide a network of “complete streets” to prioritize safety and access for drivers, transit users, pedestrians and bicyclists regardless of age, ability, or mode of transportation (See City of San Leandro General Plan 2035 Transportation Chapter Policy T-2.1).
3. **MULTIPLE TRANSPORTATION OPTIONS.** Reduce reliance on the automobile for trips to and from the Bay Fair area through a mix of land uses and safe, convenient connections for pedestrians, bicyclists, and transit users.
4. **ACTIVE TRANSPORTATION.** Strongly encourage and require facilities in the Bay Fair area that will promote active transportation options such as walking, cycling, and use of transit.
5. **MODAL PRIORITIES FOR EXISTING STREETS.** Prioritize pedestrian, bicycle, and transit circulation in the planning and design of street improvements for East 14th Street, Hesperian Boulevard, and Fairmont Drive.
6. **TRAFFIC CALMING.** Bulb-outs, narrow drive lanes, well-marked pedestrian crossings, bike lanes, on-street parking, and other traffic-calming features should be implemented to slow traffic and increase pedestrian safety.
7. **PEDESTRIAN AND BICYCLE CONNECTIVITY.** Provide pedestrian and bicycle connections between and around the Bay Fair BART Station, adjacent transit waiting areas, Bayfair Center, and nearby neighborhoods and shopping districts (See San Leandro General Plan 2035 Transportation Chapter Policy T-2.4).
8. **NEW STREETS.** As parcels redevelop within the Plan Area, establish new local street connections to provide alternate routes for shorter trips and improve the efficiency of automobile operations.
9. **SMALLER BLOCK SIZES.** Establish a system of smaller blocks within the Plan Area to improve circulation and create a pedestrian-scaled network of streets and connections.
10. **SHARED PARKING.** Required automobile parking ratios for development projects should reflect opportunities for shared parking between land uses or between development sites.
11. **FUTURE PARKING RATIOS.** Required automobile and bicycle parking ratios for development projects should be revisited periodically in response to changing conditions such as increased transit use, increased use of electric vehicles, the implementation of autonomous vehicle systems, or other changing conditions.
12. **ADAPTIVE REUSE OF PARKING SPACE.** As parking demands change over time, allow and support the adaptive reuse of surface and structured car parking spaces, considering uses such as open space, landscape or stormwater treatment, habitable building space, storage for tenants, or pedestrian or bicycle facilities.

AUTONOMOUS VEHICLES

WHAT ARE AUTONOMOUS VEHICLES?

Autonomous vehicles are able to complete all driving functions without human assistance. Some autonomous vehicles are driverless while others assume a driver is present to monitor and intervene as necessary. Examples include the EasyMile shuttles in San Ramon and the Waymo (Google) self-driving car, which are undergoing active testing and development during the writing of this Specific Plan. Autonomous vehicles can also be connected vehicles, meaning that they report their status (speed, location, braking, etc.) in real time to other vehicles and to the roadway infrastructure. While it is clear that autonomous vehicle technology will play a role in the transportation system of the future, there are also significant questions and unknowns about how this technology will evolve. This Specific Plan seeks to accommodate flexibly the potential for change related to autonomous vehicles, for topics such as changing parking requirements, flexible curbside drop-off, and flexibility in the types of new local streets introduced in the Bay Fair area.



WHAT ARE POTENTIAL MOBILITY OPPORTUNITIES?

- Enhanced first-mile and last-mile connections to transit, particularly in environments less friendly to walking and biking.
- More mobility independence for users such as the disabled and children.
- Reduced need for door-to-door parking, with an increased need for curbside pick-up and drop-off spaces. While vehicle storage/parking areas will still be required, there may be additional flexibility in the use of remote locations.

WHAT ARE UNKNOWNNS THAT SHOULD BE CONSIDERED WHEN PLANNING FOR THIS TECHNOLOGY?

- The magnitude of costs for building and maintaining infrastructure are unknown. Proactive maintenance will be critical, both for vehicles and for roadway infrastructure.
- The real-world safety benefits or risks of these technologies are unknown.
- Design requirements for streets, traffic signals, signage and other transportation infrastructure will likely require modification.

13. ELECTRIC VEHICLES. The design of on-street and off-street parking areas should facilitate the use of electric vehicles through accommodations such as charging stations.

14. AUTONOMOUS VEHICLES. The design of streets and other public spaces should provide flexibility for potential autonomous vehicle accommodations, including geometric design (e.g., lane widths), parking, pavement materials, and signage.

15. GREEN STREETS. Integrate “green street” concepts into street design to minimize impacts of stormwater pollution runoff. Green streets typically include draining runoff from the curb flowline into biotreatment areas, but other systems, such as modular wetlands systems and trash capture devices, may also achieve this goal. Additional detail about stormwater and infrastructure is included in Chapter 6 Infrastructure and Facilities.

16. BRT OPPORTUNITIES. Consider opportunities to extend the proposed AC Transit East Bay BRT line into the Plan Area.

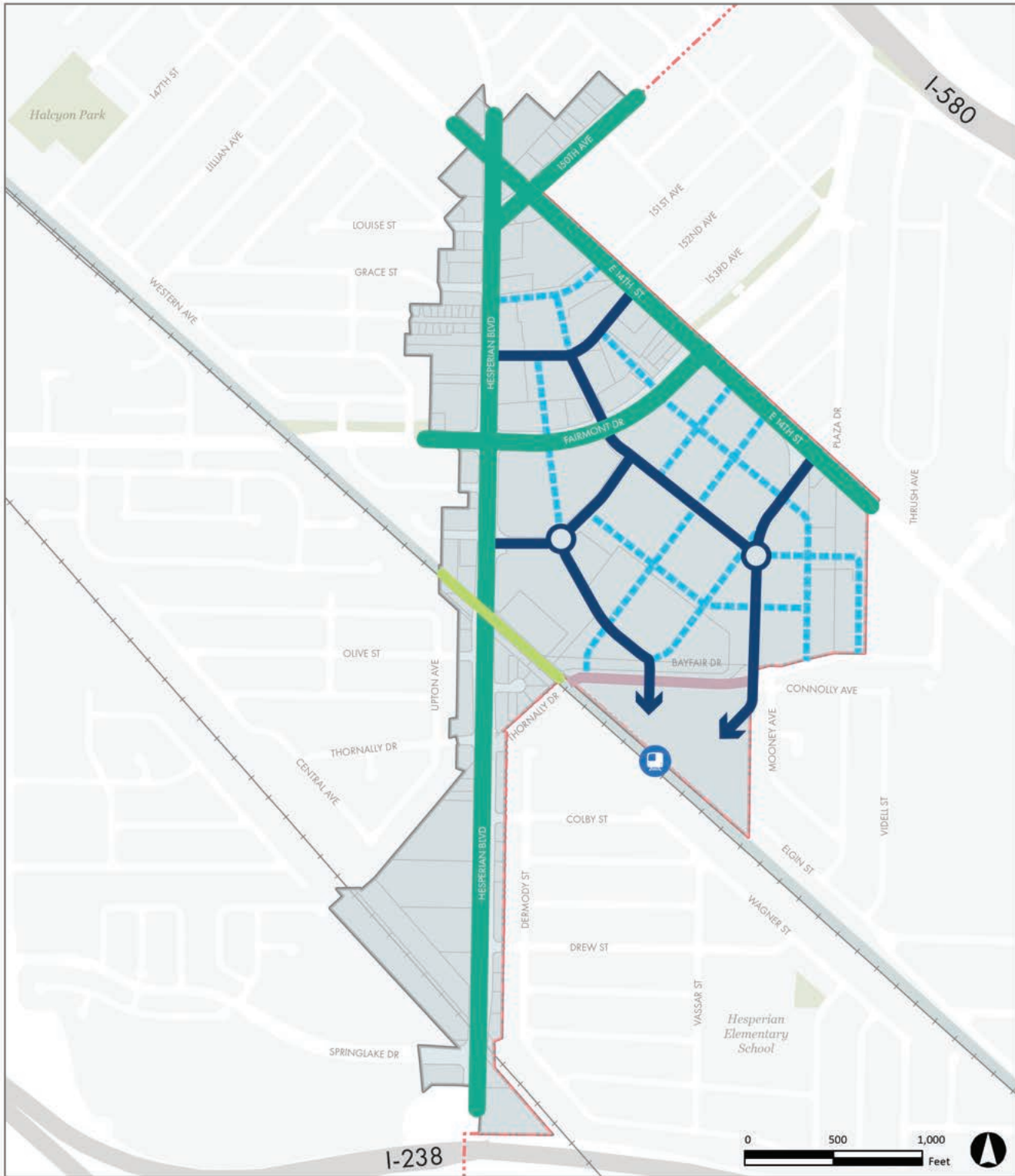
Street Network

The Bay Fair street network is intended to provide new connections throughout the area, integrating with the existing network while providing new and improved routes for pedestrians, cyclists, transit, and vehicles. The network diagram in Figure 3.1 shows the location of 1) new local street connections and 2) new connections that could be either local streets or pedestrian/bicycle connections, and 3) existing streets. This street network reflects the mobility policies described earlier in this section. It sets the framework for, and is consistent with, the pedestrian network, bicycle network, and transit network detailed later in this chapter.

Street Network Standards

1. **REQUIRED NEW CONNECTIONS.** New connections consistent with Figure 3.1 (Street Network), Figure 3.2 (Local Bicycle Network), and Figure 3.3 (Transit Network) and with the other standards and guidelines in this chapter shall be established as part of any future development or significant rehabilitation in the Plan Area. The exact location of these connections may be adjusted based on future conditions, design and phasing considerations, subject to approval by the City of San Leandro. These connections shall accommodate the safe movement of vehicles, pedestrians, bicyclists, and transit as identified in The Specific Plan's relevant network map(s) and standards, and consistent with the City's adopted complete streets typology.
2. **NEW CONNECTIONS.** Required new connections shall be publicly accessible 24 hours a day and should have a public access easement for the entire right-of-way from back-of-walk to back-of-walk. New connections are anticipated to be privately held and maintained. If part of fire access, easements should be deeded as emergency vehicle access easements (EVAE).
3. **EXISTING ARTERIAL AND COLLECTOR STREETS.** Existing arterial and collector streets consist of East 14th Street, Hesperian Boulevard, Fairmont Drive, and 150th Avenue. Improvements for these streets shall prioritize multimodal circulation within the Plan Area, consistent with the design guidelines and concepts provided in this chapter.

Figure 3.1: Street Network



- Existing Arterial or Collector Street
- New Local Street Connection
- New Local Street or Pedestrian/Bicycle Connection
- Existing Local Street
- East Bay Greenway
- City Limit
- Project Boundary
- B Bay Fair BART Station
- Union Pacific Right of Way

Local Pedestrian Network

All streets, paths, and other public rights-of-way in the Plan Area should be designed for safe and comfortable pedestrian movement, providing a well-connected pedestrian network that encourages personal mobility for all levels of ability. The pedestrian network should comply with the following standards and guidelines at minimum. In addition, sidewalks and public frontages should comply with the more detailed standards and guidelines found in the “Sidewalks and Public Frontage” section of this chapter.

Local Pedestrian Network Standards

- 1. CONTINUOUS, ACCESSIBLE WALKING ROUTES.** New streets and connections shall have continuous ADA-compliant sidewalks or equivalent provisions, providing access through the area and to building entries, public open spaces, and other key destinations such as AC Transit bus stops and the Bay Fair BART Station.
- 2. PEDESTRIAN CONNECTIONS DURING DEVELOPMENT PHASING.** As new development is phased in, continuous publicly accessible routes shall be constructed in the initial phases from existing streets to destinations internal to the Plan Area. In some cases, these accessible routes may extend beyond the immediate development to connect to BART, retail, or open space destinations.
- 3. SAFE TRAVEL SPEEDS.** All local streets shall have designated speeds of 25 miles per hour or less.

WALKABILITY PRINCIPLES

The Bay Fair TOD Specific Plan aims to promote walkability, including the following principles and strategies:

- Create fine-grained pedestrian circulation
- Orient buildings to street and open spaces
- Organize uses to support public activity
- Place parking behind or below buildings
- Address the human scale with building and landscape details
- Provide clear and continuous pedestrian access
- Build complete streets

Source: Getting to Great Places, SPUR (2013), www.designforwalkability.com

Pedestrian Network Guidelines

- 1. SIDEWALK CONNECTIVITY.** Pedestrian connectivity should be improved by establishing an interconnected network of sidewalks that provide safe and convenient access between AC Transit bus stops, the Bay Fair BART Station and the adjacent shopping areas.
- 2. PEDESTRIAN COMFORT.** A comfortable walking environment should be established through streetscape improvements that buffer pedestrians from moving traffic and incorporate pedestrian-scale street furniture.
- 3. PEDESTRIAN CROSSINGS.** Safe and convenient pedestrian crossings at intersections and mid-block locations should be promoted through design elements that shorten crossing distances, increase pedestrian visibility, and reduce motorist speeds.
- 4. PEDESTRIAN ACCESS TO TRANSIT.** The pedestrian network should be designed to ensure safe, convenient, and direct access to the Bay Fair BART Station and to AC Transit bus stops.

Local Bicycle Network

The local bicycle network shown in Figure 3.2 is intended to provide bicycle connections between BART, housing, businesses, and public spaces. It will support shorter local trips as well as longer trips through and beyond the immediate Bay Fair Plan Area, including along the future East Bay Greenway. The bicycle network standards and guidelines below are complemented by the proposed multi-modal designs for the existing arterial/collector streets of Hesperian Boulevard, Fairmont Drive, and East 14th Street, included in the “Existing Arterial and Collector Streets” section of this chapter.

Local Bicycle Network Design Standards

1. **BICYCLE NETWORK.** Any new development and new streets in the Plan Area shall provide bicycle facilities and connections consistent with Figure 3.2, though the exact location and facility design may be adjusted in coordination with the City.
2. **BICYCLE PRIORITY STREET.** A bicycle priority street shall be established to connect the Bay Fair BART Station with East 14th Street and with residential areas to the north and east, as shown in Figure 3.1. This facility may be designed as either a Class II buffered bike lane or a Class IV separated bike lane (i.e. cycle track) consistent with the dimensions shown in Table 3.1 on page 52. If a Class IV separated bikeway is used, it may be one-way or two-way (i.e. a single two-way facility on one side of the street).
3. **SHARED LANES.** Streets identified as “Shared Lane” in Figure 3.2, shall accommodate bicyclists through a Class III shared bike facility at a minimum, allowing cyclists to share the travel lane comfortably with auto traffic on a low-speed street. However, a Class II bike lane with or without a buffer is preferred and encouraged, and may also be used on streets with this designation.
4. **BICYCLE FACILITY TYPES AND DIMENSIONS.** Bicycle facilities on local streets within the Plan Area shall be consistent with Table 3.1.

Figure 3.2: Local Bicycle Network



- Bicycle Priority Street (Class II buffered bike lane)
- Shared Lanes (Class II bicycle lane or Class III shared lane)
- Class IV Separated Bikeway
- East Bay Greenway
- City Limit
- Bay Fair BART Station
- Project Boundary
- Union Pacific Right of Way

Table 3.1: Bike Lane Widths by Facility Type

| BIKE FACILITY TYPE | MINIMUM FACILITY WIDTH |
|------------------------------------|---|
| Class II Bike Lane | 5 ft. |
| Class II Buffered Bike Lane | 8 ft. including buffer |
| Class III Shared Bike/Auto Lane | N/A |
| One-way Class IV Separated Bikeway | 6 ft. excluding width of separation buffer strip |
| Two-way Class IV Separated Bikeway | 5 ft. per lane (10 feet total) excluding width of separation buffer strip |



Example of a Class II buffered bike lane



Example of two-way Class IV separated bikeway



Example of one-way Class IV bikeway

Local Bicycle Network Design Guidelines

- EAST BAY GREENWAY CONNECTIONS.** Direct bicycle route connections between the planned East Bay Greenway and streets within the Plan Area are encouraged.
- SIGNAGE AND WAYFINDING.** Bicycle route signage and bicyclist wayfinding should be incorporated into the design of streets and public spaces.
- DESIGN GUIDANCE RESOURCES.** The design of bicycle facilities should be consistent with documented best practices such as the National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide and the Central County Complete Streets Design Guidelines.
- INTERSECTION DESIGN TREATMENTS.** Where applicable, bicycle-supportive design treatments such as bike boxes and bicycle signals are encouraged at intersections.
- PUBLIC BICYCLE PARKING AND STORAGE.** Supporting infrastructure such as bicycle racks and lockers are encouraged as part of streets and public spaces within the Plan Area.

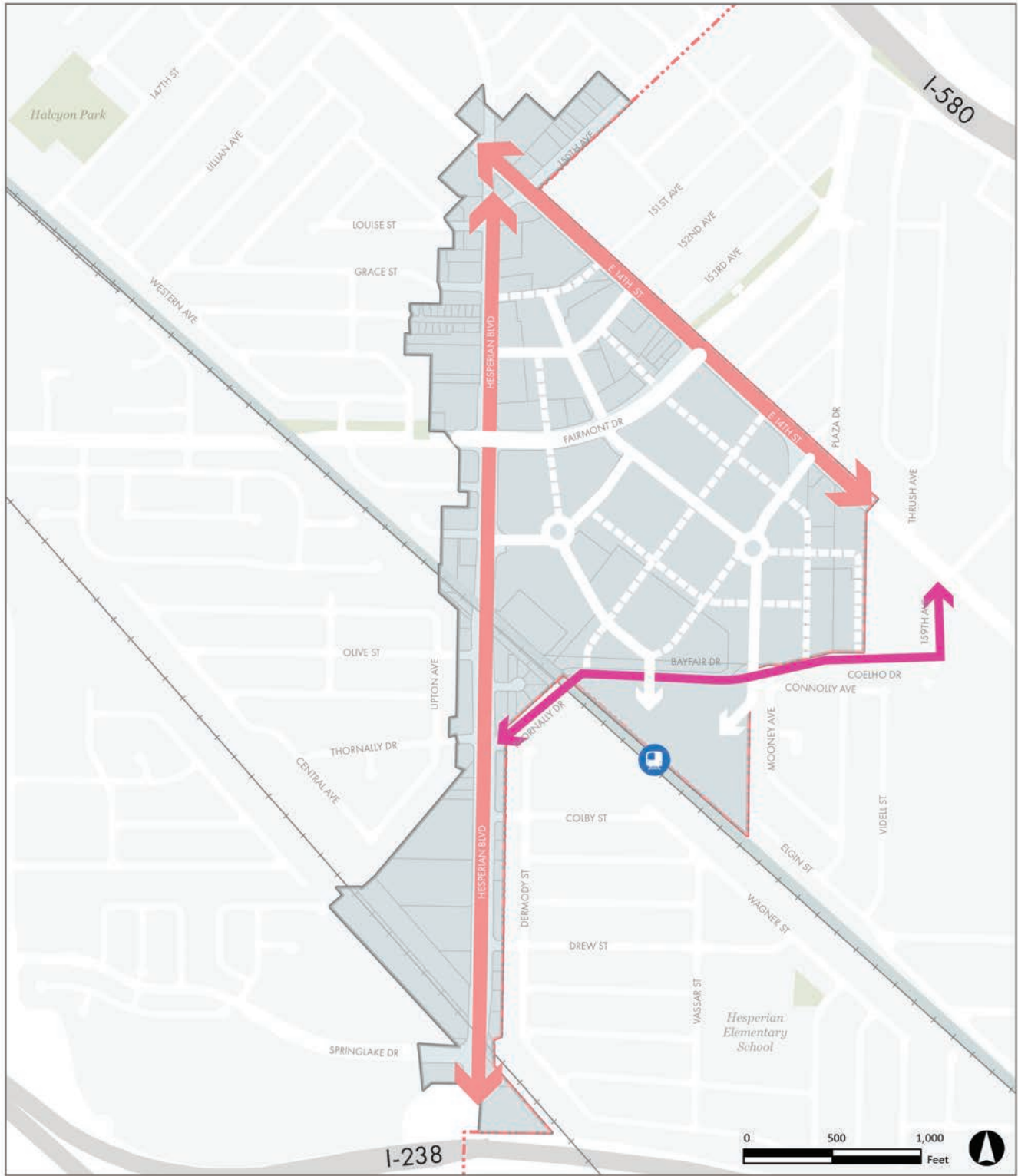
Local Transit Network

The transit network is intended to strengthen connections to the Bay Fair BART station and facilitate bus circulation to and from the station. It connects to a much larger network of local buses, rapid buses, and bus rapid transit (BRT) operated by AC Transit in San Leandro and greater Alameda County.

Local Transit Network Standards

1. **TRANSIT PRIORITY STREET.** Maintain a transit-priority local street to prioritize transit circulation, consistent with Figure 3.3. Transit-priority streets instead of, or in addition to, Thornally Drive may be introduced if another orientation becomes preferable for the City and transit operators as the street network develops over time.
2. **BUS STOP ACCOMMODATIONS.** Bus stops shall be consistent with AC Transit's Multimodal Corridor Guidelines and be ADA-compliant, and include shelters and wayfinding signage for transit users.
3. **BUS STOP PLACEMENT.** Any bus stops shall be placed in visible locations that facilitate bus operation and allow for unobstructed pedestrian movement.
4. **TRANSIT PRIORITY STREET DESIGN STANDARDS.** The transit priority local street in Figure 3.3 shall be designed with 12 foot travel lanes where feasible. On-street parking should be minimized to reduce potential transit delays associated with parking maneuvers.
5. **TRANSIT ON ARTERIALS AND COLLECTORS.** The City shall work with AC Transit to accommodate transit service, including future Bus Rapid Transit (BRT) service, on existing arterial and collector streets.

Figure 3.3: Transit Network



- Transit Priority Local Street
- Arterial or Collector Street with Transit Service
- City Limit
- Project Boundary
- B Bay Fair BART Station
- Union Pacific Right of Way

Existing Arterial and Collector Streets

This section includes design guidance for East 14th Street, Fairmont Drive, and Hesperian Boulevard. These three existing streets are and will remain the only arterial/collector streets in the Plan Area, but are envisioned to undergo a range of improvements to enhance their multi-modal performance and safety. Improvements to these streets will be coordinated with the principles and recommendations of the Alameda CTC Multimodal Arterial Plan (MMAAP), which identifies modal priorities for each of these streets. The design guidance for East 14th Street, Fairmont Drive, and Hesperian Boulevard adheres to the MMAAP modal priorities as appropriate. In some instances, the design guidance incorporates modifications to modal priorities to be consistent with the Plan's vision and planning framework.

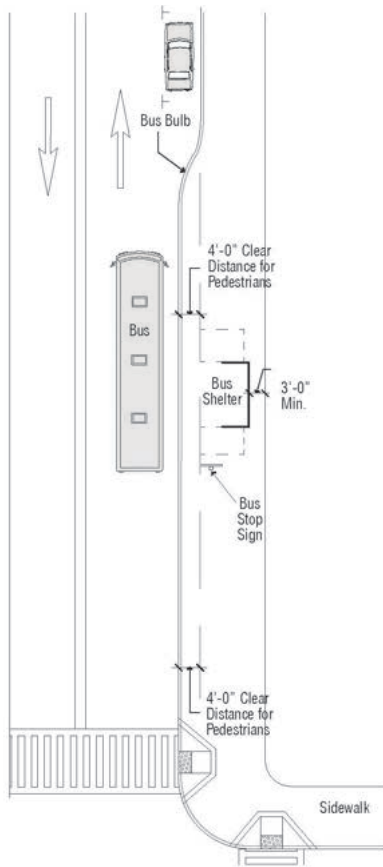
Although widening the intersection to increase capacity is a potential solution to the intersection impact, it is counterproductive to the goals of the Bayfair TOD Plan and furthermore future mode shifts to active transportation and transit modes may reduce the demand and subsequent need for any intersection widening. However, dependent upon the adjoining property owners/developers and if there is an overwhelming need for capacity, additional right-of-way could be explored and potentially dedicated at the time of development of the adjacent and associated properties.

East 14th Street

The design recommendations for East 14th Street are intended to prioritize transit circulation, given the high level of transit activity and the street’s designation as one of AC Transit’s Major Corridors. In support of transit, safe and convenient pedestrian accommodations are also an important consideration for East 14th Street. Caltrans owns and maintains East 14th Street (also known as State Route 185) through the Plan Area; any proposed changes require Caltrans approval. Specific design guidelines for East 14th Street in the Plan Area are included below.

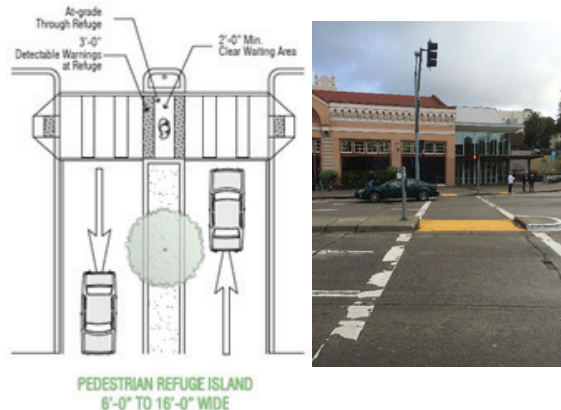
East 14th Street Design Guidelines

- COUNTY COORDINATION.** All East 14th Street improvements should be made in active coordination with Alameda County and Caltrans, ensuring design treatments integrate to the greatest degree possible with adjacent segments of East 14th Street located in Alameda County.
- BUS PRIORITY TREATMENTS.** Traffic operation measures that prioritize transit bus movement along East 14th Street are encouraged; examples include transit signal priority, queue jumps and bus bulbs.
- BUS STOP PLACEMENT.** The placement of bus stops at the far side of intersections is encouraged to place pedestrians crossing the street behind the path of the moving bus.
- ON-STREET PARKING.** Midblock on-street parking should be maintained where adjacent to existing commercial uses.
- INTERSECTION TURNING RADII.** At intersections, tighten turning radii to shorten pedestrian crossing distances and reduce vehicle speeds.



Example of a Bus Bulb facility design from the Central County Complete Streets Implementation Design Guidelines

- PARALLEL BICYCLE FACILITY.** Sharrows are discouraged along East 14th Street due to its high traffic volumes and transit activity. A network of parallel local streets is recommended to provide a safe and comfortable route for bicyclists.
- PEDESTRIAN REFUGES AT INTERSECTIONS.** At intersections, narrow the left turn lane to provide space for a pedestrian refuge area in the median.



Example of pedestrian refuge at an intersection

Figure 3.4: Existing East 14th Street Cross Section

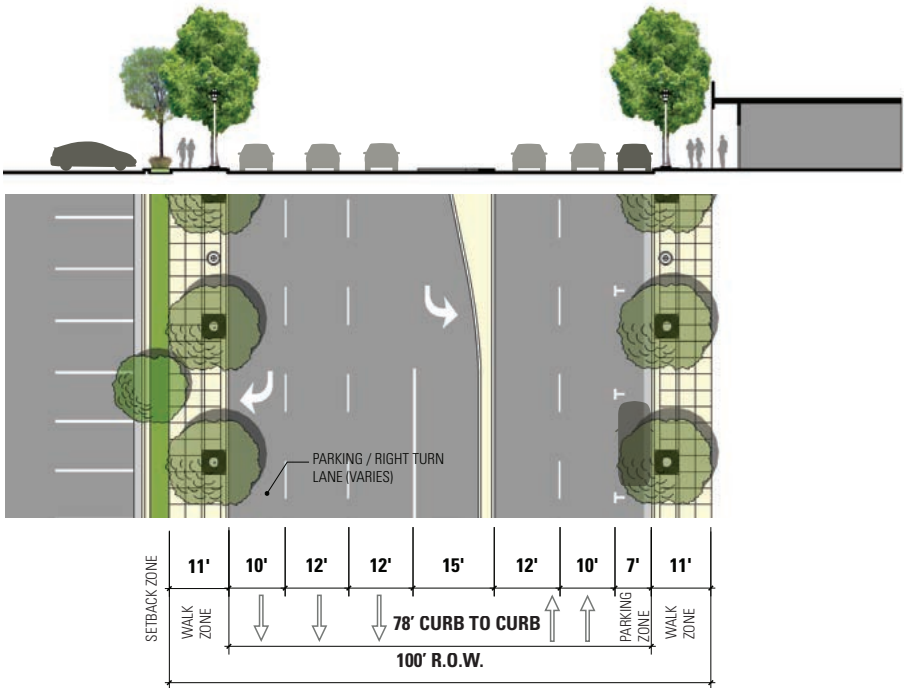
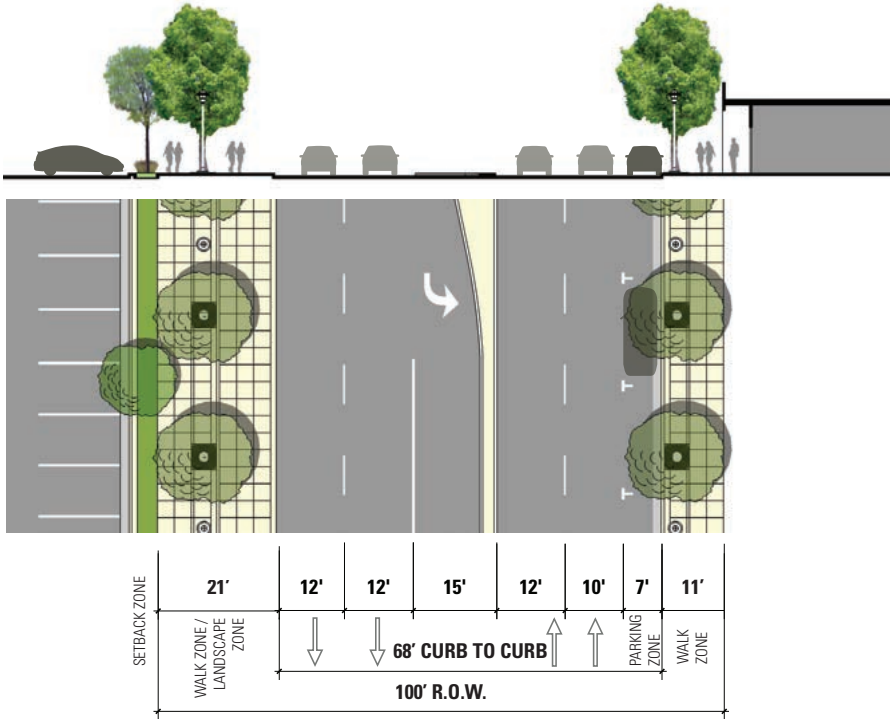


Figure 3.5: Proposed East 14th Street Cross Section



Hesperian Boulevard

The design recommendations for Hesperian Boulevard are intended to provide improved facilities for bicyclists and pedestrians with increased separation from automobile traffic and transit vehicles. Specific design recommendations for Hesperian Boulevard in the Plan Area are included below.

Hesperian Boulevard Design Guidelines

1. **COUNTY COORDINATION.** All Hesperian Boulevard improvements should be made in active coordination with Alameda County, ensuring design treatments integrate to the greatest degree possible with adjacent segments of Hesperian Boulevard located in Alameda County.
2. **ROAD DIET.** The ultimate goal is to reduce the number of through lanes in each direction on Hesperian Boulevard from three to two to provide space for bike lanes and planting zones as shown in Figure 3.7. This goal may be modified to accommodate bus rapid transit and ensure that transit operates efficiently along this important corridor. The ultimate goal may also require phased implementation that would be triggered by public demand and respond to the shift of traffic to active transportation modes.
3. **SEPARATED BIKE LANES.** Reconfigure the existing on-street Class II bike lanes as Class IV raised one-way cycle tracks placed behind the curb, as shown in Figure 3.7, "Proposed Hesperian Boulevard Cross Section." To minimize driveway conflicts, promote the long-term consolidation of driveways and curb cuts through cross-access easements.
4. **ON-STREET PARKING.** Maintain midblock on-street parking in both directions to accommodate adjacent commercial uses.



Example of raised Class IV one-way cycle track (NACTO Urban Bikeway Design Guide)

5. **PEDESTRIAN REFUGES AT INTERSECTIONS.** At intersections, narrow the left turn lane to provide space for a pedestrian refuge area in the median.
6. **INTERSECTION TURNING RADII.** At intersections, tighten turning radii to shorten pedestrian crossing distances and reduce vehicle speeds.
7. **TRANSIT BOARDING ISLANDS.** The use of transit boarding islands is encouraged to minimize conflicts between bicyclists and waiting transit passengers.
8. **BICYCLIST LEFT TURN ACCOMMODATIONS** The design of signalized intersections should include accommodations for left-turning bicyclists such as two-stage bike boxes and/or bicycle-only signal phases.

Figure 3.6: Existing Hesperian Boulevard Cross Section

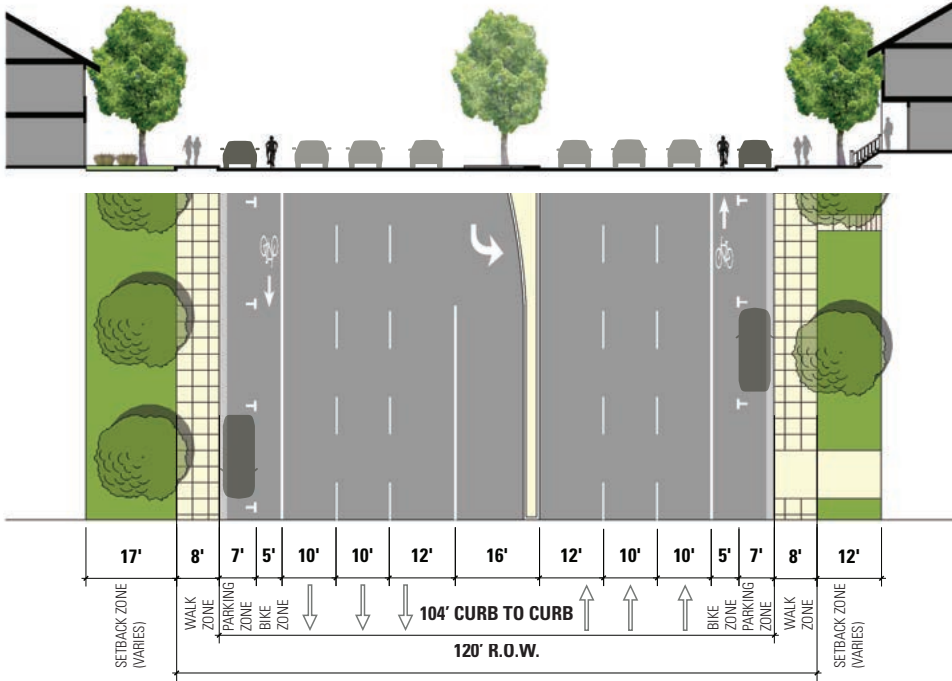
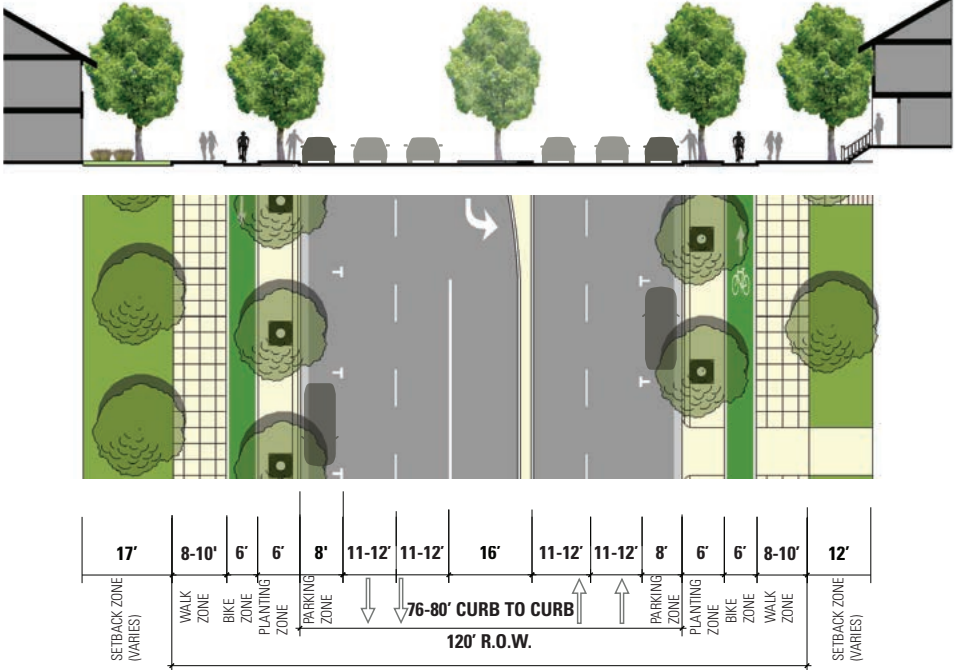


Figure 3.7: Proposed Hesperian Boulevard Cross Section



*Note: the design of the proposed Hesperian street section may be adjusted along different street segments and at approaches to intersections

Fairmont Drive

The design recommendations for Fairmont Drive are intended to provide improved facilities for bicyclists and pedestrians with increased separation from automobile traffic. Specific design guidelines for Fairmont Drive are included below.

Fairmont Drive Design Guidelines

- 1. COUNTY COORDINATION.** Fairmont Drive improvements should be made in active coordination with Alameda County, ensuring design treatments integrate to the greatest degree possible with adjacent segments of Fairmont Drive located in Alameda County.
- 2. ROAD DIET.** Reduce the number of through lanes in each direction on Fairmont Drive from three to two to provide space for bike lanes and planting zones, as shown in Figure 3.9.
- 3. SEPARATED BIKE LANES.** Implement Class IV raised one-way cycle tracks placed behind the curb. To minimize driveway conflicts, promote the long-term consolidation of driveways and curb cuts through cross-access easements, as shown in Figure 3.9.
- 4. EAST-WEST BICYCLE CONNECTIVITY.** Establish bicycle lanes along Fairmont Drive within the Bay Fair area to improve connectivity between existing and planned facilities to the east (Fairmont Drive) and west (Halcyon Drive).
- 5. PEDESTRIAN REFUGES AT INTERSECTIONS.** At intersections, narrow the left turn lane to provide space for a pedestrian refuge area in the median.
- 6. INTERSECTION TURNING RADII.** At intersections, tighten turning radii to shorten pedestrian crossing distances and reduce vehicle speeds.
- 7. STREET DESIGN EXTENSION TO HALCYON.** Explore opportunities to extend the Fairmont Avenue corridor street design to Halcyon Drive to add bicycle, pedestrian, and transit improvements to create a multi-modal connection to the former Kraft site as it redevelops.

Figure 3.8: Existing Fairmont Drive

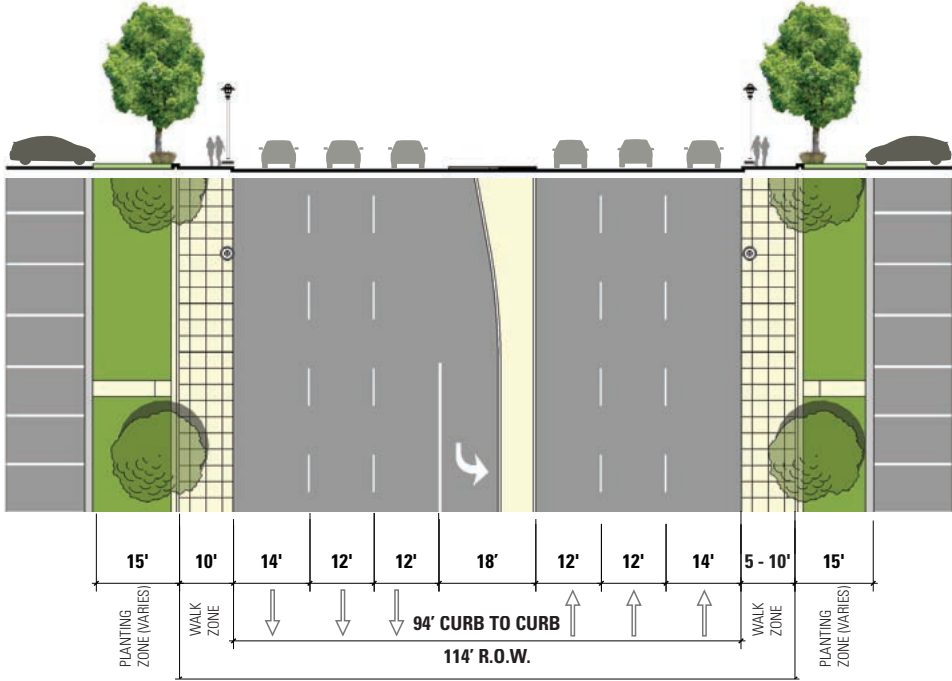
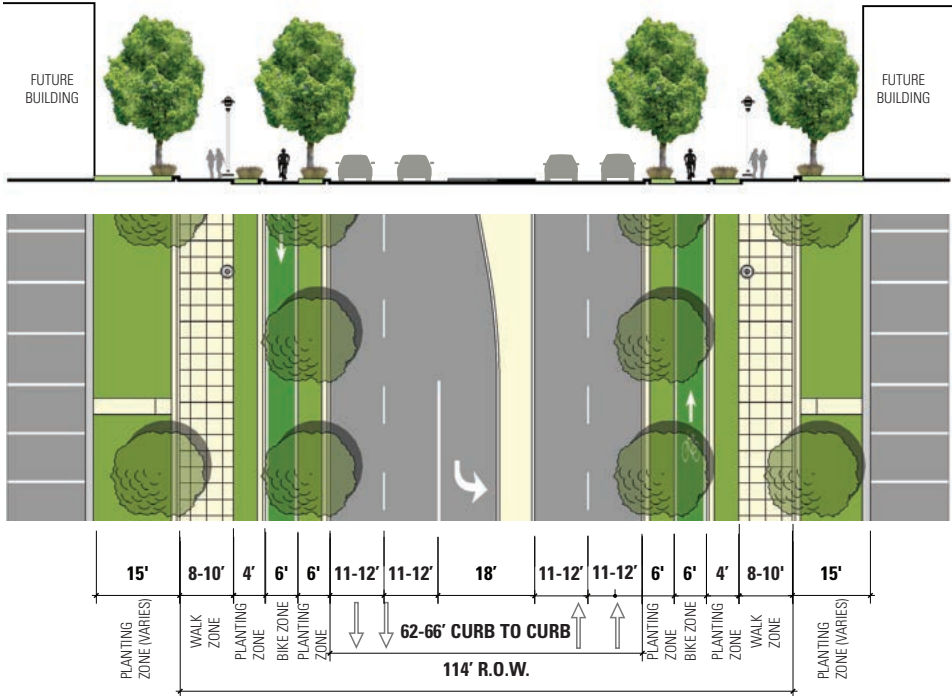


Figure 3.9: Proposed Fairmont Drive



*Note: The design of the proposed Fairmont street section may be adjusted along different street segments and at approaches to intersections

Sidewalks and Public Frontages

Sidewalks and public frontages in the Bay Fair area will be designed to support lively pedestrian-oriented streets and public spaces. Designing a memorable, attractive streetscape environment that is welcoming and safe for pedestrians is vital for the long-term success of the Bay Fair area.

Public frontage is defined as the area between the street curb and the private property line, and enables pedestrian activity and building access. The public frontage area is divided

into two zones: 1) the curb zone and 2) the pedestrian zone. The curb zone is where street trees, plantings, traffic control devices, and lighting are located. It provides a buffer between the pedestrian zone and the street. The pedestrian zone is where movement of people is the priority. Sidewalks or other hardscape surfaces meant for foot traffic are its defining component. The pedestrian zone plays an important role in the overall pedestrian network and mobility system.

Sidewalk and Public Frontage Standards

- 1. PUBLIC FRONTAGE PROVIDED BY PRIVATE DEVELOPMENT.** All new development projects shall provide public frontage and sidewalks for their project, consistent with the guidance in this chapter.
- 2. BLOCK RECONSTRUCTION.** During whole block development or redevelopment, the project applicant shall construct sidewalks and public frontage to meet the required dimensions as outlined by street type.
- 3. OUTDOOR DINING AND DISPLAY.** Outdoor dining and display areas shall be permitted in the public or private frontage zone when associated with a primarily indoor-oriented use. Design of outdoor setback spaces is subject to development review.

Designated areas shall maintain a four-foot-clear pedestrian sidewalk area and minimum eight-foot tall vertical clearance. Outdoor dining and display areas shall also maintain building entrances clear and unimpeded for building access. Any merchandise shall be taken indoors at the close of each business day.

- 4. MINIMUM REQUIRED SIDEWALK WIDTH.** New sidewalks shall meet the dimensional standards shown in Table 3.2 at minimum, but are allowed and encouraged to provide sidewalk facilities wider than the required minimum. All dimensions shown meet or exceed the recommended widths identified in the Central County Complete Streets Design Guidelines.

Table 3.2 Minimum Required Sidewalk Width

| | ARTERIALS | | LOCAL STREETS | PEDESTRIAN/ BICYCLE CONNECTION |
|---------------------------------|--|---|--|--------------------------------------|
| | HESPERIAN AND FAIRMONT | EAST 14TH | | |
| Minimum Required Sidewalk Width | 8' total (at least 4' curb zone, 4' pedestrian zone) | 12' total (at least 4' curb zone, 8' pedestrian zone) | 15' total (at least 5' curb zone, 10' pedestrian zone) | 12' total |

Sidewalk and Public Frontage Guidelines

- 1. STREETScape.** The public realm should be enhanced with new street trees, street furniture, and sidewalks or pathways.
- 2. UNIFIED STREETScape CHARACTER.** The streetscape should be designed with a coordinated palette of materials, furnishing, and style. Project applicants should coordinate with City to determine the appropriate design.
- 3. RETAIL AND OFFICE CURB ZONE CHARACTER.** In locations fronting commercial and retail ground-floor uses, the curb zone should be primarily hardscape. Special pavers should distinguish the curb zone from the walk zone. The curb zone should contain street furniture and installation such as bike racks, refuse receptacles, seating, street lighting and street trees.
- 4. RESIDENTIAL CURB ZONE CHARACTER.** In locations fronting residential ground-floor uses, the curb zone should be primarily softscape with regularly spaced hardscape connections to street parking. At building entries, the curb zone should include more hardscape to ease drop-off and pick-ups.
- 5. PEDESTRIAN ZONE CHARACTER.** The pedestrian zone should remain clear of obstructions and encroachments other than designated outdoor dining and display areas. On existing streets, the pedestrian zone may take up a portion of the front private building setback area to meet public frontage width requirements.
- 6. REAR LANDSCAPING.** Substantial landscape screening should be planted along the rear of commercial and mixed-use buildings adjacent to residential streets or properties.
- 7. STREET FURNISHINGS.** Street furniture, including benches, bicycle parking, and trash receptacles, should be consistent in their appearance throughout the area.
- 8. FRONT SCREENING.** One or more rows of street trees should be used to screen the front facades of residential and office uses.
- 9. PEDESTRIAN EASEMENTS.** Public access easements on private property are encouraged (when not required) to expand the sidewalk and usable pedestrian area.

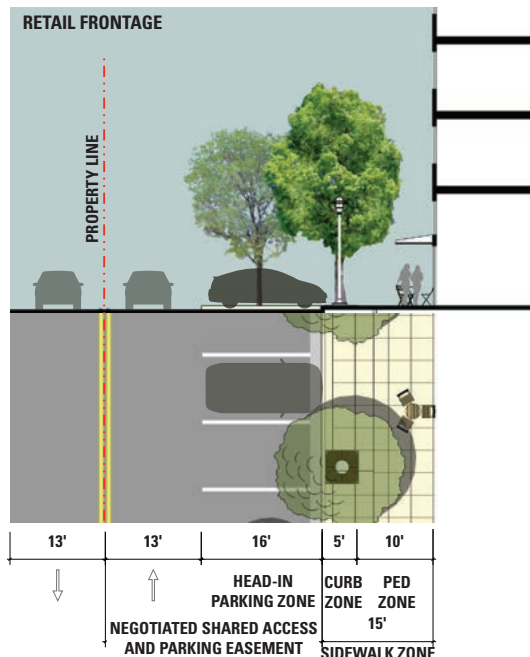


Illustration of typical retail public frontage

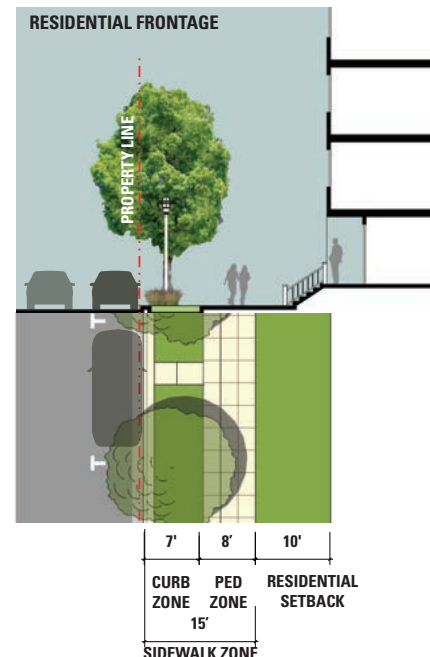


Illustration of typical residential public frontage



Example of retail Curb Zone and Pedestrian Zone



Example of residential Curb Zone and Pedestrian Zone

10. PEDESTRIAN-SCALED LIGHTING. In addition to streetlights, pedestrian-scaled light fixtures up to 16 feet tall should be used throughout the Plan Area to provide a unified identity.

11. NIGHTTIME ILLUMINATION. New development projects should provide continuous pedestrian-scaled lighting along sidewalks, mid-block connections and other pedestrian facilities to improve safety and enhance the pedestrian environment.

12. PLANTER LANDSCAPING. Planter areas should be planted with drought-tolerant and hardy landscape species. Plantings should be no more than 3 feet high and, where parking spaces exist, should anticipate space needs for opening car doors. Planters should be maintained by the fronting property.

13. STREET TREES. Street trees should be placed an average of 25 to 35 feet on center, or as needed for continuous sidewalk canopy. Street tree types should be selected to ensure a unified street environment identity throughout the Plan Area.

14. LANDSCAPING CHARACTER. The following guidance applies to landscaping in public frontage areas:

- Drought-tolerant plant materials should be incorporated to reduce water use and irrigation requirements.
- Whenever possible, use native and bay-friendly planting palettes.
- Implement rainwater harvesting and other features that provide a stormwater retention co-benefit.
- Mature, existing trees should be preserved whenever possible.
- Trees should be placed to maximize climate benefits and energy savings. Deciduous trees should be located to allow sunlight to reach buildings during winter, and to provide shade during summer.

15. GREEN STREETS. Incorporate stormwater infiltration, detention, swales, and other features into the design of sidewalks and public frontages, incorporating guidance from MRP Provisions C.11 and C.12 to reduce PCBs and mercury from stormwater.



Example of a publicly-accessible pedestrian connection



Example of planter landscaping

Private Parking

This section provides guidance for the provision of private parking in the Bay Fair area. Private parking facilities should also be consistent with standards and guidelines in the “Parking and Loading Design” Section of Chapter 5, Development Standards and Guidelines.

Private Parking Standards

1. PRIVATE PARKING REQUIREMENTS. Table 3.3 below summarizes the parking requirements for private development projects within the Plan Area.

Table 3.3 Parking Requirements for Private Development

| LAND USE | AUTOMOBILE PARKING | BICYCLE PARKING |
|-------------|--|---|
| Office | Minimum 1.0 space per 1,000 sf (<5,000 sf exempt) | Long-term parking at 1 space per 5,000 sf plus short-term parking at 1 space per 20,000 sf (<5,000 sf exempt) |
| Residential | Minimum 0.5 space per unit, maximum 1.0 space per unit (Studio and 1 Bedroom) Minimum 0.75 space per unit, maximum 1.5 space per unit (2+ Bedrooms) | Long-term parking at 0.5 space per bedroom plus short-term parking at 0.05 space per bedroom |
| Retail | Minimum 2.0 spaces per 1,000 sf (<5,000 sf exempt) | Long-term parking at 1 space per 10,000 sf plus short-term parking at 1 space per 2,500 sf, with a minimum of two short-term (<5,000 sf exempt) |

2. REDUCTIONS IN PRIVATE PARKING REQUIREMENTS.

The following measures qualify for reductions in the automobile parking requirements in Table 3.3, in negotiation with the City:

- **Use-specific parking study.** A use-specific parking study may be completed to support lower parking requirements for development within the Plan Area. Parking studies may be completed using recognized data sources such as Greentrip Connect, or other locally applicable data sources.
- **Shared parking.** Adjacent land uses with different peak periods that share parking may qualify for reduced parking requirements.
- **Car share parking.** One or more spaces may be dedicated to a car-share organization for a one-to-one reduction in minimum automobile parking requirements.
- **Bike Share.** If a bike share program is implemented within the Plan Area, the provision of on-site bike share spaces may be used to support lower parking requirements.
- **CalGreen electric vehicle infrastructure requirements.** Development projects that meet CalGreen Title 24 infrastructure

requirements for electric vehicles may qualify for reduced parking requirements.

- **In-lieu fees.** Payment of an in-lieu fee may be used to reduce minimum on-site parking requirements, with the funds used to support the costs of shared public parking facilities and/or transportation demand management strategies.
- **Public on-street spaces.** Public on-street parking spaces adjacent to a development may count toward meeting minimum parking requirements for retail uses.
- **Development within ¼ mile of BART Station.** Development within ¼ mile walking distance of the Bay Fair BART Station may be eligible for additional reductions in minimum parking requirements.
- **Pedestrian-oriented uses.** Pedestrian-oriented uses such as coffee kiosks, food vendors, or other pedestrian-serving uses are eligible for reduced or eliminated parking requirements.
- **Other TDM measures.** Other TDM measures identified in this chapter’s “Transportation Demand Management” guidelines may reduce a project’s parking requirements.

Public Parking

The provision of shared public parking is an important element in reducing the area’s overall parking supply and allowing for development patterns supportive of walking and transit use. Public parking facilities should be provided in accordance with the guidelines below. Facilities should also be consistent with applicable parking and loading design standards and guidelines found in Chapter 5, Development Standards and Guidelines.

Public Parking Guidelines

- 1. PUBLIC PARKING FACILITIES.** Whenever possible, new and existing development should coordinate with the City to provide structured public parking facilities that can be shared between uses by the public, promoting a “park-once” district for those shopping, working, or taking transit.
- 2. PUBLIC PARKING LOCATION.** Public parking areas should be located near arterial and collector streets.
- 3. PLACEMENT WITHIN BLOCKS.** Parking areas should be oriented internally to blocks and screened from the street, with primary access points oriented away from pedestrian areas or public gathering spaces if possible.
- 4. DISTRIBUTION.** Public parking areas should be distributed with the goal that all development within the Plan Area is within three blocks of a facility that is open to the public.
- 5. PUBLIC CARSHARE AND ELECTRIC VEHICLE PARKING.** Parking spaces for carshare programs and for electric vehicles (including charging stations) are required, where feasible, in public parking lots and garages.



Example of electric vehicle charging station on BART parking lot



Example of structure parking garage with decorative screening

Transportation Demand Management

Transportation Demand Management (TDM) consists of strategies and actions designed to encourage trips by walking, bicycling, transit, or carpool and reduce the number of peak period trips made by driving alone. TDM strategies and actions can be implemented through a combination of program incentives, policy disincentives, and infrastructure elements. The TDM guidelines below are focused on reducing trips for those living and working within the area.

Transportation Demand Management Guidelines

1. **RESIDENTIAL TDM.** The City encourages new and existing housing in the Bay Fair TOD Specific Plan Area to manage transportation demand and reduce vehicle miles traveled through the following measures:
 - **Unbundled parking.** Provide unbundled residential parking, whereby the cost for parking is separated from the cost of renting or purchasing a unit.
 - **Car share memberships.** Provide a car share membership to new tenants.
 - **Delivery-supportive amenities.** Facilitate deliveries with supportive amenities including a staffed reception desk and lockers.
 - **Transit subsidies.** Provide free or reduced price transit passes for residents as part of new residential development in the Plan Area.
2. **EMPLOYER TDM.** The City encourages employers in the Bay Fair TOD Specific Plan Area to manage transportation demand and reduce vehicle miles traveled through the following measures:
 - **Bicycle support facilities.** Provide support facilities for bicycle commuters such as showers and changing rooms as part of new Plan Area development.
 - **Shuttle services.** Provide operating or capital costs for shuttle services connecting the Bay Fair BART station with nearby employment areas.
 - **Financial incentives.** Provide financial incentives to encourage employees to use alternative modes of transportation. Examples include free or subsidized transit passes and parking cash-outs where employees are offered the cash value of a parking space that would otherwise be provided.
 - **Flexible work scheduling.** Promote the use of flexible work scheduling through strategies such as telecommuting, flextime, staggered work hours and/or compressed work weeks.
 - **Guaranteed ride home program.** Establish programs to guarantee a ride home to employees who use transit, carpools, or vanpools in case of emergency or if they need to work late.
 - **Transportation coordinator.** Provide a transportation coordinator responsible for developing, marketing, implementing, and evaluating TDM programs.



An aerial photograph of a large-scale urban development. The image shows several large, interconnected parking lots filled with cars, interspersed with various commercial and residential buildings. Some buildings have flat roofs with solar panels, while others are multi-story structures. A road with a roundabout is visible in the center-right, and a train track runs along the bottom edge of the frame. The overall scene depicts a dense, modern urban environment.

chapter 4

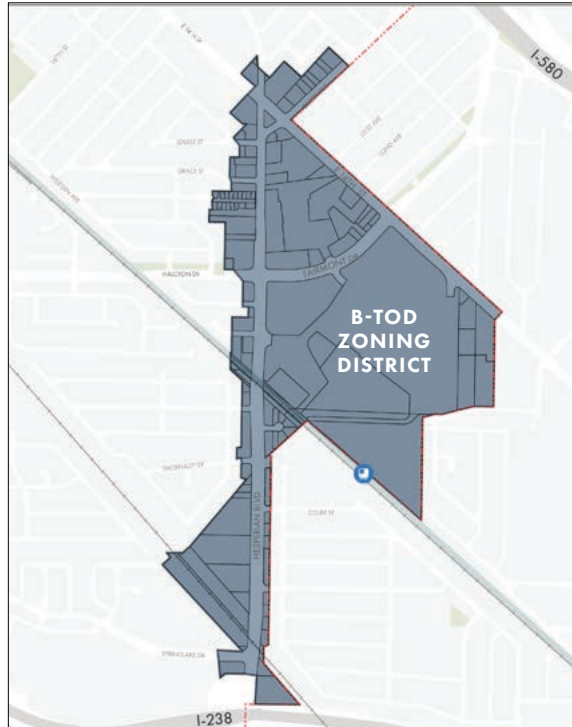
LAND USE + HOUSING

This chapter provide policy direction for the range of future land uses envisioned in the Bay Fair TOD Specific Plan Area. The chapter also includes more detailed policy for housing and affordable housing. Policies apply to the entire Bay Fair Plan Area. Not every project must fulfill every policy goal; rather, future projects will contribute in different ways to the overall policy goals for the Plan Area.

Land Use/Zoning

The 2035 General Plan created a new Bay Fair Transit-Oriented Development (B-TOD) land use classification. The B-TOD land use definition states the “intent is to create a new vision for this area, including retail, office, higher density housing, open space, and public land uses” with a “more urban development form” for the area. The General Plan deferred details for development of the Plan Area and regulatory changes (i.e., rezoning) upon completion and adoption of the Bay Fair TOD Specific Plan.

The Bay Fair TOD Specific Plan recommends that the land use within the Plan Area be regulated by the Bay Fair TOD Zoning District (B-TOD), which will need to be amended into the San Leandro Zoning Code. This district encompasses and applies equally across the entire Specific Plan Area, allowing a broad range of compatible, transit-oriented land uses while remaining flexible about their exact location. This flexibility allows the area to continue to evolve as a place to live, work, shop, and visit, with an increasing diversity of services and amenities. This flexible approach to land use is complemented by the more detailed design standards and guidelines found in Chapter 5, “Development Standards and Guidelines,” which focuses on placemaking and good design. The policies below provide more guidance about the intended mix and focus of land uses in the Bay Fair Plan Area.



Land Use Policies

1. **USE REGULATIONS.** Land use within the Bay Fair TOD Specific Plan Area shall be consistent with the Bay Fair TOD (B-TOD) Land Use classification and Zoning District in the San Leandro Zoning Code.
2. **DIVERSE MIX OF LAND USES.** Encourage a rich mix of land uses including housing, office, retail, services, community facilities, maker space, research and development, lodging and other diverse uses.
3. **HORIZONTAL AND VERTICAL MIXED USE.** Allowed uses may be mixed within the same building (“vertical” mixed use) or in adjacent buildings (“horizontal” mixed use), provided they are consistent with the San Leandro Zoning Code and with other relevant guidance in this Specific Plan.

4. **RETAIL PRESERVATION.** Ensure the continued presence of a diverse range of retail and services uses in the Specific Plan Area, even as the character and use mix of Bay Fair change over time.
5. **SERVICES AND AMENITIES.** Support an increasing range of services, retail shops, community facilities, open spaces, and other neighborhood amenities to serve new and existing residents and workers.
6. **SCHOOLS AND CHILDCARE.** Allow and encourage childcare, educational, and school uses to serve new and existing residents.
7. **ENTERTAINMENT AND DINING.** Encourage entertainment, dining, cultural uses, and other social gathering spaces to activate the area at various times of day, draw visitors, and serve residents.
8. **GROCERY STORE.** Encourage the retention or addition of one or more full-service grocery stores in or near the Bay Fair area.
9. **FARMERS MARKET.** Encourage the creation and maintenance of a farmer’s market or other outlet for fresh, healthful produce.
10. **GROWING SPACE.** Allow land to be used for urban agriculture, community gardens, and other public and private growing space.
11. **NEW PARKS AND PUBLIC SPACE.** Allow a variety of public open spaces, pedestrian-oriented streetscapes, and gathering spaces to meet the needs of new and existing residents, visitors, workers and businesses.
12. **EVENING AND WEEKEND ACTIVITY.** Encourage uses that bring evening and weekend activity, such as retail shopping and services; food stores; restaurants and cafes; entertainment venues; health clubs; community facilities; outdoor public spaces; and other similar uses.

13. LAND USES NOT ALLOWED. The following types of new uses are not allowed in the Plan Area, consistent with guidance provided in the San Leandro Zoning Code:

- New Single Family Residential
- Auto Service/Sales
- Drive-thru Businesses
- Low-intensity Commercial (equipment service/sales, storage, etc.)
- Industrial (warehouses, trucking, recycling, hazardous materials, etc.)



Example of community gathering space



Example of public art in public open spaces

Housing Mix, Affordability, and Anti-Displacement

Housing is envisioned to play an important and increasing role in the Bay Fair TOD Specific Plan Area, leveraging the transit-oriented location and existing retail amenities while meeting a critical local and regional need for increased housing supply. The intention of the Specific Plan is to promote a range of housing options and affordability levels to mitigate the risk of displacement for existing residents in and around the Plan Area.

New housing envisioned in this Specific Plan is consistent with the goals in the City's Housing Element and General Plan, which project a portion of the City's future residential growth to occur in the Bay Fair area. While the majority of new market and affordable housing units are projected in the General Plan to occur in the City's Downtown TOD area, the proximity to the Bay Fair BART Station and AC Transit bus lines makes the Bay Fair Plan Area well situated for residential development. Affordable housing represents a critical need and priority in the Bay Area, the City and the Plan Area. Due to the undersupply of market rate housing in the region over the last 20 years, market rate housing also represents an important housing need.

The City adopted a city-wide Inclusionary Zoning Ordinance (Article 30 of the Zoning Code) in 2004 that affects new residential development. The City IZ Ordinance requires new rental or ownership residential development to set aside at least 15% of the total project units for moderate, low and very low income households. The IZ requirements limited opportunity for payment of an in lieu fee for new ownership units of a certain size. However, the Palmer/Sixth Street vs. City of Los Angeles court case in 2009 has rendered inclusionary rental housing requirements invalid for many cities, including San Leandro for several years. The City has ensured progress on constructing new affordable rental housing and meeting its regional housing needs allocations goals (RHNA) through commitment

of City affordable housing funding to recent affordable housing developments.

BART has adopted an internal goal for its own development projects that at least 20% of new housing units be deed-restricted permanent affordable housing for low (51%-80% AMI) and very low (<50% AMI) households. There may be opportunities to achieve similar levels of affordable housing in other parts of the Bay Fair Plan area over the 20 year time horizon of Plan implementation.

In early 2016, the City began the process of addressing tenant eviction related to landlord caused actions (e.g., new owners imposing significant rent increases, landlord move in, capital improvements) and opportunities for increased rent. The City held public meetings to seek tenant and landlord input on a city-wide tenant relocation assistance program, which will provide evicted tenants with adequate relocation assistance payments to enable them to move and secure new housing.

The following housing policies are complemented by implementation actions, incentives, and related programs described in Chapter 7, "Implementation."

Housing Mix, Affordability, and Anti-Displacement Policies

1. **MIX OF HOUSING TYPES.** Encourage a range of housing types and sizes – including small, medium, and large residential units for a variety of different household sizes and stages of life – throughout the Bay Fair area, supporting housing choices for those in a wide array of life stages and circumstances.
2. **HOUSING TENURE.** Encourage a mix of owner-occupied and renter-occupied housing in the Plan Area.
3. **DISPLACEMENT OF EXISTING RESIDENTS.** Use citywide resources and programs, such as the Rent Review Ordinance and tenant-landlord/fair housing counseling services, to assist current renters or homeowners at risk of displacement in or near the Plan Area.
4. **ADOPT TENANT RELOCATION ASSISTANCE PROGRAM.** Adopt and implement the tenant relocation assistance program to protect evicted tenants city-wide.
5. **MIX OF HOUSING AFFORDABILITY LEVELS.** Encourage a broad range of affordability levels – including both market rate housing and deed-restricted affordable housing – throughout the Bay Fair area. The long-term housing mix for the Bay Fair area should accommodate a range of household income levels.
6. **TRANSIT-DEPENDENT POPULATIONS.** Encourage housing and affordable housing that serves transit-dependent populations.
7. **AFFORDABLE BY DESIGN.** To the extent allowable under citywide land use policies, allow and support flexible development standards – such as innovative construction techniques, smaller unit sizes, micro-units, co-op housing, and inter-generational housing – to increase or maintain the affordable housing supply.
8. **INCLUSIONARY HOUSING.** Amend the existing Inclusionary Zoning Ordinance in the Zoning Code to revise affordable housing set-aside requirements for new rental housing development and to expand in lieu fee payment options to create funding for new affordable developments.
9. **MARKET-RATE HOUSING.** Encourage new market-rate housing development in the Bay Fair Specific Plan Area to exceed citywide inclusionary housing requirements.
10. **PRESERVE EXISTING AFFORDABLE HOUSING.** Encourage the maintenance and preservation of existing income-restricted and market rate affordable housing within the Plan Area through incentives and financial assistance.
11. **DEVELOP NEW AND APPLY EXISTING INCENTIVES FOR WORKFORCE HOUSING.** Continue to research and adopt best practices to incentivize new housing construction. Apply existing city incentives (e.g., providing City affordable housing funding such as CDBG, HOME, Housing Trust Fund, etc) to promote the development of workforce housing in the Bay Fair area.
12. **STATE HOUSING DENSITY BONUS.** For projects that provide qualifying amounts of affordable housing, the City shall encourage the density bonus consistent with the Zoning Code and State law.



A photograph of an outdoor cafe or courtyard. In the foreground, several people are seated at round, black metal tables with lattice-patterned chairs. A woman with short white hair and a floral patterned top is seated at a table on the left. In the background, more people are visible, some sitting at tables under a white canopy. Large, leafy green trees frame the scene, and a brick building is visible in the distance. The overall atmosphere is bright and sunny.

chapter 5

**DEVELOPMENT STANDARDS
+ GUIDELINES**

The following chapter provides development standards and guidelines that apply to future development in the Bay Fair TOD Specific Plan Area, as well as to future infrastructure and design. For some topics, there is additional guidance about a specific location, use type, frontage type, or other specific design situation that may arise. The chapter addresses the following topics:

- 1 BUILDING FRONTAGES**
- 2 BUILDING HEIGHTS**
- 3 TRANSITIONS TO EXISTING DEVELOPMENT**
- 4 BUILDING AND SITE DESIGN**
 - Site Design and Setbacks
 - Building Design
 - Parking and Loading Design
 - Building Performance
- 5 PUBLIC OPEN SPACE**
- 6 PRIVATE OPEN SPACE**
- 7 PUBLIC ART**
- 8 SIGNAGE AND WAYFINDING**
- 9 FENCES**

SAFETY + CRIME PREVENTION

Promoting safety and preventing crime is an important goal of the Specific Plan. One important strategy for doing this is to provide active, well-designed, well-maintained public space, and more “eyes on the street” to reduce the opportunity for unlawful activity. This strategy, also known as “Crime Prevention through Environmental Design” (CPTED), is integrated throughout the standards and guidelines in this chapter. Some of the CPTED principles promoted in this chapter and the rest of the plan are as follows:

- Active and well-maintained public spaces.
- Building design and visibility to promote “eyes on the street.”
- Clear delineation between private and public space.
- Natural access control between public and private space.
- Removal or repair of vandalism or broken property.

In general, all applicable standards and guidelines must be met to approve a development proposal or move forward with a public improvement. However, this guidance is not intended to restrict innovation, imagination, or variety in design. A method that results in a superior project design or outcome for the community, while supporting the Specific Plan’s vision, may be considered in lieu of that guidance if it consistent with the zoning code and other applicable laws and regulations. This is a long-term visioning and planning document, and we understand that future projects will need to be consistent with all applicable building and fire codes and undergo Fire Department review for access, circulation, and design on a project-by-project basis.

Building Frontages

Creating active frontage helps promote vibrancy and activity along key streets and gathering spaces. Active ground-floor uses can be retail, residential, or office, although the design guidelines identify specific locations where retail is a particularly desirable type of active frontage (Figure 5.1). The guidelines below provide specific design guidance depending on which type of active ground-floor use – retail, residential, or office – is being provided.

Building Frontage Standards (All Uses)

1. ACTIVE GROUND-FLOOR FRONTAGES.

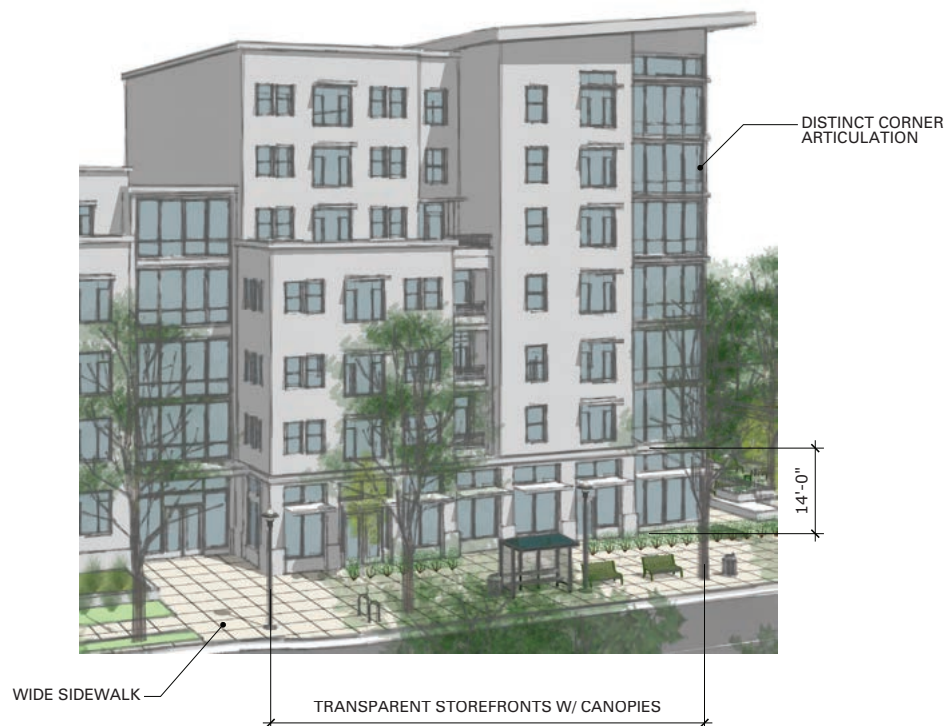
Active, pedestrian-oriented ground-floor frontages shall be provided in all new development. Active ground-floor frontage may consist of any of the following:

- **Retail active frontages.** Active retail frontages are defined as retail and restaurants with transparent storefronts, public open spaces and plazas, outdoor dining areas, amenity areas with seating, bicycle parking, services and educational / cultural spaces that have regular customer foot traffic, and transparent storefronts or lobbies.
- **Residential active frontages.** Residential active frontages include stoops at residential entries, entry lobbies, porches and stoops, transparent lobbies, fitness and activity rooms with transparent storefront treatment, community rooms, amenity areas with outdoor seating, and/or residential amenity areas with transparent frontage.
- **Office active frontages.** Active ground floor office uses are semipublic areas that are well used and will provide interest and have regular customer foot traffic. Examples include lobbies, cafeterias, common amenity uses, meeting spaces, fitness rooms, lobbies or office space with transparent storefront treatment, and/or other cultural and educational spaces.

- 2. ALLEY FRONTAGES.** Active ground-floor uses are not required along delineated alleys.
- 3. MINIMUM INTERIOR HEIGHT.** Ground-floor retail uses shall have a minimum 14-foot indoor floor-to-ceiling-structure height. Residential ground floors shall have a minimum 12-foot floor to floor height.
- 4. ENTRANCES.** Principal building entrances shall face a public street, public pedestrian pathway, or public open space (such as a landscaped square, plaza or similar space), with doors or windows facing this street, pathway, or open space.
- 5. PROJECTIONS.** Awnings, canopies, marquees, signs, shading devices, cornices, and lighting may encroach into the setback area above a minimum height of 10 feet from sidewalk grade. If these projections are across or project into fire access areas, the minimum height must be 13 feet and 6 inches.
- 6. OCCUPIED BUILDING AREA.** Occupied building area may project beyond the ground floor facade into the setback area above 12 feet from grade. If these projections are across or project into fire access areas, the minimum height must be 13 feet and 6 inches. Occupied building encroachments may extend into the setback area for a maximum of 65% of the length of the building frontage.
- 7. HIERARCHY OF SPACE.** New residential development shall establish a clear visual and physical separation between private and public realm spaces by distinguishing between entry types, creating transition areas between public sidewalks and private stoops, and/or utilizing contrasting paving materials.

Ground-Floor Retail Building Frontage Guidelines

1. **RECOMMENDED ACTIVE, GROUND-FLOOR RETAIL LOCATIONS.** Active, ground-floor retail is strongly encouraged along East 14th Street, near the BART Station, and along the connecting streets between these two locations, in whatever location these connections occur.
2. **GROUND-FLOOR RETAIL USE TYPES.** Public-serving street-level uses such as restaurants, retail shopping, customer services, community facilities, education facilities and cultural uses such as theaters, performance spaces, and gathering spaces are particularly encouraged.
3. **RETAIL BUILDING FRONTAGES.** Retail frontages shall be composed of architectural elements that enhance the public realm and provide a human-scaled street environment. The following elements can be used to achieve this goal:
 - Facade treatments and details that are scaled to the pedestrian
 - Distinct corner articulation through differentiation in materials, fenestration, glazing, and roof form
 - Transparent ground-floor storefronts with awnings or canopies
 - Generous sidewalks for pedestrian amenities like displays, benches, and cafe tables.
4. **MINIMUM TENANT SPACE DEPTH.** Ground-floor retail and commercial shall have tenant space depths of at least 40 feet. To create a more vibrant and active retail street, narrower and deeper tenant spaces are encouraged to increase the number of storefront entries per linear foot of frontage.
5. **FREQUENCY OF PEDESTRIAN ENTRANCES, RETAIL GROUND FLOOR.** Entrances shall be located at least every 50 feet to a maximum separation of 100 feet, depending on ground floor use. Corner commercial uses shall have a corner entrance or entrance toward both streets.



Example of well-designed retail frontage

- 6. TRANSPARENCY.** The majority of each ground floor commercial facade shall be transparent along streets, pedestrian pathways, or plazas, providing visibility into and out of the space through clear windows. Window films, mirrored glass, and spandrel glass are strongly discouraged.
- 7. SIDEWALK EXTENSION.** Areas between the right-of-way and a commercial building face near the street shall be paved as though they are extensions of the sidewalk. Small landscaped areas or planters are allowed.

- 8. EXTERIOR ACTIVE USES.** Exterior spaces such as outdoor dining areas, amenities such as seating areas and community gathering areas, bicycle parking, public open spaces, plazas, and landscape areas are strongly encouraged in private frontage zones.
- 9. EYES ON THE STREET.** Retail and mixed-use building frontages should provide “eyes on the street” to increase pedestrian safety and provide a sense of community.

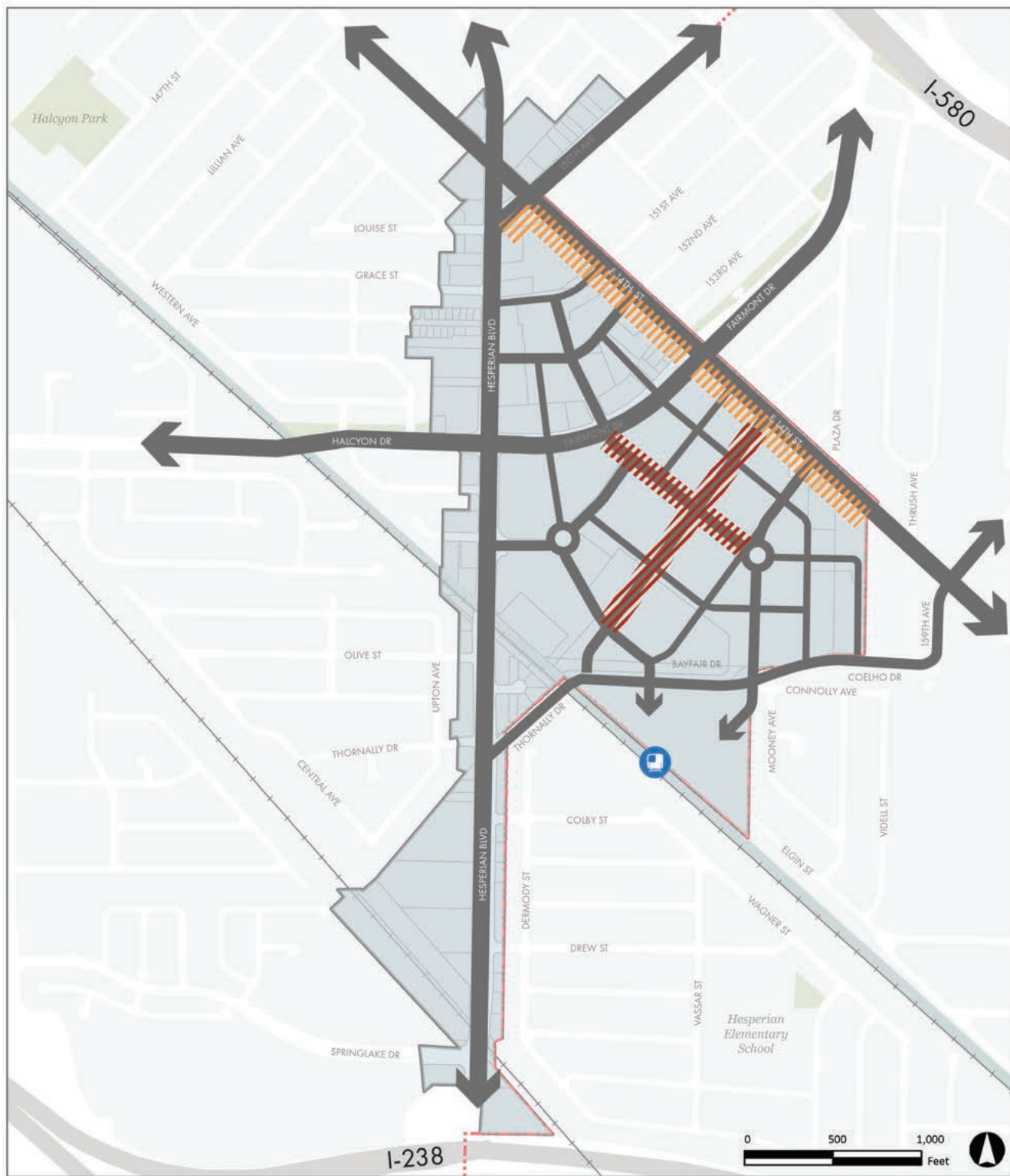


Example of ground-floor transparency and corner entry facing both streets in an active ground-floor retail use



Example of retail active frontage

Figure 5.1: Locations Where Ground-floor Retail is Encouraged



- Potential Locations for Retail Along Special Pedestrian-Oriented Connections Strongly Encouraged
- Potential Locations for Retail Along East 14th Strongly Encouraged
- City Limit
- Bay Fair BART Station
- Project Boundary
- Union Pacific Right of Way

Ground-floor Residential Building Frontage Guidelines

1. **GRADE SEPARATION.** Ground-floor units shall be a minimum of two (2) feet above grade on average, and no more than four (4) feet; three (3) feet is encouraged.
2. **STREET ENTRANCES.** All ground-floor units shall have direct pedestrian access to the adjacent street, sidewalk, or open space.
3. **EYES ON THE STREET.** Residential building frontages should provide “eyes on the street” through frequent windows and doors to increase pedestrian safety and provide a sense of community.
4. **PRIVACY.** Landscaping, grade separation,



Example of well-designed ground-floor residential frontage



Example of active residential and retail with stoops, elevated ground-floor spaces and landscaping.



Example of active residential lobby space, and common area in a multi-unit residential building.

and/or screening/shielding of first floor windows shall be used to ensure privacy for ground-floor units.

5. **TRANSITION FROM PUBLIC TO PRIVATE.** Residential frontages are encouraged to provide landscaped areas, stoops, terraces, and/or porches along the sidewalk to clearly delineate the transition from public to private space.

6. **INTERIOR ACTIVE SPACES.** Spaces such as lobbies, common amenity spaces, leasing offices, or similar spaces shall have transparent windows or storefronts. These spaces should have direct access to the adjacent street, patio, or open space.

Ground-Floor Office Building Frontage Guidelines

- 1. OFFICE BUILDING FRONTAGES.** Office frontages shall be composed of elements that provide high transparency, regular articulation, and spaces that promote gathering and social activity. The following elements and frontage types can be used to achieve this goal:

 - Distinct vertical and horizontal articulation through differentiation in materials, glazing, and massing
 - An open or semi-enclosed forecourt area adjacent to the sidewalk where a portion of the building facade is set back noticeably from the property line. Typically it is the middle section of the building that is set back to create a central entry area
 - Landscaped office yards, where the entire building facade is set back in a dimension large enough to create a common yard (can be contiguous with neighboring yards)
 - Transparent ground-floor storefronts with awnings or canopies
 - Public amenity areas
 - Office entry lobbies
- 2. PEDESTRIAN ENTRANCES, OFFICE GROUND FLOOR.** Buildings shall have at least one main entrance for employees and the public. Entries should be adjacent to entry lobbies that are inviting, well-lit, and secure. Entries shall be open to and entered from streets or open spaces. Main entrances shall meet the sidewalk at grade.
- 3. TRANSPARENCY.** Office frontages may have fewer and less frequent entrances than retail and residential frontages, but shall have abundant clear windows along the ground floor. Glazing should provide a high degree of light transmittance and be non-reflective.

Building Heights

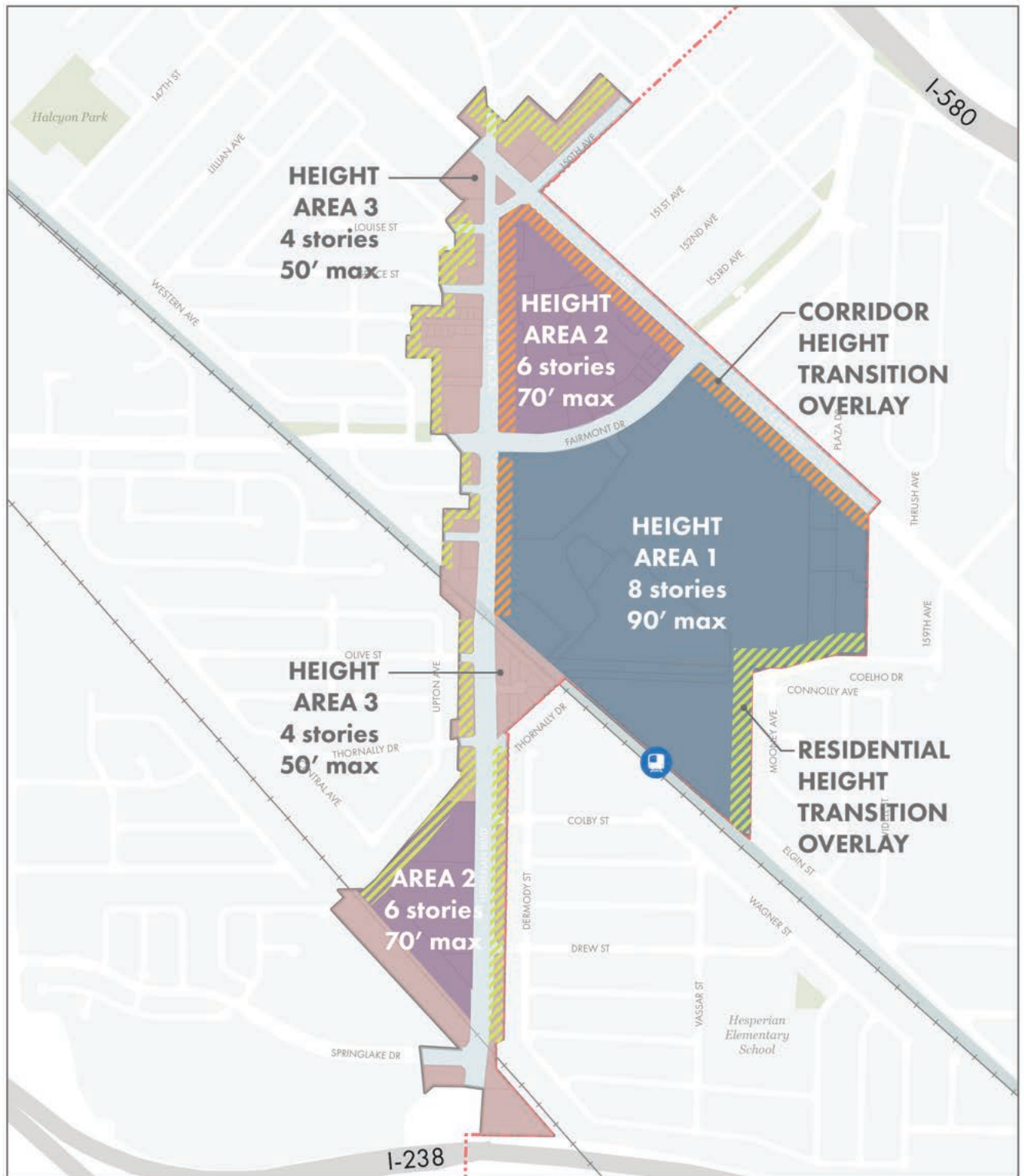
As shown in Figure 5.2, the Specific Plan focuses the tallest building heights close to BART and away from residential neighborhoods (“Height Area 1”), with various levels of reduced heights allowed further away from BART toward East 14th, along Hesperian Boulevard, north of Fairmont Drive and near adjacent neighborhoods. Along Hesperian Boulevard, the lowest height limit (“Height Area 3”) is in place to respond to the scale

of adjacent residential neighborhoods. In addition, two height overlays – the Residential Transition Height Overlay and the Corridor Transition Height Overlay – further limit height and massing along transitions to residential neighborhoods and adjacent corridors. These are further described in the “Transitions to Existing Development” section below.

Building Height Standards

1. **MAXIMUMS.** Building heights shall not exceed the maximums shown in Figure 5.2.
2. **HEIGHT AREA 1 MINIMUMS.** In Height Area 1, new residential, office, and mixed-use buildings shall be built to a minimum of 4 stories and 45 feet to provide an appropriate development intensity for their location near transit. There is no height minimum for new retail development in Height Area 1, or for changes of use within existing buildings. Ground-floor residential units or non-residential space integrated with a larger building are permissible as long as the larger building complies with the height minimums specified for Area 1.
3. **HEIGHT EXCEPTIONS IN HEIGHT AREA 1.** In Height Area 1, projects may exceed the maximum height limit provided they 1) meet all applicable zoning, design and development regulations, 2) provide significant community benefits identified as part of a community process and approved by the City, and 3) support the vision presented in the Bay Fair TOD Specific Plan.
4. **SINGLE-STORY NON-RESIDENTIAL FRONTAGES.** For new single-story non-residential buildings, at least 75% of the street-facing portion of the building shall have a height of at least 25 feet, to ensure pedestrian-supportive street presence and appropriate scale with neighboring uses.

Figure 5.2: Building Height Limits



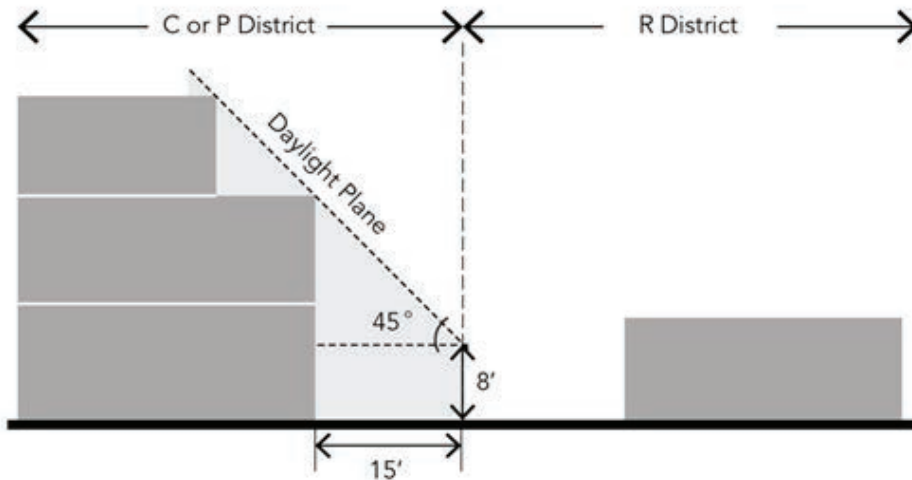
| | |
|--|---|
| HEIGHT AREA 1: 8-story / 90' Maximum | RESIDENTIAL HEIGHT TRANSITION OVERLAY: 45-degree Daylight Plane Requirement |
| HEIGHT AREA 2: 6-story / 70' Maximum | CORRIDOR HEIGHT TRANSITION OVERLAY: 5-story / 58' / 8-story / 90' (40' from back of sidewalk) |
| HEIGHT AREA 3: 4-story / 50' Maximum | |

Transitions to Existing Development

It is important that new development provides appropriate transitions of height and scale to existing neighborhoods. To achieve this, there are two different height transition overlay areas shown in Figure 5.2. The Residential Transition Overlay requires development to step down toward single-family residential neighborhoods, ensuring solar access and privacy for existing low-density residential properties in the City and nearby Alameda County. The Corridor Transition Overlay requires development to step down to both East 14th Street and Hesperian Boulevard to provide an appropriate and sensitive transition

to existing retail, office and/or residential uses across the street. The Corridor Transition Overlay is compatible with the scale and height allowed in Alameda County’s Ashland/Cherryland Business District Specific Plan (up to five stories), which regulates County properties on the other side of East 14th Street. It is also compatible with the scale and height allowed by this Bay Fair TOD Specific Plan on the west side of Hesperian Boulevard (four stories, as shown for “Area 3” in Figure 5.3 below).

Figure 5.3: Residential Transition Overlay

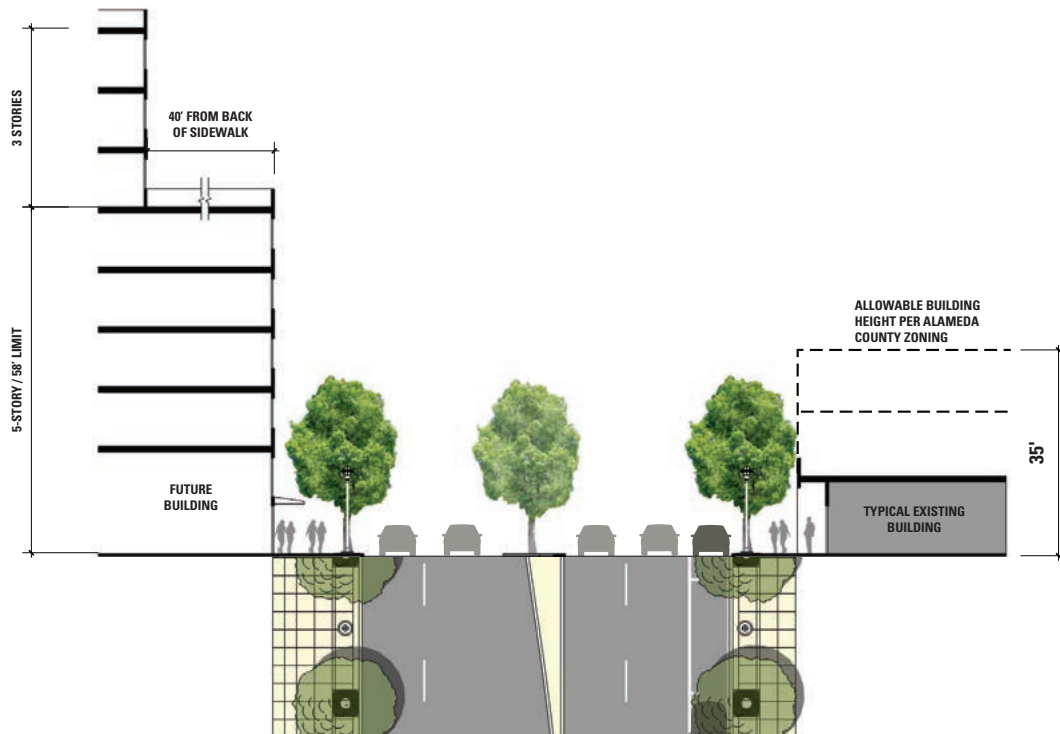


Transition Standards

- 1. RESIDENTIAL TRANSITION OVERLAY.** As shown in Figure 5.2 “Building Height Limits”, 45 degree Daylight Plane height transitions are required for any new development adjacent to RS or RD zoning districts, as required by the Daylight Plane height restrictions found in the existing San Leandro Zoning Code. This requirement applies to all future use types within the Residential Transition Overlay area, including residential development. Per the Zoning Code and as shown in Figure 5.2 “Residential Transition Overlay Height Limits,” this is defined as a 15-foot minimum setback at a 45-degree angle from a point 8 feet above the property line.

- CORRIDOR TRANSITION OVERLAY.** New development within the Corridor Transition Overlay, as shown in Figure 5.2 “Building Height Limits,” shall be limited to a 5-story / 58-foot maximum building height for the first 40 feet as measured from back of sidewalk.

Figure 5.4: Corridor Transition Area Overlay Height Limits



Transition Guidelines

- RESIDENTIAL TRANSITION DESIGN.** Projects subject to the Residential Transition Overlay should use physical buffers and design treatments to reduce their impacts on adjacent residential properties. Buffers may include larger setbacks, landscaped strips, transition zones, fencing, and screening. Design treatments include height and/or bulk step downs and other architectural measures such as matching the form or roof style of adjacent properties.
- RESIDENTIAL BALCONIES.** Balconies in new projects should use architectural design, screening, and building orientation to reduce privacy impacts on existing residential parcels.
- EAST 14TH STREET FRONTAGES.** New frontages along East 14th Street should support the vision and character for East 14th Street articulated in Alameda County’s Ashland/Cherryland Business District Specific Plan – a vibrant mixed-use environment with active shopfronts that serves the daily needs of surrounding residents.

Building and Site Design

The placement and orientation of a building on a parcel, the condition of the private property setback, and the design of parking and loading areas strongly influence how development interacts with public streets and pathways. Building articulation, facade design, and architecture also have a powerful effect on the overall character of the area. This section provides guidance for both site and building design, as well as for building performance and desired green building features in new development.

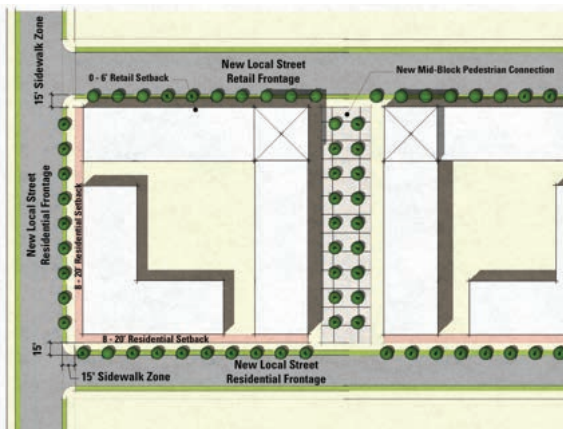
Site Design and Setbacks

Site Design and Setback Standards

- 1. MAXIMUM FAR.** The maximum FAR within the Plan Area is specified in the General Plan. All projects shall meet applicable standards for maximum and minimum building height, setbacks, open area, lot coverage, building placement, and other related requirements.
- 2. BUILDING AND BLOCK LENGTH.** No new building or block shall be longer than 440 feet in length without a publicly accessible connection through the parcel to another publicly accessible connection such as street, pedestrian path, or park/plaza. Desired connections are shown in Figure 2.4. The 440-foot maximum may be exceeded by up to 10% with approval

from the City Zoning Enforcement Official (ZEO). The 440-foot maximum block size is encouraged but not required for future improvements to existing buildings within existing blocks.

- 3. SITE COVERAGE.** Maximum lot coverage is 80% for all development types including mixed-use, residential, office, and retail. Minimum open area coverage for all development types is 20% of lot area. Open area may be a combination of public and private, consistent with standards and guidelines. At least one-third of the required open area should be vegetated with grass, trees, or other landscaping.
- 4. PARCEL AGGREGATION.** Contiguous parcels may be aggregated under common or affiliated ownership to create larger, more flexible development sites.
- 5. SURFACE PAVEMENT COVERAGE.** For new development, pavement areas for automobile parking and circulation shall cover no more than 30% of the total site area.



Examples of Bay Fair building setbacks, mid-block connection, and public sidewalk dimensions

- 6. **OUTDOOR WATER EFFICIENCY.** All new outdoor landscaping shall comply with the City’s Bay-Friendly Water Efficient Landscape Ordinance (WELO) in the Zoning Code.
- 7. **BUILDING SETBACKS.** Building setbacks shall meet the standards established by Table 5.1, consistent with their ground floor use and the street which they front. Any building facade facing a street shall comply with setback requirements for that street.
- 8. **BUILDING PLACEMENT.** A minimum of 70% of the building shall be placed within the build-to area (between the minimum and maximum setback) shown in Table 5.1.
- 9. **UNDERGROUND UTILITIES.** All new utilities and utility connections shall be underground. Certain types of ground-based equipment may be above ground if necessary.

Table 5.1 Building Setback Standards

| | HESPERIAN | | FAIRMONT | | EAST 14TH | | ALL OTHER NEW OR EXISTING STREETS | | | | | |
|------------------------|---------------|-----|---------------|-----|---------------|-----|-----------------------------------|-----|--------|-----|-------------|-----|
| | All Use Types | | All Use Types | | All Use Types | | Retail | | Office | | Residential | |
| | min | max | min | max | min | max | min | max | min | max | min | max |
| Required Front Setback | 8' | 20' | 12' | 20' | 0' | 12' | 0' | 6' | 8' | 12' | 8' | 20' |

Site Design and Setback Guidelines

- 1. **ALLEYS.** Alleys are encouraged to provide buildings with a “back of house” to locate refuse pick-up, utilities, and other functions that may detract from active ground-floor uses and the pedestrian realm. Alleys do not qualify as a publicly accessible connection unless more than 80% frontage contains active uses and is publicly accessible.
- 2. **STRUCTURED PARKING.** Structured parking is encouraged as an alternative to surface parking lots.
- 3. **PLACEMENT OF UTILITIES.** Utilities, including all “dry” utility access, above-ground equipment, building refuse containers, or other features that will diminish the pedestrian environment, are discouraged within front setback areas, along mid-block pedestrian connections, or within 50 feet of a corner. Ground-based equipment is discouraged from the front setback area, particularly the pedestrian zone.
- 4. **DESIGN OF UTILITIES.** Utilities and trash receptacles shall be screened and integrated with the building architecture. Where this is not possible, these ancillary facilities should be located in free standing enclosures compatible with the development’s architectural style.
- 5. **FEMA FLOOD PLAN.** Areas subject to flooding from the 100 year storm should be elevated in conformance with FEMA flood protection standards as a requirement of any development proposal.

Building Design

Building Design Guidelines

1. **BUILDING ARTICULATION.** Facades shall use the following horizontal and vertical articulation strategies:
 - **Vertical articulation.** Projections, minor setbacks, architectural details and variations in materials shall be used to distinguish between upper and ground floors. Variations in height, massing, and vertical articulation are encouraged.
 - **Horizontal articulation.** Facades longer than 100 feet shall be subdivided with at least one major massing break (minimum width of 20 feet and minimum depth of 20 feet) every 100 feet. In addition, all building facades shall contain minor massing breaks every 50 feet on average.
 - **Building projections.** The total area of all architectural projections shall not exceed 50% of the primary building facade area. The primary building facade is the facade built at the property or setback line.
 - **Upper floor treatment.** Materials shall vary moving upward to lighten building tops and reduce the appearance of height.
2. **BLANK FACADES.** Blank walls (facades without doors, windows, landscaping treatments or other pedestrian interest) shall be less than 25 feet in length along sidewalks, pedestrian walks, or open space.
3. **FACADE ARTICULATION.** All highly visible building facades should be designed with consistent or complementary materials, articulation, and quality.
4. **LOCAL STREET BUILDING FACADES.** Local street ground floor frontages should support pedestrian interest and accessibility, which may include commercial storefronts and building entrances or stoops in other locations.
5. **BUILDING COMPONENTS.** New buildings should be designed with a defined base, a middle or body, and a top, cornice or parapet cap. The cornice or top of the building should provide a strong termination and add visual interest.
6. **GROUND FLOOR FACADE.** The ground floor along primary facades shall be composed of a distinctly different character from upper floors (distinguished by a greater floor to ceiling height, greater articulation, finer design details, unique colors, enhanced ground-floor entrances, and/or architectural variation).
7. **BUILDING SCALE.** Facade elements should establish building scale; for example, windows and doors should appear in a regular pattern, or be clustered to form a cohesive design. Horizontal building elements shall be roughly aligned (within about 3 feet in height) with others in the same block.
8. **FRANCHISE RETAIL.** Chain or franchise uses should be expected to adapt their standard designs to the unique qualities of the Bay Fair TOD area and San Leandro.
9. **BUILDING ACCESS.** Doors to common facilities should contain some transparency and be access-controlled. Courtyard gates and shared building entrances that access individual units should automatically lock when closed.

- 10. BUILDING ACCESSIBILITY.** Provide building types and entrances that are accessible to people of all ages and abilities, including ground-floor accessible entries, lobbies, and elevator access.
- 11. NIGHTTIME VISIBILITY.** Building entries and addresses shall provide clear nighttime visibility from the street.
- 12. HIGH-QUALITY, DURABLE MATERIALS.** Utilize high-quality, durable finishing materials such as concrete, steel, wood, and glass.
- 13. ICONIC LANDMARKS.** Encourage iconic, memorable landmarks and buildings distinguished from their surroundings in a variety of architectural styles.
- 14. ARCHITECTURAL DETAILS.** Encourage architectural details such as reveals, course lines, decorative cornices, columns, canopies, arbors, trellises, etc.
- 15. PEDESTRIAN ENTRYWAYS.** Encourage porches, balconies, stoops and other pedestrian entryways along the street frontage.
- 16. SEPARATE ENTRANCES.** Provide separate entrances for different uses in vertical mixed use developments.



Examples of desirable building design and articulation strategies

Parking and Loading Design

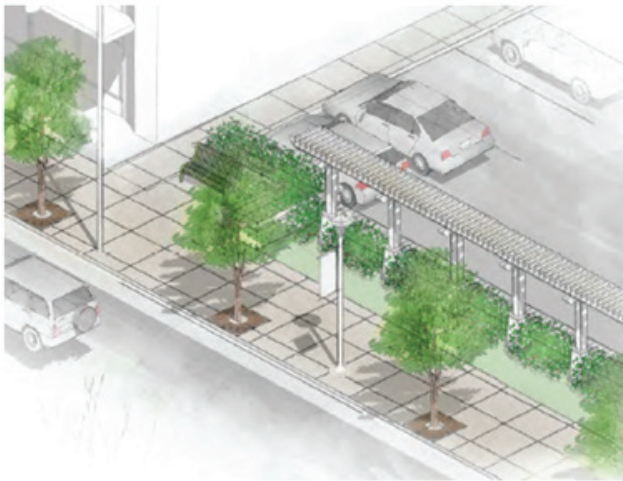
Parking and Loading Standards

1. **GARAGE ENTRANCE WIDTH.** Garage entrances at grade facing the street shall be no more than 20 feet wide.
2. **CURB-CUT LOCATION.** A maximum of one curb cut per 200 feet of frontage on a single project site is allowed, unless otherwise required for emergency vehicle access. If required, the second curb cut may be restricted to emergency vehicles. Curb cuts shall be located a minimum of 50 feet from street corners.
3. **CURB-CUT WIDTH.** Maximum curb-cut width shall not exceed 20 feet (plus the flare), or minimum required for emergency vehicle access. One-way driveways may have curb cuts with a width no greater than 12 feet (plus the flare) or minimum required for emergency vehicle access.
4. **TREE CANOPY.** New and reconfigured surface parking lots shall provide a tree canopy plan with a goal of 50% or greater coverage at maturity, which may be offset by the substitution or mixing of solar panels.
5. **PRIVATE PARKING RATIO REQUIREMENTS.** Parking for private development projects must be consistent with the parking requirements and potential reductions included in Chapter 3 Mobility.

Parking and Loading Design Guidelines

1. **PARKING STRUCTURE DESIGN.** Parking structures shall be integrated into the overall development. They should be underground, lined with active uses, or designed with attractive building facades to screen structural elements of the garage. Above-ground parking garages should be designed to complement the overall building design on project sites.
2. **GARAGE ENTRIES.** Garage entries shall be integrated into building facades using architectural techniques, matching facade or material treatments, and/or by partially recessing the entries into the building. Door design treatments and details should minimize the apparent width of the entrance in accordance with the building's predominant architectural character.
3. **SHARED PARKING ENTRY.** In mixed-use development, shared entrances for both retail and residential uses are encouraged. In shared entrance conditions, secure access for residential parking should be provided.
4. **SURFACE PARKING LOCATION.** Wherever possible, parking and vehicle areas should be located behind or under buildings. On shallower lots (less than 150 feet deep), surface parking may be located adjacent to the building, but should not take up more of the primary frontage than the building. On deeper lots, the vehicle areas along the primary frontage should be limited to driveways and a few associated parking stalls. Parking shall not be located on corners.
5. **PUBLIC PARKING.** Wherever possible, projects should seek to provide structured public parking facilities, as described in Chapter 3, Mobility.
6. **CIRCULATION THROUGH EXISTING SURFACE PARKING LOTS.** When site or building improvements are made, existing surface parking lots should be enhanced to provide clear pedestrian and bike pathways from public streets to building entries. Access ways should be shaded and clearly identifiable from the street.

- 7. SURFACE PARKING SCREENING.** Surface parking lots shall be screened from adjacent streets. Screening should provide visual interest, but should not be so large and dense that the screening elements (such as walls or landscaping) limit sight lines for safety and security.
- 8. PARKING FOR SMALL PARCELS.** Smaller parcels located along Hesperian Boulevard or 150th Avenue should make their best efforts to comply with parking design guidelines, but flexibility will be provided given their lot configuration.



Example of surface parking screening along street

- 9. ADAPTABLE PARKING STRUCTURES.** Explore adaptability of parking structures for future changes in use.
- 10. PHASED DEVELOPMENT OF PARKING.** As new development occurs in the Plan Area, pedestrian access between sidewalks, parking lots, and building entrances should be maintained, with a minimum 5-foot wide pedestrian path from the sidewalk to the interior of the site/building. This walkway should be easily recognizable and have landscaped edge treatments, pedestrian-scaled lighting and other features to maintain a high quality walkway from the street to entries.
- 11. DRIVEWAYS.** Vehicle access into parcels should occur from side streets or alleys. If necessary, they should be located as far as possible from potential pedestrian activity areas. Curb cuts and driveways should be designed to minimize impacts to sidewalks and other pedestrian access to buildings, plazas or open spaces. Adjacent sites should share driveway access.
- 12. LOADING AND SERVICE ACCESS.** Loading docks shall be no greater than 20 feet in width and be screened from the right-of-way and adjacent properties to address visual and noise impacts. Service access and loading docks shall be located on side streets or alleys and away from the front of the building. Loading docks shall be internal to the building envelope and equipped with closable doors.
- 13. HORIZONTAL FACADE LINES ON STRUCTURED PARKING.** For parking structures or buildings with internal parking structures, maintain horizontal facade lines throughout the exterior facade; do not repeat the sloping floor lines of interior parking ramps on the exterior facade.

Building Performance

Performance Standards

- 1. CALGREEN.** New development shall achieve the mandatory elements of CalGreen as required by State law, but should seek opportunities to exceed, pursue, and achieve CalGreen Tier 1 or 2.
- 2. LEED FOR NEIGHBORHOOD DEVELOPMENT.** LEED for Neighborhood Development (LEED-ND) certification is required for any new development over five acres in size, and is encouraged for any project involving two buildings or more. For projects under five (5) acres in size, encourage features consistent with LEED-ND criteria such as walkable streets, green infrastructure, multi-modal transportation facilities, energy- and water-efficient buildings, and access to diverse uses and public space.
- 3. SOLAR-READY BUILDINGS.** All new buildings shall be built with solar-ready electrical systems/hardware and provided with adequate roof surface area for these systems.
- 4. STORMWATER TREATMENT.** New development shall integrate stormwater catchment and treatment systems into its site and buildings as shown in Alameda County's "Stormwater Technical Guidance" manual.
- 5. SUSTAINABLE ROOFS.** New construction, additions, and alterations shall follow the CalGreen guidance for solar-reflective roofs to reduce heat island effect. Vegetated roofs may also be used.
- 6. DECARBONIZATION.** In light of the City's Climate Action Plan goals for emissions reductions and State Long Term Energy Strategic Plan and increasing renewable energy portfolios, buildings should attempt Zero Net Energy (ZNE) or decarbonization of buildings and water.

Performance Guidelines

- 1. GREEN BUILDINGS.** Green building certification such as LEED for Building Design and Construction (LEED-BD+C) or GreenPoint Rated is encouraged for new development.
- 2. INDOOR WATER REUSE.** New construction is encouraged to use on-site graywater systems to facilitate indoor water capture and reuse.
- 3. STORMWATER HARVESTING.** Buildings are encouraged to re-use collected rainwater.
- 4. VEHICLE CHARGING STATIONS.** CalGreen requires new development to be EV ready, therefore, new development should include electric charging stations for electric automobiles for residents.
- 5. DISTRICT SYSTEMS.** District systems should be explored and are encouraged for stormwater management, sewer treatment, gray water re-use, energy generation and shared heating/cooling.

Public Open Space

The design of public spaces in the Bay Fair Plan Area should promote gathering, enjoyment, and active use by a broad range of the community. Open spaces should create usable spaces that meet the human needs at all stages of life, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity, and maintain or improve local character. Figure 5.5 shows conceptual locations for publicly-accessible open spaces. Several could be located along key street corridors and intersections for convenient pedestrian access. Others might be located more centrally within the Plan Area and serve as neighborhood centers, pocket parks, or plazas.

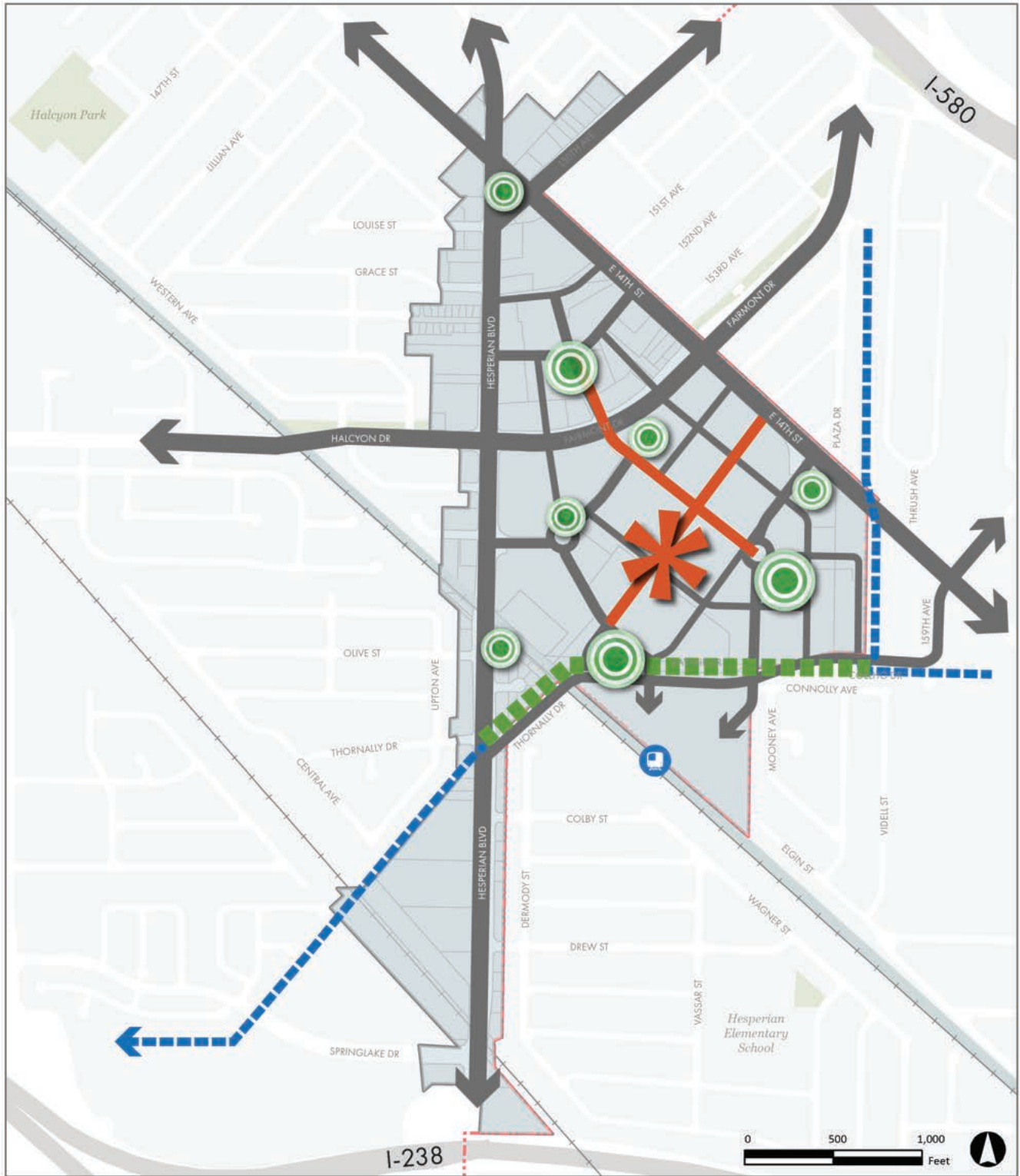
The City of San Leandro has an existing typology of park spaces, as established in the General Plan. The vision for Bay Fair is to utilize these existing typologies (such as mini-parks, neighborhood parks, and community parks) while also encouraging new types of open spaces (such as urban plazas, linear parks, and public art installations). The area-wide goal for the Bay Fair area is to achieve the following mix of open spaces over time:










- **LARGE SPACES.** 1 to 2 large urban gathering spaces such as a major plaza, linear park, community park or neighborhood park.
- **SMALL AND MEDIUM SPACES.** 7 to 12 small or medium parks, tot lots, urban plazas, pocket parks, flexible performance spaces, public art installations, Mini-Parks, or other small open space types.

The City's objectives for public open space are as follows:

- **DEDICATION.** Implementing existing policy, the City's preference is for private development to build and maintain public open spaces. Projects that dedicate land may be eligible for a reduction of the required ratio for park acreage.
- **IN-LIEU FEES.** Fees are set to achieve the citywide park acreage ratio goal of 5 acres per 1,000 residents.
- **SMALL PROJECTS.** Development projects with fewer than 50 residential units shall have the option to pay the in-lieu fee rather than dedicate land, with the intent of contributing to larger open spaces in coordination with other Bay Fair projects.

Figure 5.5: Public Open Space Illustrative Concept



-  Central Plaza or other Large Public Open Space (potential location)
-  Special Pedestrian-Oriented Active Connection (potential location)
-  Neighborhood Plaza or Park (potential location)
-  Existing Estudillo Canal
-  Focus of Proposed Stormwater/ Open Space Improvements for Estudillo Canal
-  City Limit
-  Bay Fair BART Station
-  Project Boundary
-  Union Pacific Right of Way

Publicly Accessible Open Space Standards

1. **RESIDENTIAL USES.** Residential development in Height Area 1 and Height Area 2 shall provide at least 25 square feet of publicly accessible open space per dwelling unit.
2. **NON-RESIDENTIAL USES.** Non-residential development exceeding 20,000 square feet shall provide at least 25 square feet of publicly accessible open space per 1,000 gross square feet of new development.
3. **DIMENSIONS.** New publicly accessible open space shall have a minimum 35-foot length in at least one dimension.
4. **AGGREGATED OPEN SPACE.** Project applicants shall work with the City to identify opportunities to create larger combined open spaces, or to collaborate on open space design and location with adjacent projects.
5. **SMOKE-FREE ENVIRONMENTS.** Public spaces shall be maintained as smoke-free environments to support resident and visitor health.
6. **PUBLIC FRONTAGE PROVIDED BY PRIVATE DEVELOPMENT.** All new development projects shall provide public frontage and sidewalks for their project, consistent with the standards and guidelines included in Chapter 3 "Mobility."



Examples of publicly accessible open spaces

Publicly Accessible Open Space Guidelines

1. **OPEN SPACE DEVELOPMENT.** New public open spaces should be coordinated with private development projects and planned infrastructure improvements.
2. **PROVISION OF OPEN SPACE.** Whenever possible, new development should provide on-site public open space rather than in-lieu fees.
3. **CONNECTED OPEN SPACES.** New public open spaces should be accessible from and located within a comfortable walking and biking distance of residents and shoppers.
4. **SUSTAINABILITY.** New public open spaces should be designed to incorporate best practices in sustainability, including water use and conservation, stormwater management, landscaping, and drought tolerant planting.
5. **STORMWATER FUNCTION FOR OPEN SPACE NEAR ESTUDILLO CANAL.** Any new open space located along the Estudillo Canal should function as a stormwater management feature.
6. **AMENITIES.** Seating, shading, and other amenities should be integrated into new public parks and plazas.
7. **RANGE OF PARK TYPES.** Encourage park and public space design consistent with Bay Fair’s intended mix of uses. This includes resident-oriented spaces such as playgrounds, dog parks, gardens, and sports facilities as well as visitor-oriented spaces such as event spaces, plazas, public seating areas, public spaces for markets and commerce, and flexible community gathering spaces.
8. **PUBLIC SPACE USE.** The design of the parks and plazas in the Bay Fair area should promote public gathering, enjoyment, and active use by a broad range of the community.
9. **OPEN SPACE LIGHTING.** Appropriate pedestrian-scale lighting should be provided in any new parks, plazas, and other open spaces.
10. **SAFE PARKS.** Utilize CPTED (Crime Prevention through Environmental Design) strategies to improve safety in new and existing parks by adding appropriate lighting and visibility in park facilities; activating parks with programs/ community gardens/community events; increasing natural surveillance by trimming surrounding vegetation and allowing views in and out of park spaces; and removing graffiti and maintaining parks.
11. **ESTUDILLO CANAL.** Estudillo Canal should become an attractive, ecologically valuable open space and stormwater amenity over time.

Private Open Space

Private usable open space may be designed as plazas, courtyards, parks, forecourts, rooftop amenities and other common areas designed for pedestrian circulation, outdoor gatherings, recreation, or passive activities. Private open space can also include private balconies and other structured outdoor areas.

Private Open Space Standards

1. **OFFICE USES.** Office development over 20,000 gross square feet shall provide at least 50 square feet of usable open space per 1,000 gross square feet of new development, of which at least 25 feet must be publicly accessible.
2. **RESIDENTIAL.** Residential uses shall provide at least 60 square feet of private usable open space per unit; this can be accommodated in private balconies, terraces, and other private areas, as well as in semi-private common areas or publicly accessible open spaces such as courtyards, forecourts, or plazas.
3. **DIMENSIONS.** New private open space shall comply with the following standards:
 - Common open space shall have a minimum 20-foot length in at least one dimension.
 - Private open space shall have a minimum 6-foot length in at least one dimension.
 - Common open space areas with residential units facing on two opposite sides shall have a minimum width equal to the height of the shortest building facade facing the courtyard.
4. **ALTERNATIVE SPACES.** The City may administratively authorize, as an eligible type of open space, improvements to an alleyway or easement within a square block of the project site.



Examples of common private open space

Private Open Space Guidelines

1. **LOCATION.** Semi-private open space should be located close to and visible from building entrances and/or the street.
2. **LANDSCAPING.** Courtyards and terraces should include vegetation through use of planters, tree grates, and other planting techniques compatible with a hardscape environment.
3. **GREEN ROOFS.** The use of roof gardens, green roofs, and other environmentally sustainable options should be used as semi-private open space in new developments.
4. **OUTDOOR WATER EFFICIENCY.** Beyond the required WELO reductions, the City strongly encourages additional efforts to reduce outdoor water usage.
5. **PLANTING AND LANDSCAPE CHARACTER.** The following guidelines apply to front and side landscaping:
 - Drought-tolerant plant materials should be incorporated into new sites to reduce water use and irrigation requirements.
 - Whenever possible, use native and bay-friendly planting palettes.
 - Implement rainwater harvesting and other features that provide a stormwater retention co-benefit.
 - Mature, existing trees should be preserved whenever possible.
 - Trees should be placed to maximize climate benefits and energy savings. Deciduous trees should be located to allow sunlight to reach buildings during winter months, and to provide shade during summer months.
6. **REAR LANDSCAPING.** Substantial landscaped screening should be planted along the rear of commercial and mixed-use buildings adjacent to residential streets or properties.
7. **FRONT YARD TREES.** Portions of buildings without ground floor commercial spaces should provide trees within the front setback to provide additional screening for those uses. Front yard trees may also be provided in areas with ground floor commercial spaces if they are appropriate to the circulation and visibility needs of the businesses.
8. **EDIBLE LANDSCAPING.** Encourage new development to incorporate edible landscaping for community gardening.
9. **NATURAL SURVEILLANCE.** Outdoor spaces such as courtyards should be placed for visibility from as many residential units as possible. Site entrances should be visible from public streets. Patios, porches, decks, and balconies are encouraged for increased outdoor surveillance capability.
10. **LANDSCAPING FOR SURVEILLANCE.** Encourage proper placement, selection, and maintenance of plant materials that maximizes natural visibility or observation.

Public Art

Public Art can add beauty and character to the streetscape. This enriches the pedestrian experience, fosters identity, and creates a sense of place. It can also encourage community ownership and attachment to an area by providing memorable, publicly accessible destinations and landmarks. The City of San Leandro has an active public art program with a successful track record of establishing public art installations throughout the City.

Public Art Guidelines

1. **ART INTEGRATION.** Art should be incorporated into new development whenever feasible. Art should be placed in visible areas, particularly at intersections or within public or common open spaces. Art may consist of both permanent and temporary installations.
2. **ICONIC PUBLIC ART.** The City should work with property owners to establish one or more iconic art installations in a public place in the Bay Fair Plan Area.
3. **GRAFFITI.** Art, patterns, murals or other means should be used to take away the “blank canvas” to discourage graffiti.
4. **SITE-APPROPRIATE.** The design and placement of art should enhance and be coordinated with other streetscape improvements to ensure a coherent character for a particular area or corridor. Art should be:
 - **Locally-sourced.** New open spaces and private developments should offer opportunities for local artists to exhibit their work.
 - **Interactive.** Interactive art is encouraged, such as pieces that invite user participation or provide sensory stimulation through touch, movement, or sound.
 - **Interpretive.** Art should be used as a means to enhance community understanding of the Bay Fair area’s history and cultural assets.
 - **Functional.** Functional art that doubles as seating, wayfinding, or lighting is encouraged.

Signage and Wayfinding

Clear, consistent wayfinding and signage that is appropriately scaled for each user helps pedestrians, bicyclists, and drivers easily access stores, jobs, and housing in the Plan Area. Well-designed signage and wayfinding can also add visual interest, character, and a recognizable district identity.

Signage and Wayfinding Standards

1. **SIGNAGE RELATION TO ZONING ORDINANCE.** Signs shall be subject to the sign regulations contained in the Zoning Code regarding exempt signs, prohibited signs, and general sign regulations, unless otherwise specified in this Bay Fair TOD Specific Plan.
2. **CABINET SIGNS.** Cabinet signs are not allowed.

Signage and Wayfinding Guidelines

1. **IMPROVED WAYFINDING.** New developments adjacent to the BART Station should improve wayfinding signage for persons arriving at the station. This could include signage identifying major destinations within and surrounding the Bay Fair area, bicycle routes, bus routes, and other attractions.
2. **COMMON LIGHTING.** New development should use similar styles of pedestrian lighting as adjacent developments.
3. **CORRIDORS.** New development should include coordinated signage and wayfinding along major corridors, such as East 14th Street and Fairmont Drive.
4. **BART VISIBILITY.** New buildings or alterations located along access routes to BART should work to increase visibility of the BART station.
5. **PARKING ACCESS.** New development should provide signage to lead shoppers and visitors easily to shared parking structures and encourage a “park once” experience.
6. **ICONIC SIGNAGE.** New construction should provide highly visible and iconic signage to improve orientation and wayfinding through the area.
7. **WAYFINDING IN OPEN SPACES.** New open spaces should support wayfinding and provide signage where appropriate.
8. **SIGN MATERIALS.** Signs should be made of durable and high quality materials, such as metal, wood or individual channel letters.
9. **MONUMENT SIGNS.** Monument signs shall be less than 6 feet high.



Examples of a unified district wayfinding palette

Fences

Standards and guidelines for fencing are included below.

Fence Standards

1. **ZONING CODE.** All fencing shall be consistent with the San Leandro Zoning Code.
2. **COMMERCIAL FENCES.** No fences are permitted between commercial uses and any major streets in the Plan Area. Fences to delineate outdoor dining or display areas are allowed up to 42 inches in height. Special uses such as child day care and schools may have fences that exceed this height.
3. **RESIDENTIAL FENCES.** Low fencing and gates are allowed up to 42 inches in height along residential building frontages. These shall be well-designed and detailed with high quality materials to add character and visual interest.
4. **SIDE AND REAR YARD FENCES.** Side and rear yard fences shall be a maximum of 8 feet high.
5. **FENCES ADJACENT TO RESIDENTIAL.** Fences along the rear and sides of parcels shall be a minimum of 7 feet and a maximum of 8 feet high when adjacent to residential land uses, and shall be made of masonry or other substantial and durable screening material.

Fence Guidelines

1. **FENCING MATERIALS.** Fencing shall be made of durable, high-quality materials.
2. **OPACITY.** Outdoor fencing, walls, and other visual barriers shall not be completely opaque so as to create clear line of sight along public and private walkways.





chapter 6

INFRASTRUCTURE + SERVICES

Infrastructure improvements are required to support the Bay Fair TOD Specific Plan Area (Plan Area). The majority of the Plan Area currently consists of shopping centers and parking lots. Redeveloping the area with residential and commercial uses described in this Specific Plan will require significant improvement to and expansion of the underground infrastructure including municipal water, sewer, storm drainage, and fiber optics/broadband networks. Furthermore, the City's General Plan emphasizes conservation, sustainability, efficiency, and waste reduction. Therefore, this Plan envisions to the greatest extent possible the incorporation of reclaimed water projects, solar power generation, solar heating, efficient recycling, storm water pollution prevention and infiltration, and other environmentally sensitive and carbon footprint minimizing infrastructure. The City's vision also emphasizes availability and access to high speed telecommunications. Whether provided by local/community broadband networks, private carriers and/or through private/public partnerships (i.e., LitSL), all new development will be required to offer high quality, reliable internet and other telecommunications services and amenities (i.e., free and public Wifi, cellular technology) in compliance with the Fiber Optics Master Plan currently in the planning stages.

To provide guidance on these topics for the Bay Fair Plan Area, this chapter provides plan-level policy and strategy for the following topics:

- Water Supply
- Reclaimed Water
- Storm Drainage and Flood Control
- Wastewater Collection and Treatment
- Energy (energy production, district energy, micro-grid, electrical, natural gas)
- Telecommunications (fiber optic, cable TV, telephone, and wireless)
- Solid Waste and Recycling
- Police and Fire Services
- Public Schools

Water Supply

East Bay Municipal Utility District supplies and maintains the municipal drinking water to the Specific Plan Area. The Plan Area is bordered by large (30" – 36") water transmission mains on Hesperian Boulevard and East 14th Street as shown in Figure 7.1. These mains have sufficient capacity to serve the Plan Area. Existing infrastructure within the Plan Area, surrounded by Hesperian Boulevard, East 14th Street, and the railroad tracks is limited, and may require construction of new distribution mains. The distribution infrastructure in other areas may also need replacement due to age and supply capacity for fire response purposes.

Water Supply Policies

1. **TIMING OF UPGRADE.** Water infrastructure construction should occur in advance of roadway, bicycle and pedestrian corridor improvements.
2. **LOCATING DISTRIBUTION MAINS.** Generally, distribution mains and valves should be located within major and minor streets. This Plan discourages street connections in place of bicycle and pedestrian corridors. For this reason, it may be necessary to route distribution mains through these corridors. Minimize, to the greatest extent possible the amount distribution main and valves within bicycle and pedestrian corridors.
3. **VALVE ACCESS.** Provide maintenance vehicle access to all water main control valves located within bicycle and pedestrian corridors.
4. **OUTDOOR RECYCLED WATER PLUMBING.** Encourage the installation of "purple piping" plumbing that accommodates future recycled water service in all outdoor landscaping areas that will require watering.

Reclaimed Water

The San Leandro Water Reclamation Facility (WRF) and the Oro Loma Sanitary District (OLSD) provide treated and reclaimed wastewater to users within and outside of the City of San Leandro. Currently, reclaimed water is being used primarily to irrigate golf courses. Provisioning of reclaimed water to the Plan Area from these two facilities would require approximately five miles of pipeline infrastructure (purple pipe) from the WRF and approximately three miles of pipeline from OLSD to reach the Plan boundary.

An alternative to expanding the treatment capacity at the WRF or OLSD facilities and constructing miles of purple pipe to the

Plan Area is to install a package reclaimed water treatment system and storage tank. A package system can be sized to meet the demands for landscaping and other uses. All waste generated by this local treatment can be discharged back into the wastewater collection system for treatment by OLSD.

Construction of reclaimed water infrastructure from either treatment plant or a centrally located package treatment system within the Plan Area would advance the City's General Plan policy to "deliver high quality reclaimed water for landscaping, industrial use, and other non-potable applications."

Reclaimed Water Policies

- 1. GENERAL PLAN POLICY CSF-6.6, RECLAIMED WATER SYSTEM.** Continue the expansion of the reclaimed water system, and the delivery of high quality reclaimed water for landscaping, industrial use, and other non-potable applications as they become financially feasible. Employ advanced technology so that reclaimed water can eventually be made available to all households.
- 2. GREEN STREET INFRASTRUCTURE.** The availability of reclaimed water is beneficial to water conservation and for supporting street rain gardens during dry period. Vegetation, including grasses, flowers, trees and bushes, can be maintained with reclaimed water in place of municipal drinking water.
- 3. RESIDENTIAL AND COMMERCIAL IRRIGATION.** With the availability of reclaimed water and as permitted by health codes, irrigation of landscaping should be required from reclaimed water source and metered with dedicated water meters, if metered usage is required by the City or the water district.
- 4. INDOOR AND OUTDOOR RECYCLED WATER.** Encourage innovative indoor and water recycling techniques such as rainwater capturing systems, use of cisterns, dual plumbing, and installation of greywater recapture systems.

Storm Drainage and Flood Control

All of the drainage within and surrounding the Plan Area flows to the Estudillo Canal Flood Control Channel (Canal) which bisects the project area, as shown in Figure 7.2. Within this Plan Area, stormwater will be collected with drainage inlets and conduits that discharge into the Canal. The Canal is owned and operated by the Alameda County Flood Control & Water Conservation District while the area drain system will be owned and maintained by the City.

Portions of the Plan Area are presented as being within a Special Flood Hazard Area (SFHA) "AH (El. 33)" by the effective Flood Insurance Rate Map. Zone AH is designated as "areas with a 1% annual chance of shallow flooding, with an average depth ranging from 1 to 3 feet. The "base flood elevation" is determined as elevation 33 feet (NAVD 88).

The Alameda County Flood Control and Water Conservation District is developing alternatives for improvements to the canal in order to gain capacity for the 1% annual chance flood, thus eventually removing the Plan Area from the SFHA. Significant improvements to the Canal and channel crossings, through the Bay Fair TOD, may include the following, but not limited to: channel improvements, floodwalls, culverts, and elevating road crossings. The channel crossings that may or may not require improvements include: Union Pacific Railroad, existing maintenance bridge, Hesperian Blvd, BART, pedestrian walkway bridge, Bayfair Dr, Coelho Dr, and E. 14th St. Further analysis is required to determine the

level of improvements. Although work will begin on the canal, downstream near the San Francisco Bay, funding and schedule for the reach through the Plan Area is currently under development.

The City is party to the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order R2-2015-0049 (MS4). This permit requires the incorporation of Low Impact Development (LID) and Stormwater Treatment technologies in new development and redevelopment projects, in order to mimic the natural hydrology of the lands prior to disturbance. The objective of LID and post-construction BMPs for stormwater is to reduce runoff and mimic a site's predevelopment hydrology by minimizing disturbed areas and impervious cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source. LID employs principles such as preserving and recreating natural landscape features and minimizing imperviousness to create functional and appealing site drainage that treats stormwater as a resource, rather than a waste product. Practices used to adhere to these LID principles include measures such as rain barrels and cisterns, green roofs, permeable pavement, preserving undeveloped open space, and biotreatment through rain gardens, bioretention units, bioswales, and planter/tree boxes. The Plan must incorporate these permit requirements during construction and maintain BMP facilities in perpetuity.

Storm Drainage and Flood Control Policies

1. **FLOODPLAIN.** Pursue regulatory approaches that avoid the future expansion of the floodplain and avoid flooding risks for new development.
2. **LOW IMPACT DEVELOPMENT MEANS AND METHODS.** Promote the use of Low Impact Development (LID) techniques to mitigate the impact of stormwater runoff, both for individual sites and as a coordinated district-wide effort. This includes the use of rain gardens, cisterns, rain barrels, infiltration, retention, on-street swales, vegetated areas, permeable pavement, vegetated roofs, on-site wastewater reuse systems, and other LID best practices. This Specific Plan encourages adequate site design measures that may include minimizing land disturbance and impervious surfaces (especially parking lots); clustering of structures and pavement; directing roof runoff to vegetated areas; use of micro-detention, including distributed landscape-based detention; preservation of open space; protection and/or restoration of riparian areas and wetlands as project amenities. reducing impervious surfaces (especially parking lots); clustering of structures and pavement; directing roof runoff to vegetated areas; and the use of micro-detention as project amenities.
3. **FLOOD CONTROL PROJECTS.** In coordination with efforts by the Alameda County Flood Control District, pursue capital improvements to reduce or remove Special Flood Hazard Areas from within the Specific Plan Area. This includes, but may not be limited to, improvements to the Estudillo Channel, expansion or naturalization of the Estudillo watercourse, creation of floodwalls, and elevation of road crossings.
4. **10-YEAR LEVEL OF PROTECTION.** 10-year peak flows should be contained within the drainage system constructed for the Plan Area.
5. **IMPROVEMENT TIMING.** Major stormwater infrastructure upgrades should occur in advance of roadway, bicycle and pedestrian corridor improvements.
6. **GREEN STREET INFRASTRUCTURE.** Utilize roadside stormwater capture, infiltration, and treatment technologies that meet the intent of the MS4 permit and that are compatible with the character of the Specific Plan Area. Some technologies may include rain gardens and permeable paving roadside parking.

Wastewater Collection and Treatment

Wastewater within the Specific Plan Area is maintained by the Oro Loma Sanitary District. An existing sewer trunk bisects the Plan Area as shown in Figure 7.3. Wastewater generated north of Thornally Drive between Hesperian Boulevard and East 14th Street can flow through a new gravity system in a southerly direction and discharge to the existing trunk. Wastewater generated west of Hesperian Boulevard can be collected in existing sewer trunks within Hesperian Boulevard, north and south of the railroad tracks.

The Oro Loma Sanitary District has indicated that the existing trunk systems have sufficient capacity for growth related flow anticipated from the Plan Area; however, large new development projects or projects requiring

discretionary review in the Plan Area must identify any impacts to the wastewater collection systems and the treatment system, which may require a sewer capacity study. There are limited public sewer mains within the Plan Area to serve redevelopment so this Specific Plan assumes new sewer mains will be constructed as part of new development.

The wastewater treatment plant is jointly owned by Oro Loma Sanitary District and the Castro Valley Sanitary District. With a treatment capacity of 20 million gallons per day (mgd) and current demand of approximately 12 mgd, it is anticipated that the plant will have sufficient available capacity for all additional Plan Area flows without the need to upgrade the facility.

Wastewater Collection and Treatment Policies

1. **TIMING OF UPGRADE.** Sewer infrastructure upgrades should occur in advance of roadway, bicycle and pedestrian corridor improvements.
2. **LOCATING OF SEWER MAINS AND MANHOLES.** Generally, sewer mains and manholes should be located within major and minor streets. This Plan discourages street connections in place of bicycle and pedestrian corridors. For this reason, it may be necessary to route sewer main through these corridors. Minimize, to the greatest extent possible the amount sewer main and number of manholes within bicycle and pedestrian corridors.
3. **MANHOLE ACCESS.** Provide maintenance vehicle access to all manhole located within bicycle and pedestrian corridors.
4. **WASTEWATER SYSTEM IMPACTS.** New development projects over 1 acre in size must identify impacts to the wastewater collection system and the treatment system, including a sewer capacity study if requested by the City. Projects may be required to construct new sewer mains as part of the development process.

Energy

A keynote goal of the City is to expand renewable energy resources, promote energy efficiency and energy conservation. This Plan introduces a unique opportunity to fulfill the goal significantly by redeveloping the area with renewable energy technologies such as roof top and parking canopy solar power generation and solar heating. PG&E supplies electrical and gas services to the Plan Area and surrounding region.

Energy Policies

1. **RENEWABLE ENERGY.** Support the development and application of renewable energy technologies such as active, passive, and photovoltaic solar energy; fuel cells; and other sustainable sources.
2. **ENERGY MICRO-GRID.** Strongly encourage new and existing buildings to integrate and contribute to City efforts to develop an energy micro-grid which produces and distributes energy in a non-centralized system reliant on renewable sources such as solar.
3. **DISTRICT ENERGY.** Allow and encourage shared heating and cooling between multiple buildings and other “district” energy and shared energy systems in the Bay Fair area.
4. **ENERGY-EFFICIENT INFRASTRUCTURE.** When installing new public infrastructure such as streetlights, traffic signals, water conveyance pumps, use energy-efficient models and systems whenever possible, incorporating new technologies as they become available.
5. **ENERGY INNOVATION.** Support new and innovative energy technology, with the objective of reducing dependence on fossil fuels, reducing greenhouse gas emissions, and using energy more efficiently.
6. **GREEN BUILDING.** Ensure the enforcement of California Green Building Code requirements and the continued use of green building checklists during the permitting of major residential and non-residential construction.
7. **WIND TURBINES.** Develop and promote City’s guidelines for use of wind turbines where aesthetic and environmental concerns can be sufficiently addressed.
8. **ELECTRICAL SERVICE.** Encourage partnerships with PG&E for the procurement of electrical service from renewable, sustainable and green sources.
9. **COMMUNITY CHOICE AGGREGATION (CCA).** Continue to participate in Alameda County’s Community Choice Aggregation (CCA) program, which allows homes, businesses, and municipal facilities to buy and/or develop power on their own behalf.
10. **ELECTRIC VEHICLE CHARGING STATIONS.** Support the development of a network of electric vehicle charging stations throughout the Plan Area.

Telecommunications

The City of San Leandro participates in a public/private partnership with LIT San Leandro to offer high speed internet and telecommunication to its local businesses. The Plan Area is situated along this fiber optic loop that runs through Hesperian Boulevard. The service is currently focused toward business connectivity; however, this Specific Plan incorporates medium to large multifamily residential complexes that can be structured as a community service district to offer the service to individual households.

The City is currently developing a long-range Fiber Optics Master Plan to guide the expansion, development, and policies needed to build and sustain broadband, wireless and other “smart city” services. Through a

combination of public/private partnerships (i.e., Lit San Leandro), municipal networks (i.e., “SL WiFiber,” which is the City’s free, public Wi-Fi service), and services from private carriers (i.e., AT&T and Comcast), the City intends to sustain its leadership in broadband and innovation. The Plan Area is situated along the Lit San Leandro fiber optic loop that runs through East 14th Street and Hesperian Boulevard. The broadband internet focus is currently toward business connectivity; however, the Fiber Optics Master Plan will explore relevant models to ensure the delivery of reliable, affordable, high speed broadband services to new residential development areas such as the Plan Area.

Telecommunications Policies

1. **FIBER OPTIC.** Develop a plan to expand current fiber optic networks throughout the Plan Area to attract new high-tech businesses and provide new hotel development with a significant amenity to business travelers.
2. **LIT SAN LEANDRO.** Leverage the City’s partnership with LIT San Leandro to offer gigabit internet service to the businesses within the Plan Area. Identify the feasibility to provision the service to the residential community.
3. **TELECOMMUNICATIONS.** Require all new development projects to incorporate broadband infrastructure in their planning and construction. All development projects shall install telecommunications infrastructure in accordance with the City’s Fiber Optics Master Plan currently in the planning stages, from the local carriers or LIT San Leandro.
4. **CELLULAR TOWERS.** Wireless facilities, including “macro” cellular towers, shall conform to the City’s Wireless Telecommunication Ordinance that establishes guidelines for wireless facilities. The ordinance seeks to direct towers to non-residential areas, limit their total extent and reduce their visual impacts, and encourage the co-location of equipment on existing towers wherever possible. (Note: the trend is moving towards “small” cell installations, such as current 4G and 5G cellular networks designed for installation on public right-of-way, which the Fiber Optics Master Plan will address.)
5. **INTERNET OF THINGS (IoT).** Encourage network infrastructure on hardware and software levels that accept cyber-physical systems from smart-connected objects and infrastructure systems (energy, waste, water, mobility, etc) to create data-driven “Smart City” operations. Align with the City’s developing Smart City and Telecommunications Plan, and leverage existing networks such as the 6LoWPAN network (simple, low throughput wireless network) deployed on city streetlight poles.

Police and Fire Services

The City of San Leandro is served by the San Leandro Police Department and the Alameda County Fire Department (ACFD). The Plan Area will also be served by these departments. The Police Department's headquarters are located approximately 2.15 miles northwest of the Plan Area along East 14th Street. Additional policing of the Plan Area is undertaken by the Bay Area Rapid Transit (BART) Police Department's Bay Fair BART Substation. ACFD Station 24 is closest to the Plan Area, located about four blocks southeast of the Plan Area Boundary along East 14th Street.

The implementation chapter of this Plan includes ongoing actions for coordination of public safety and policing efforts in the area. The urban design chapter includes multiple strategies to encourage Crime Prevention through Environmental Design (CPTED), including more "eyes on the street," beautification and maintenance, and better differentiation of public and private space.

Public Schools

The City of San Leandro is served by two school districts: the San Leandro Unified School District (SLUSD) and the San Lorenzo Unified School District (SLZUSD). The SLUSD serves about three-quarters of the City's students, while the SLZUSD serves the remaining one-quarter. Most of the SLZUSD is beyond San Leandro's boundaries, since it also includes the unincorporated communities of San Lorenzo, Ashland, Cherryland and parts of the city of Hayward. Schools operated by SLZUSD that serve the Bay Fair Plan Area include Hesperian Elementary School, Corvallis Elementary School, Grant Elementary School, Edendale Middle School, Washington Manor Middle School, and San Lorenzo High School.

There are currently no schools located within the Plan Area, although schools would be an allowable use for the Plan Area if developed in the future, as described in the Specific Plan's Land Use Chapter and the City's municipal zoning code. The Environmental Impact Report (EIR) for the Bay Fair TOD Specific Plan includes an evaluation of potential impacts and demand for schools as a result of this plan.

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NO PARKING



chapter 7
IMPLEMENTATION

This chapter describes the implementation activities and strategies needed to fulfill the vision of the Bay Fair TOD Specific Plan. Implementation of the Specific Plan will require a comprehensive approach that includes private sector development, City actions and resources, and coordination with partners and stakeholders such as BART, Alameda County, property owners, and community members. Development standards in the Specific Plan will guide future investment, with larger residential and non-residential projects providing public benefits, and all developments contributing their fair share to district-wide improvements. Together, these projects will incrementally transform the Plan Area into a more vibrant, successful, and transit-oriented area.

Implementation Actions and Programs

This section lists implementation actions and programs needed to achieve the vision for the Bay Fair TOD Specific Plan. The list of actions in Table 7.1 is organized according to timeframe – short-term, medium-term, and ongoing – and identifies the party responsible for implementation. Different implementation actions may overlap or shift into a different timeframe depending on development timing and funding availability, and the timeframe for different actions could be adjusted over time. Since much of the development in the Bay Fair area will be opportunistic and dependent on market forces over time, the exact timing of many implementation actions is contingent on future development activity.

Actions are categorized as follows:

- **Short-term (2017 to 2019).** Short-term actions include many of the immediate policies, programs, and planning of capital priorities that lay the groundwork for the incremental transformation of the Bay Fair area. These early actions will start to establish the partnerships, organizational structures, and funding mechanisms that will keep the plan moving forward and position the area for future investment and change.
- **Medium-term (2019 to 2025).** Based on the previous actions completed in the short-term period, the medium-term actions focus on guiding development activity, leveraging any new funding mechanisms, commencing construction of public capital improvement projects, and bolstering the identity of Bay Fair as a TOD district. Some projects and programs may continue past this time period as long-term implementation proceeds.
- **Ongoing.** These actions include programs to cover the life of the Specific Plan Area, including ongoing monitoring, maintenance, and coordination.

Table 7.1 Implementation Actions and Programs

| IMPLEMENTATION ACTION | DESCRIPTION | PARTIES INVOLVED |
|--|--|--|
| SHORT TERM ACTIONS | | |
| Zoning Map and Zoning Text Amendments | Amend the City’s zoning map to reflect adoption of this Specific Plan. Amend the Zoning Ordinance to include the B-TOD zone and Residential and Corridor Transition Overlay Zones. | Planning |
| General Plan Amendments | Amend General Plan B-TOD Land Use classification to increase existing housing density. | Planning |
| Inter-Agency Memorandum of Understanding | Create an inter-agency Memorandum of Understanding (MOU) between BART, Alameda County, and the City of San Leandro to guide the provision of policing, parking enforcement, maintenance, and other ongoing services necessary for the ongoing functioning of the Bay Fair area. | Multiple City departments, BART, Alameda County |
| Property Owner Roundtable | <p>Convene, and promote or facilitate regular meetings of, a Bay Fair landowner roundtable to coordinate on issues of development, infrastructure, shared parking, public realm improvement, safety and policing, and coordinated district improvement. Invited participants should include all landowners in the Bay Fair area, particularly large landowners such as:</p> <ul style="list-style-type: none"> • BART • Bayfair Center owners • Target • Fashion Faire place owners • Fairmont Square owners • “King Parcel” owners • Century Theatre owners • Owners of other parcels in Bay Fair and along Hesperian Boulevard | Planning, Economic Development, property owners |
| Collaboration between Stakeholders | Encourage property owners and other stakeholders in the Bay Fair area to coordinate and collaborate on areas of mutual interest for the betterment of the area. | Planning, Economic Development, property owners, businesses, residents, other local partners |
| Policing and Public Safety | Ensure adequate and appropriate presence of police officers, security workers, community service officers, business improvement staff, and/or other staff to visibly promote public safety and well-being, particularly in areas where crime is common. | Police, BART, Alameda County, property owners |
| Community Policing | Convene or support the creation of a regularly-meeting tenant and resident group in the Bay Fair area focused on community policing and safety, including neighborhood watch and coordination with law enforcement and existing security services. | Police, BART, Alameda County, property owners, resident groups |
| County Parking Enforcement | Work with Alameda County to encourage and enhance parking management (such as enforcement of existing parking limitations and exploring a residential permit parking program) to reduce the effect of BART spillover parking on nearby residential neighborhoods in the unincorporated County. | Planning, Police, Alameda County, BART |
| Multi-Jurisdiction Collaboration | Collaborate with other jurisdictions, including BART and Alameda County, to leverage land and funding sources to develop and preserve affordable housing. | Housing, Alameda County, BART |
| Improved County Connections | Work with Alameda County to improve pedestrian connections to BART. | Planning, Engineering/ Transportation, Alameda County, BART |

| | | |
|---|--|---|
| Landscape Maintenance | Work with the San Leandro Public Works department to ensure regular maintenance and upkeep of medians, landscape area, and vegetated open spaces in and near the Bay Fair area. | Public Works |
| Housing Developer Collaboration | Collaborate and partner with nonprofit affordable housing and private developers to produce subsidized, income-restricted housing units within the Bay Fair TOD Specific Plan Area. | Housing, nonprofit affordable housing developers, private developers |
| Coordinate Parking with BART | Negotiate shared parking policies and/or structures with BART. | Planning, BART |
| Affordable Housing Funding Sources | Identify and dedicate funding to develop affordable housing in the Bay Fair TOD Specific Plan area. <ul style="list-style-type: none"> External Funding Sources: Reduce feasibility constraints for new affordable housing through identifying and leveraging external funding sources, such as state, federal, and regional programs. Municipal Funding: Expand and grow city-level funding for affordable housing, and target resources to the Plan Area. District-Level Funding: Assess the potential to create local district-level funding sources | Housing, Planning |
| Short Term Mechanisms for Funding Shared Infrastructure Needs | Explore and adopt tools to ensure early developers will contribute to district wide infrastructure projects later. For example, the City could establish procedures for a Memorandum of Understanding (MOU) or other formal agreement that specifies the standards and conditions that ensure early developers contribute their fair share of costs associated with shared infrastructure needs. These needs and costs may not be immediately clear until the further recommended studies are completed. | Planning, Engineering/ Transportation, Public Works, property owners |
| Long Term Funding | Study options for establishing long-term funding and financing mechanisms and sources to address district wide needs. This may require building property owner support for new sources, such as district-based mechanisms or development impact fees (as described later in this chapter). | Planning, Engineering/ Transportation, Public Works |
| Detailed Infrastructure and Phasing Studies | Conduct detailed infrastructure studies to assess and evaluate district wide needs related to the Specific Plan's infrastructure and streetscape improvements. This study should determine shared infrastructure improvements that can help incentivize development activity but are not attributable to any specific development or property owner. The study should also determine costs and phasing options for these infrastructure needs. | Planning, Engineering/ Transportation, Public Works, Economic Development |
| Renters and Homeowners Assistance | Use citywide resources and programs to assist current Bay Fair Specific Plan area renters and homeowners at risk of displacement. | Housing, partner non-profit agencies |
| MEDIUM TERM ACTIONS | | |
| Pedestrian-scale lighting plan | Develop a comprehensive plan for pedestrian-scale light in the plan area. | Engineering/Transportation, property owners |
| Signage and Wayfinding Program | Create a comprehensive signage and wayfinding program emphasizing public art and links to the BART and downtown San Leandro, identifying short-term, medium-term, and long-term priorities. | Planning, Economic Development, property owners |

| | | |
|--|---|--|
| Public Art | Actively work with the City's public Arts Commission and Bay Fair property owners to identify and install one or more major pieces of public art in the Bay Fair area. | Planning, Economic Development, Recreation and Human Services, property owners |
| Bay Fair/Bayfair Naming Consistency and Branding | To achieve consistency and coordinated branding, work with Madison Marquette to adopt the name "Bay Fair" instead of "Bayfair." Alternatively, work with BART and other property owners in the area to adopt the name "Bayfair" to be consistent with the Bayfair Center. | Planning, Economic Development, property owners, BART |
| Thornally/Coelho Naming Consistency | To improve wayfinding and orientation in the area, work with Alameda County to establish a single consistent name for the street that connects Hesperian Boulevard with 159th Avenue, currently called "Thornally Drive" in the City and "Coelho Drive" in the County. Consider the single street name of "Thornally Drive," "BART Avenue," a name selected tenants or residents to brand the area, or another single name for this entire stretch of street. | Planning, Economic Development, Alameda County |
| East Bay Greenway | Establish the East Bay Greenway through the Bay Fair area, in collaboration with the Alameda County Transportation Commission, Alameda County, BART, and other relevant agencies. | Public Works, Engineering/Transportation, Alameda County Transportation Commission, Alameda County, BART, other agencies |
| Public Infrastructure | The City should commence the first phases of construction of public improvements, as outlined in detailed infrastructure studies. | Public Works, Engineering/Transportation, public agencies |
| ONGOING ACTIONS | | |
| CalTrans Coordination | Continue to coordinate with CalTrans for any necessary design exceptions or design improvements to the East 14th Street right-of-way | Planning, Engineering/Transportation, CalTrans |
| Public Benefits List | Maintain and update a prioritized list of priority public benefits projects or improvements in anticipation of future development applications. | Planning, Engineering/Transportation |
| Parks and Public Space | Work with nearby residents, employers, and property owners to identify areas where new public space, plazas, and neighborhood-serving parks may be added. | Recreation and Human Services, residents, employers, property owners |
| Maintenance and Repair | Regularly identify, report, and repair broken or vandalized property, facilities, and public spaces in the Bay Fair area. | Property owners, residents, Public Works |
| Public Parking | Identify potential sites and areas where public parking would be beneficial. Look for opportunities to acquire sites as they become available. | Planning, Engineering/Transportation, Public Works |
| Affordable Housing Opportunity Sites | Identify housing opportunity sites in the Bay Fair area to be prioritized for inclusion in the Housing Element and for development of affordable housing. | Planning, Housing |
| Inclusionary Housing | Encourage new market-rate housing development in the Bay Fair area to exceed citywide inclusionary housing requirements. | Planning, Housing |
| Additional Incentives for Workforce Housing | Prioritize use of available citywide incentives to promote new development of affordable and workforce housing projects in the Bay Fair area. | Housing |
| Residential Parking Program | Work with surrounding neighborhoods in San Leandro and with Alameda County and nearby unincorporated County neighborhoods to implement permitted residential parking programs to limit long-term parking by BART users in residential neighborhoods. | Planning, Housing |

Infrastructure Capital Improvements

This section consolidates the list of capital improvements from other chapters of the Specific Plan. It describes improvements by topic, (e.g. transportation, stormwater system, water system, reclaimed water system, and sanitary sewer) and provides details on the cost, benefit allocation, and timing for each project. Specific funding mechanisms for these projects are described in the Funding Strategy Section beginning on page 132.

Figures 7.1, 7.2, and 7.3 show concepts for how water, stormwater, and wastewater infrastructure can be integrated into the future street grid as it is created, although the final location of this infrastructure is dependent on physical constraints, development phasing, and other design details.

Water System Improvement Projects

There is limited existing water infrastructure within the Plan Area; however, there are large transmission mains ranging in size from 12-inches to 36-inches that surround and bisect it. All new water supply infrastructure that will serve the Plan Area is assumed to be 12-inches. Figure 7.1 shows the proposed location of this infrastructure, in addition to the existing transmission mains.

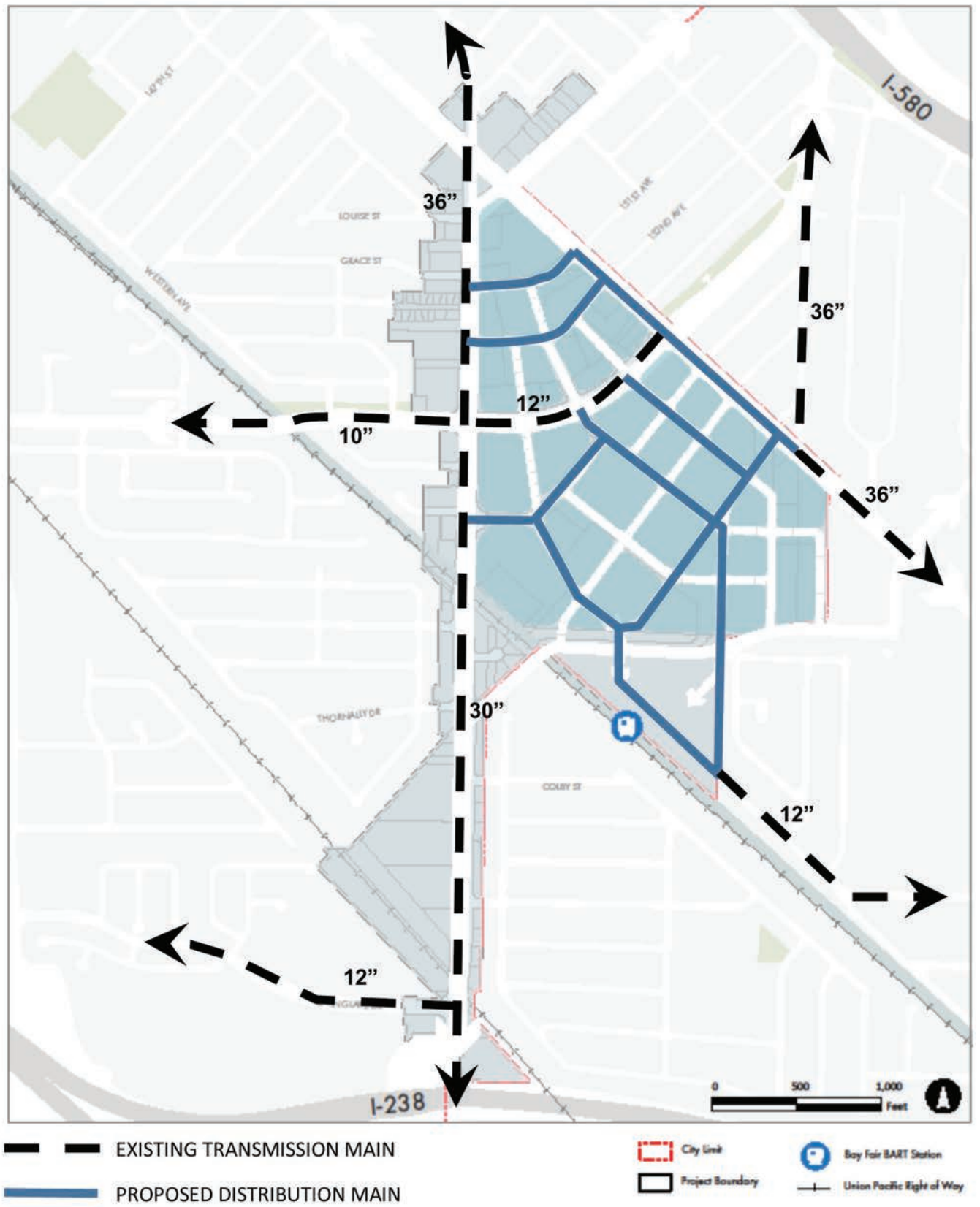
The planning level cost of these studies and the shared backbone infrastructure is provided in Table 7.2.

Service for the Hesperian Boulevard corridor are intended to be designed and constructed with development so no costs are provided for these areas.

Table 7.2 Water System Improvement Projects

| PROJECT | DESCRIPTION | EST. PROJECT TOTAL COST (IN 2017 \$) | ESTIMATED PROJECT TIMING |
|--|---|--------------------------------------|--------------------------|
| Urban Water Management Plan | Review Urban Water Management Plan to verify that the Bay Fair Specific Plan conforms to all constraints and policies. | \$15,000 | Immediate |
| Water Supply Study | Prepare Water Supply Study to identify pressures, pipe sizes and locations of backbone infrastructure to support peak hour and fire flow demands. The study should detail infrastructure improvements and provide phasing and buildout guidance related to the Specific Plan. | \$25,000 | Medium |
| Water Supply Backbone | Construct Water Supply Backbone infrastructure before or during future street and right-of-way construction in coordination with future development, as shown in Figure 7.1. | \$7,500,000 | Ongoing |
| Total Potential Water System Improvements | | \$7,580,000 | |

Figure 7.1: Water System Improvements



Note: All proposed pipe sizes are assumed to be 12 inches.

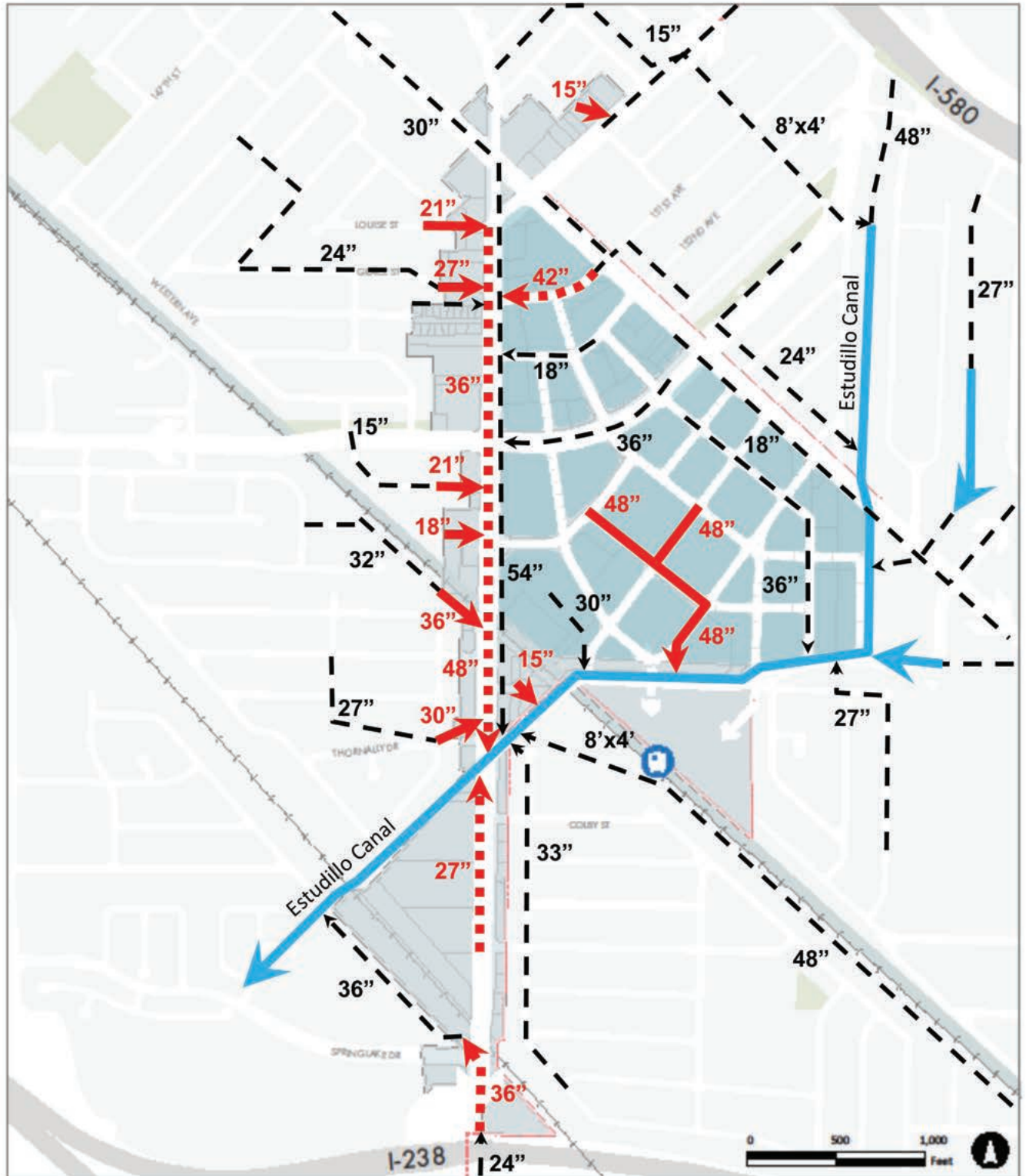
Stormwater System Improvement Projects

There is limited existing water infrastructure within the Plan Area; however, there are large gravity mains ranging in size from 8-inches to 54-inches that surround and bisect it. All new stormwater supply infrastructure that will serve the Plan Area is assumed to be 12-inches. Figure 7.2 shows the proposed location of this infrastructure, in addition to the existing transmission mains.

Table 7.3 Stormwater System Improvement Projects

| PROJECT | DESCRIPTION | EST. PROJECT TOTAL COST (IN 2017 \$) | ESTIMATED PROJECT TIMING |
|---|---|--------------------------------------|--------------------------|
| Storm Drainage Master Plan | Prepare master plan that removes the Bay Fair Specific Plan Area from its Special Flood Hazard Area designation on Flood Insurance Rate Maps. The new Master plan should detail infrastructure improvements and provide phasing and buildout guidance related to the Specific Plan. | \$150,000 | Immediate |
| Construct Stormwater Drainage Backbone | Construct Stormwater Drainage backbone before or during street and right-of-way construction in coordination with future development, as shown in Figure 7.2. | \$2,130,000 | Medium |
| Estudillo Canal Stormwater Improvements | In coordination with property owners and the Alameda County Flood Control District, construct Flood Control Improvements along Estudillo Canal. | \$13,580,000 | Medium |
| Total Potential Stormwater System Improvements | | \$15,860,000 | |

Figure 7.2: Stormwater System Improvements



- | | | | | | |
|--|-----------------------------------|--|------------------|--|----------------------------|
| | EXISTING OPEN CHANNEL | | City Limit | | Bay Fair BART Station |
| | EXISTING STORM DRAIN PIPE | | Project Boundary | | Union Pacific Right of Way |
| | PROPOSED STORM DRAIN PIPE | | | | |
| | UPSIZED EXISTING STORM DRAIN PIPE | | | | |

Wastewater Collection and Treatment Improvement Projects

There is limited existing infrastructure within the Plan Area; therefore, it is generally assumed that new wastewater collection system backbone infrastructure is needed to serve the entire Plan Area. Figure 7.3 depicts the proposed backbone infrastructure for cost estimating purposes. The proposed collection system can connect to existing trunks at locations approved by the Oro Loma Sanitary District.

The pipe sizes and locations are based upon highest demand condition of all the scenarios envisioned in this Specific Plan. A Wastewater Collection System Master Plan should be prepared that identifies specific backbone improvements needed to serve the Plan Area once more refined development plans are completed.

In some scenarios, proposed building development would be built over existing sewer trunk on the east side of the Plan Area. In these cases, the trunk must be relocated; therefore a reconstruction cost is estimated.

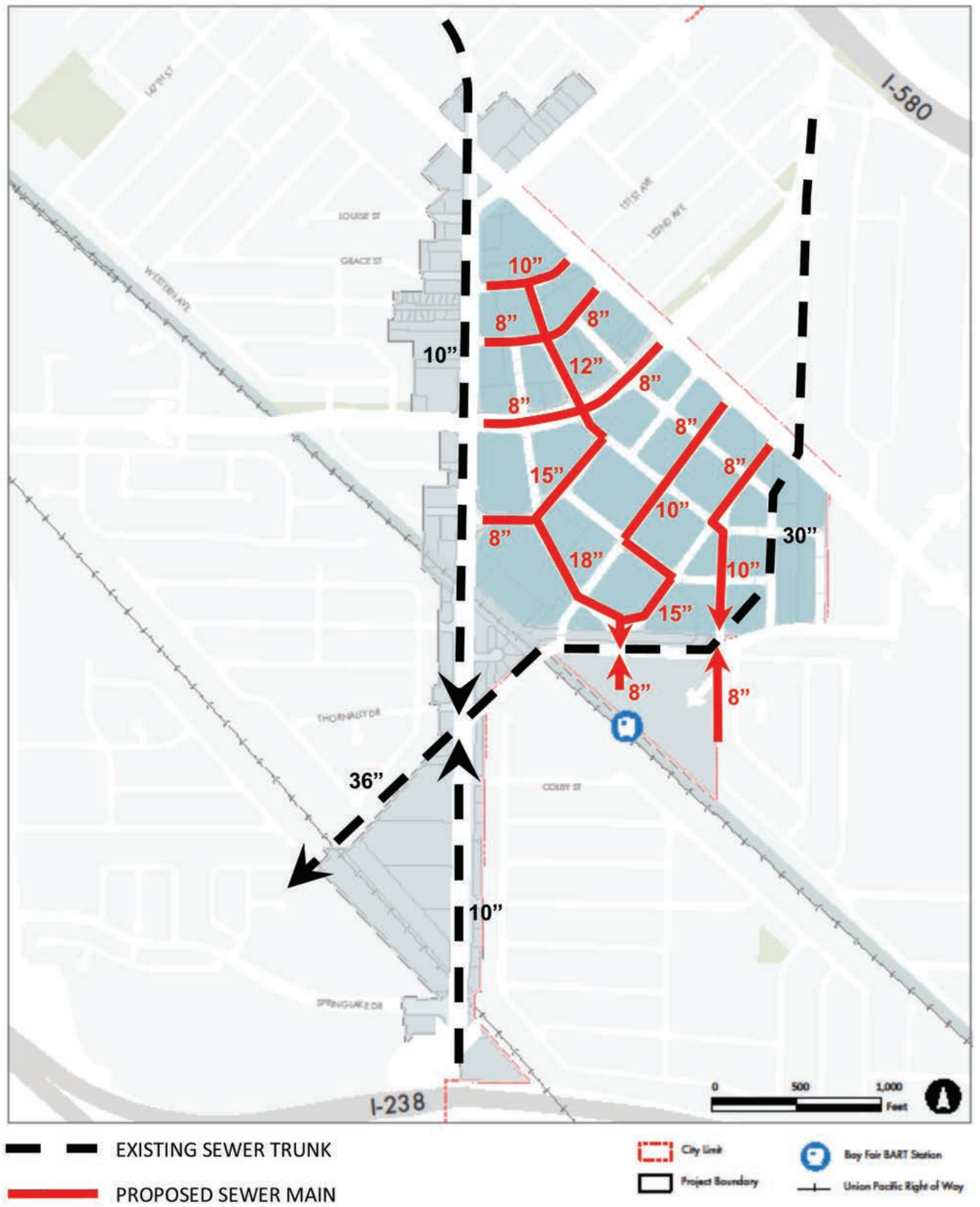
Table 7.4 provides planning level project costs based upon serving the Plan Area with shared backbone infrastructure. Infrastructure cost to serve each development would be borne by future developments.

Service for the Hesperian Boulevard corridor is intended to be designed and constructed with development so no costs are provided for these areas.

Table 7.4 Wastewater Collection and Treatment Improvements Project

| PROJECT | DESCRIPTION | EST. PROJECT TOTAL COST (IN 2017 \$) | ESTIMATED PROJECT TIMING |
|---|---|--------------------------------------|--------------------------|
| Prepare Wastewater Collection System Study | Prepare Wastewater Collection System Sewer Study to identify system demands, necessary sewer trunk reconstruction, collection system pipe sizes, and location of connections to trunk system. | \$80,000 | Medium-term |
| Sewer Trunk Rerouting & Reconstruction | Reconstruct or relocate regional sewer trunk as necessary based upon future development of Bay Fair Specific Plan Area. | \$1,600,000 | Medium-term |
| Wastewater Collection Backbone | Construct wastewater backbone before or during street and right-of-way construction in coordination with future development, as shown in Figure 7.3. | \$14,000,000 | Ongoing |
| Total Potential Wastewater Collection Improvements | | \$15,680,000 | |

Figure 7.3: Wastewater Collection Improvements



Note: All proposed pipe sizes are approximate.

Reclaimed Water Improvement Projects

The Oro Loma Sanitary District provides reclaimed wastewater to the Skywest Golf Course located next to the Hayward Airport. The golf course is approximately 1 mile east of the treatment plant. The closest available reclaimed water is at this treatment plant. With upgrades to the treatment plant and the construction of a 3 mile pipeline, reclaimed water could serve the Plan Area. While reclaimed water may be available at the San Leandro Water Reclamation Facility (WRF), this facility was not considered because the pipeline to reach the Plan Area is two miles farther than the Oro Loma facility.

If constructed, this pipe could also serve south San Leandro, San Lorenzo and Ashland, at a minimum. Therefore, the preparation of a Reclaimed Water Master Plan is recommended to determine the appropriate pipe size, location, treatment plant improvements, pump station improvements and costs needed to serve both the Plan Area and potential future landscape corridors, parks and industry.

The planning level costs provided in Table 7.5 only include estimates to extend a transmission main to the middle of the Plan Area and the backbone service main for irrigation of landscaping and streetside rain gardens. The backbone is assumed to be provided wherever municipal water backbone is constructed. Therefore, Figure 7.3 also shows the proposed location of the reclaimed water infrastructure within the Plan Area.

A cost estimate to install a localized recycled water treatment plant is not provided here because the demand from the Plan Area was not analyzed for this Specific Plan and it is assumed that the cost provided in project “R-2” (“Upgrade OLSD Treatment Plant and Construct Reclaimed Water Transmission”) is judged to be greater or equal to the cost to construct a localized recycled water treatment plant.

Table 7.5 Reclaimed Water Improvements Projects

| PROJECT | DESCRIPTION | EST. PROJECT TOTAL COST (IN 2017 \$) | ESTIMATED PROJECT TIMING |
|---|---|--------------------------------------|--------------------------|
| Reclaimed Water Decision | Determine whether reclaimed water will be extended to the Bay Fair TOD Specific Plan area. | No Cost | Short-term |
| Reclaimed Water Master Plan | If reclaimed water is pursued, create a reclaimed Water Master Plan. | \$120,000 | Medium |
| Reclaimed Water Treatment & Transmssion Main | If reclaimed water is pursued, upgrade WRF or OLSD reclaimed water facilities and construct transmission mains between the treatment facilities and the Plan Area. Alternatively, install a localized package recycled water treatment plant. | \$18,000,000 | Medium |
| Reclaimed Water Backbone | Construct reclaimed water distribution before or during street and right-of-way construction in coordination with future development. | \$7,500,000 | Medium |
| Total Potential Reclaimed Water Improvements | | \$25,620,000 | |

Street and Public Space Capital Improvement Projects

Transforming the Bay Fair TOD Specific Plan Area into a walkable, bikeable, and transit-oriented environment will involve a combination of public and privately-funded infrastructure improvements. Some will happen as part of future private development, including new internal local streets and sidewalk and pedestrian improvements. These are shown in the Specific Plan, which requires internal streets, pedestrian-oriented frontages and connections, and new open spaces as parcels develop over time.

Other projects – such as the re-designs of Fairmont Avenue and Hesperian Boulevard, major intersection improvements, and stormwater improvements to the Estudillo Canal – may involve public capital and coordination. These are listed in Table 7.6 below.

Table 7.6 Street and Public Space Improvement Projects

| PROJECT | DESCRIPTION | ESTIMATED PROJECT TIMING |
|---------------------------------|---|--------------------------|
| Estudillo Canal | In coordination with property owners and the Alameda County Flood Control District, create at least one large open space adjacent to the Estudillo Canal that also provides a stormwater management function. | Medium-Term |
| Fairmont Road Diet | Install the Fairmont Drive road diet and protected bike lanes, as described in Specific Plan concepts. | Medium-Term |
| Hesperian Road Diet | Install the Hesperian Boulevard road diet and protected bike lanes, as described in Specific Plan concepts. | Medium-Term |
| East 14th Road Diet | Install the East 14th Street redesign and sidewalk extension as described in Specific Plan concepts, in coordination with CalTrans. | Medium-Term |
| Major Intersection Improvements | Intersection pedestrian crossing improvements along East 14th Street and Hesperian Boulevard. | Medium-Term |

Funding and Financing Strategy

The Bay Fair TOD Specific Plan specifies new public infrastructure and amenities required to support the emergence of a walkable, transit-oriented village with residential, commercial, and retail uses. This funding and financing strategy aligns potential funding sources and mechanisms with the types of improvements included in the Plan, and provides a framework for determining responsibilities for constructing and funding improvements. The previous “Implementation Actions and Programs” table specifies detailed steps for selecting and applying specific funding sources to improvements, based on further study of infrastructure costs, phasing, and responsibilities.

Private sector developers, investors, and property owners will drive new investment and construction in the Plan Area. Therefore, it is envisioned that many future improvements planned for the Specific Plan area will be achieved through development by the private sector, including meeting on-site development standards, paying existing and possible future fees, and other funding and financing mechanisms that could apply to all future development.

The City’s funding and financing strategy – which will evolve over time – should ensure that smaller and more immediate development can move forward while also ensuring all development projects contribute to shared district-wide infrastructure needs. Bayfair Center and the BART station are major

redevelopment opportunity sites that could transform the Bay Fair area, yet projects may take longer to deliver at these properties due to competing public priorities, multi-party reciprocal easement agreements, and long-term leases with retail tenants. Given these complications, the selected funding mechanisms must recognize that development is likely to move forward on other smaller parcels prior to the Bayfair Center and BART sites.

The City of San Leandro should take a proactive role in creating development opportunities and momentum by leading coordination for constructing basic infrastructure (e.g., water supply, stormwater, wastewater systems, etc.), and the public realm improvements (e.g. streetscape, bike lanes, open space along Estudillo Canal, etc.). The City may choose to proactively fund and construct the public realm improvements as a means of shifting perceptions of the Bay Fair area and encouraging parallel private and other public (i.e. Alameda County, BART, etc.) investment. Additionally, the City should adopt short-term tools to ensure early development projects pay their fair share towards shared district-wide infrastructure needs triggered by growth, despite the additional time required for the City to complete detailed studies to understand costs, phasing, and shared responsibilities for implementing these infrastructure improvements.

Funding and Financing Sources and Mechanisms

A spectrum of potential funding sources and mechanisms exist for implementing the improvements identified in the Bay Fair Specific Plan. In many cases, multiple funding sources will need to be combined in order to pay for specific projects, as shown in Table 7.7. This section describes these sources and mechanisms and their potential uses in the Plan Area.

Although the terms “funding” and “financing” are often used interchangeably, there is an important distinction between the two terms. “Funding” typically refers to a revenue source such as a tax, fee, or grant that is used

to pay for an improvement. Some funding sources, such as impact fees, are one-time payments, while others, such as assessments, are ongoing payments. “Financing” involves borrowing against future revenues by issuing bonds or other debt instruments that are paid back over time through taxes or fee payments, enabling agencies to pay for infrastructure before the revenue to cover the full cost of the infrastructure is available.

Funding for improvements in the Plan Area can come from a mix of developer contributions (both required and negotiated), city resources, grants, and potential new district-based “value capture” mechanisms. Major categories of funding sources and examples are described below.

Table 7.7 Funding Source Categories, Examples, and Timing of Availability

| CATEGORY | SOURCE | ESTIMATED PROJECT TIMING |
|-------------------------|--|---|
| City Resources | General Fund | Ongoing, and often immediately available if prioritized by the community |
| | Capital Improvement Program | |
| Developer Contributions | Development Standards | One-time, as development activity occurs |
| | CEQA Mitigations | |
| | Impact/ In-Lieu Fees | |
| | Negotiated Agreements | |
| District-Based Tools | Fee Credits/ Reimbursement Agreements | Ongoing, and grows over time. Some sources allow for up-front revenue via bond financing |
| | Assessment District | |
| | Community Facilities District | |
| Outside Sources | Enhanced Infrastructure Finance District | One-time, as sources are typically competitive and timing of availability is uncertain until secured |
| | Regional, State and Federal Grants | |
| | User/ service fees | User/service fees are usually paid for ongoing operations and maintenance of existing facilities and services |

City Resources

- **GENERAL FUND.** General Fund revenues are primarily used to pay for ongoing municipal services and operations. Both the General Fund and the Capital Improvement Program are critical funding sources for providing up-front, short-term investments to incentivize future private investment activity in the Bay Fair TOD Specific Plan Area.
- **CAPITAL IMPROVEMENT PROGRAM (CIP).** Infrastructure projects identified in the Bay Fair TOD Specific Plan – including the major capital improvement projects – are candidates for inclusion in the City’s Capital Improvement Program, which is updated annually and includes a projection of five years of future infrastructure projects.

Developer Contributions

- **DEVELOPMENT STANDARDS.** Each new development project will contribute to the Bay Fair TOD Specific Plan implementation by meeting requirements regulating each project’s land uses, height, density, bulk, parking requirements, on-site circulation, on-site open space, street frontage improvements, and other features. These standards are adopted in the City’s Zoning Code Ordinance and must be satisfied in order for a project to be granted approval.
- **CEQA MITIGATIONS.** As a requirement of approval, developers may be required to undertake a number of mitigation measures, such as off-site traffic mitigation as defined by the California Environmental Quality Act (CEQA).

- **IMPACT / IN-LIEU FEES.** Impact and in-lieu fees are one-time fees imposed on new developments to pay for improvements and facilities that either serve the new development or reduce the impacts of the project on the community. Fee revenues cannot be used to fund existing deficiencies in infrastructure. In-lieu fees are payments made instead of meeting an on-site development, while impact fees are required unless the impact is addressed in some other way (if allowed). San Leandro’s existing impact fees are dedicated to specific traffic mitigation, street improvements, and parks. The City may also choose to establish fees unique to the Specific Plan through a nexus study.
- **NEGOTIATED AGREEMENTS.** Community benefits are developer contributions that exceed the baseline features required under development standards, environmental mitigation measures, and impact fees. These agreements are typically negotiated for large development projects – often either as a codified condition of approval for projects meeting certain conditions, or in exchange for variances from existing land use regulations – and could potentially be applicable to the larger property holdings in the Bay Fair TOD Specific Plan Area.

- **FEE CREDITS OR REIMBURSEMENT AGREEMENTS.** As part of an impact fee program, the City may establish a system under which a developer can be credited and/or reimbursed for an “oversized” improvement if the improvement will serve more than the development project. Under a fee credit program fee, credits can be provided by the City when a private developer provides public improvements or capital facilities that would otherwise be paid for by the City with impact fee funds. Reimbursement agreements are a form of agreement in which a developer provides infrastructure or facilities that serve the needs of the broader area, which are then dedicated or conveyed to the public. The developer’s additional costs are then reimbursed by the City and/or future development projects that benefit from the infrastructure or facility. These programs will require clear procedures for the application, administration, and issuance of fee credits and reimbursements.

Outside Sources

- **GRANT PROGRAMS.** Various federal, state, and regional grant programs distribute funding for public improvements. Because grant programs are typically competitive, grant funds are an unpredictable funding source, and the City of San Leandro must remain vigilant in applying for grants to implement the Bay Fair TOD Specific Plan.
- **USER AND SERVICE FEES.** Other sources can come from user/service fees charged for the use of public infrastructure or services (e.g. stormwater system charges, wastewater collection fees), but generally pay for ongoing operations and maintenance of existing facilities. User fees are unlikely to be a major source of funding for implementation of the Specific Plan.

District-Based Tools

Land-based financing tools are typically associated with new real estate development to generate benefit-based special assessment revenues or property tax revenues to finance improvements through bond repayment or paying for improvements over time. District-based tools provide a stable revenue stream, while ensuring that properties benefiting from improvements also contribute to those public investments. The following table describes the three primary types of district-based funding and financing tools. Note that assessment districts and community facilities districts (CFD) primarily capture additional funding from private entities, while the enhanced infrastructure financing district reinvests growth in public property tax revenues within the district or Plan Area that would otherwise accrue to the City.

A Mello-Roos community facilities district (CFD) would provide a flexible and substantial revenue source against which it is possible to issue bonds for major capital improvements. Revenues can also be used to fund ongoing operation and maintenance expenses. However, passage of a CFD in the Specific Plan Area is likely to be challenging until property owners reach consensus around shared infrastructure needs and a willingness to contribute significant monetary resources toward resolving those needs.

Table 7.8 Summary of Major District-Based Value Capture Tools

| FUNDING TOOL | DESCRIPTION | USES | CONSIDERATIONS |
|--|---|---|---|
| Special Assessment Districts | <p>Additional assessment against a range of participants, depending on the type of district and relative benefit received</p> <p>Examples include: Landscaping and Lighting District, Community Benefit District, Business Improvement District, Property-Based Business Improvement District</p> | <p>Most useful for funding ongoing operations and maintenance.</p> | <p>Requires majority vote of paying stakeholders.</p> <p>Increases costs and risk for paying stakeholders. Stakeholders need to perceive a clear benefit for themselves.</p> <p>Impacts paying stakeholders’ overall ability to support other taxes, fees, and community benefits.</p> <p>Little financial risk to the City or public agencies; could lead to increased tax revenue based on private reinvestment.</p> <p>Additional City staff time to administer districts could offset some gains</p> |
| Community Facilities District (Mello-Roos) | <p>Additional assessment on property, levied and varied based on a selected property characteristic (excluding property value).</p> | <p>Infrastructure improvements, development of public facilities, ongoing operations and maintenance.</p> | <p>Requires approval of 2/3 of property owners (by land area) if there are fewer than 12 registered voters residing in the district.</p> <p>Boundaries can include non-contiguous parcels.</p> <p>Fees can be proportionally subdivided and passed on to future property / home owners</p> <p>Increases costs and risk for landowners and homeowners if fees dissuade buyers or reduce achievable sales prices.</p> <p>Impacts paying stakeholders’ overall ability to support other taxes, fees, and community benefits.</p> |
| Enhanced Infrastructure Financing District | <p>Diverts a portion of future General Fund property tax revenues generated within the district to help fund infrastructure projects.</p> | <p>Infrastructure improvements, development of public facilities, affordable housing development.</p> | <p>Formation does not require a local vote, but bond issuance requires a vote of 55 percent of landowners by area if there are fewer than 12 registered voters residing in the district.</p> <p>Does not cost individual property owners additional fees and taxes.</p> <p>Does not divert revenues from schools.</p> <p>Reduces future General Fund revenues by restricting use of the district’s future property tax revenue growth. Does not typically generate significant additional revenue above what the City already receives.</p> |

Table 7.9 Infrastructure Improvements and Applicable Funding Sources in the Bay Fair TOD Specific Plan

| Infrastructure Improvement Categories | DEVELOPER CONTRIBUTIONS | | | | | | | DISTRICT BASED MECHANISMS | | | | | CITY SOURCES | | | | OTHER SOURCES | | | | | | | | | | | | | | | | | | | | | |
|--|-------------------------|-------------------------------------|-----------------------|-----------------------|--|--------------------------------------|-----|---------------------------|--------------|-----------------------------------|---|---------------------|--------------|---|---|---|---------------|---|---|---|---|---|---|---|---|---|--|--|--|--|--|--|--|--|--|--|--|--|
| | Development Standards | CEQA Mitigations of Project Impacts | Impact / In-Lieu Fees | Negotiated Agreements | Fee Credits / Reimbursement Agreements | Assessment District (LLD, PBID, CBD) | CFD | EIFD | General Fund | Capital Improvement Program Funds | Other Regional, State, and Federal Grants | User / Service Fees | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Specific Plan Area Major Infrastructure Capital Improvements | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Water System Improvement Projects | | X | X | X | X | | X | X | X | X | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | | | | | | | | | | | | |
| Stormwater System Improvement Projects | | X | X | X | X | | X | X | X | X | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | | | | | | | | | | | | |
| Wastewater Collection and Treatment Improvement Projects | | X | X | X | X | | X | X | X | X | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | | | | | | | | | | | | |
| Reclaimed Water Improvement Project | | X | | | | | X | | | | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | | | | | | | | | | | | |
| Street and Public Space Capital Improvement Projects | X | X | X | X | X | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | | | | | | | | | | | | |
| On-Site Projects | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Water, stormwater, wastewater, reclaimed water connections | X | X | | X | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Internal streets and open space | X | X | | X | | | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |



EXHIBIT B General Plan Text Amendments

| TABLE 3-1 ACREAGE IN EACH LAND USE TYPE | | |
|--|---------------------|--------------|
| | Acres (Approx.)* | Percent |
| Residential | 4,209 | 50.8 |
| ▪ Garden Residential | 160 | 1.9 |
| ▪ Low Density Residential | 3,098 | 37.4 |
| ▪ Low-Medium Density Residential | 206 | 2.5 |
| ▪ Medium Density Residential | 410 | 4.9 |
| ▪ Medium-High Density Residential | 217 | 2.6 |
| ▪ High Density Residential | 118 | 1.4 |
| Commercial | 398 | 4.8 |
| ▪ Neighborhood Commercial | 55 | 0.7 |
| ▪ General Commercial | 343 | 4.1 |
| Mixed Use | 561 | 6.8 |
| ▪ Downtown Mixed Use | 98 | 1.2 |
| ▪ Transit-Oriented Mixed Use | 158 | 1.9 |
| ▪ Corridor Mixed Use | 184 | 2.2 |
| ▪ Bay Fair TOD Mixed Use | 121 | 1.5 |
| Industrial | 1,693 | 20.4 |
| ▪ Light Industrial | 518 | 6.3 |
| ▪ General Industrial | 1,003 | 12.1 |
| ▪ Industrial Transition | 172 | 2.1 |
| Public/Open Space | 1,424 | 17.2 |
| ▪ Public/Institutional | 354 | 4.3 |
| ▪ Parks and Recreation | 548 | 6.6 |
| ▪ Resource Conservation | 522 | 6.3 |
| TOTAL | 8,285 | 100.0 |

Source: City of San Leandro, 2016

Notes: (*) Excludes 224 acres of Freeway ROW and 1,384 acres of surface water in San Francisco Bay

Corridor Mixed Use. This designation allows a mix of commercial and residential uses oriented in a linear development pattern along major transit-served arterials such as East 14th Street. A range of commercial and office uses is permitted, primarily serving neighborhood and community needs. Residential uses may be either free-standing or integrated into the upper floors of mixed use projects. Development should be designed to encourage walking and bicycle use, and should be sufficiently dense to support increased transit services along the corridors. A maximum allowable FAR of 1.0 applies in areas with this designation, although FARs of up to 1.5 may be permitted for projects incorporating housing. Where a Specific Plan or Area Plan has been prepared for an area with this designation, an FAR of 1.5 may also be permitted, subject to the conditions of that Plan. Maximum residential density in this category is dictated by the above floor area ratio limits rather than limits on housing units per acre.

Bay Fair Transit-Oriented Development. This designation includes approximately 120 acres within the San Leandro city limits around the Bay Fair BART Station, including Bayfair Center, Fairmont Square and Fashion Faire Place, and other commercial properties along Hesperian Boulevard, Fairmont Drive, and East 14th Street in the Bayfair Center vicinity. The BART parking lot is also included. As of 2016, a TOD Specific Plan for this area was underway. The intent is to create a new vision for this area, including retail, office, higher density housing, open space, and public land uses. A more urban development form is envisioned, with pedestrian-scaled streets and an orientation toward BART access and transit use. A maximum FAR of 3.0 applies. Maximum residential density in this category is dictated by floor area ratio limits rather than upper limits on housing units per acre.

Industrial Categories

Three industrial categories have been identified, as described below.

Light Industrial. Light Industrial areas may contain wholesale activities, distribution facilities, research and development or e-commerce uses, business services, technology, and manufacturing operations which produce minimal off-site impacts. Campus-style industrial parks and professional offices also are permitted. A limited range of commercial uses also is permitted in these areas. Uses in areas with this designation must be capable of locating adjacent to residential areas without creating

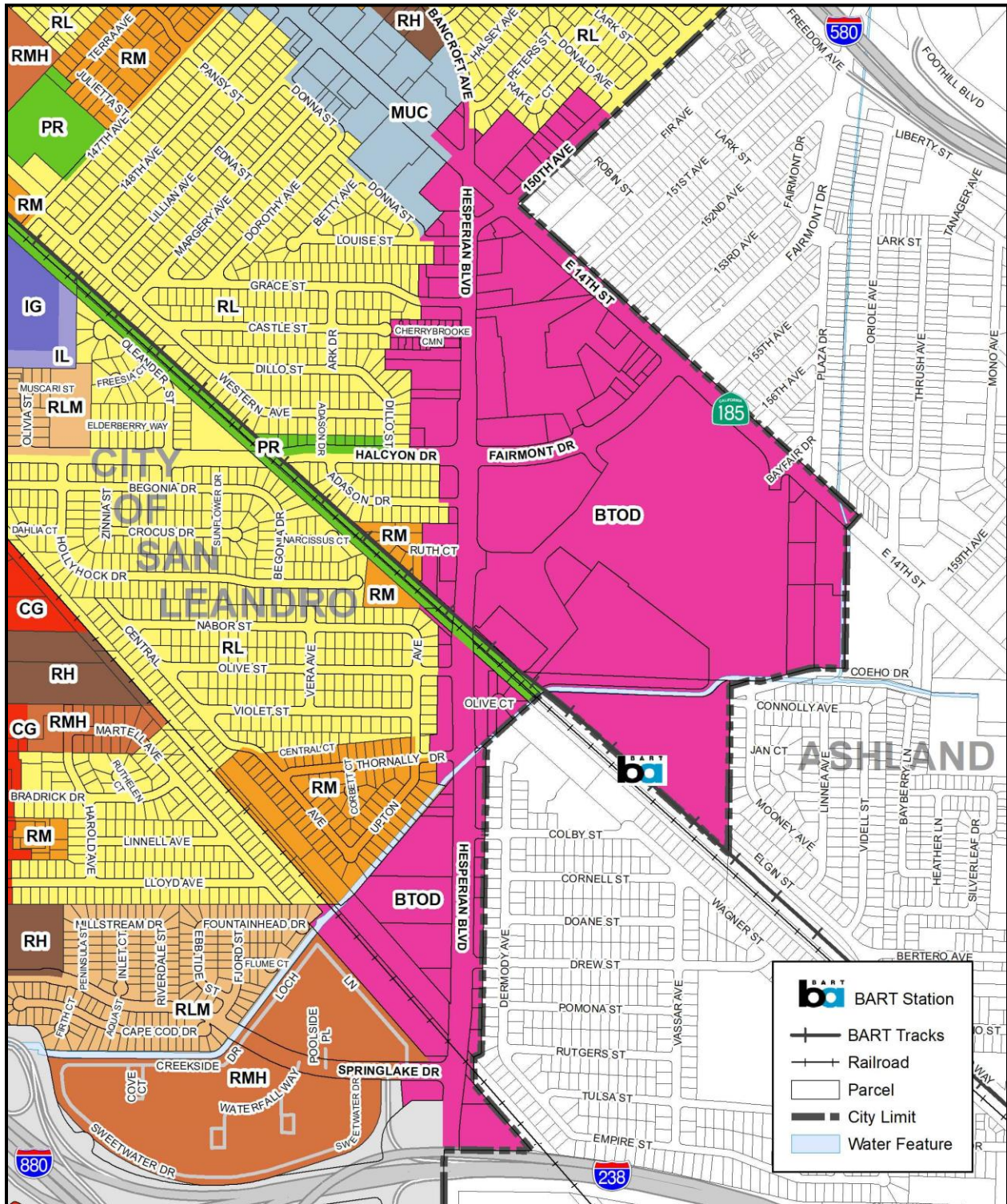
| TABLE 3-2 CORRESPONDENCE BETWEEN LAND USE DIAGRAM AND ZONING DESIGNATIONS | | |
|---|------------------------------------|---|
| Land Use Category | Corresponding Zoning Designations | Conditionally Compatible Zoning Designations |
| Garden Residential | RO | RS, PS |
| Low Density Residential | RS, RS-40, RS (VP) | RS (PD), RD, PS, CN |
| Low-Medium Density Residential | RS (PD) | RD, RS, PS |
| Medium Density Residential | RD, RM-3500, RM-2500, RM-2000 | RS (PD), RD, PS |
| Medium-High Density Residential | RM-1800 | RM-2000, RM-2500, RM-3500, PS |
| High Density Residential | RM-875 (see Note 1) | RM-1800 |
| Neighborhood Commercial | CN, P | CC, CR, PS |
| General Commercial | CC, CS, CR | CN, PS, P |
| Downtown Mixed Use | DA-1, DA-2, DA-3, P | RM-875, RM-1800, CN, PS |
| Transit-Oriented Mixed Use | DA-2, DA-3, DA-4, DA-6 | RM-875, RM-1800, PS |
| Bay Fair TOD Mixed Use | B-TOD | |
| Corridor Mixed Use | NA-1, NA-2, SA-1, SA-2, SA-3, DA-2 | RM-875, RM-1800, RM-2000, RM-2500, RM-3000, CN, CC, P, PS, IL |
| Light Industrial | IL, IP | IG, CC, CS, P, PS |
| General Industrial | IG, IL, IP | CC, CS, P, PS |
| Industrial Transition | IT | IG, CC, IL, IP |
| Public/Semi-Public | PS | Depends on type of use |
| Parks and Recreation | OS | PS, CR |
| Resource Conservation | OS | PS |

Source: City of San Leandro, 2016

Notes: (1) RM-875 had not yet been created at time of General Plan adoption. RM-1800 is considered the conforming zone until such time as the RM-875 District (1 unit per 875 square feet) is adopted.

EXHIBIT C

General Plan Land Use Map Amendments



Bay Fair TOD Amendments

EXHIBIT D



Bay Fair TOD Zoning Update and Minor Specific Plan Amendments Project

Addendum to the Bay Fair TOD Specific Plan
Environmental Impact Report
SCH#2017032016

prepared by

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1 Introduction

This document is an Addendum to the Bay Fair Transit Oriented Development (TOD) Specific Plan Final Environmental Impact Report (EIR – SCH# 2017032016) certified in February 2018. In accordance with Section 15164 of the *CEQA Guidelines*, a Lead Agency shall prepare an Addendum to an EIR if some changes or additions are necessary that will not have significant new impacts or substantially increase previously identified significant impacts. Specifically, the *CEQA Guidelines* state:

- The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred (Section 15164[a]);
- An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration (Section 15164[c]);
- The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project (Section 15164[d]); and
- A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence (Section 15164[e]).

This Addendum has been prepared in accordance with relevant provisions of the California Environmental Quality Act (CEQA) of 1970 (as amended) and the *CEQA Guidelines*.

According to Section 15164 of the State CEQA Guidelines, an addendum to a previously certified EIR or Negative Declaration is the appropriate environmental document in instances when “only minor technical changes or additions are necessary” and when the new information does not involve new significant environmental effects beyond those identified in the previous EIR.

This Addendum describes the details of proposed amendments to the Bay Fair TOD Specific Plan, the City’s General Plan, Zoning Map, and City Zoning and Municipal Codes, and compares impacts resulting from these amendments to those identified in the Bay Fair TOD Specific Plan EIR. The analysis demonstrates that the environmental impacts of the proposed text amendment are within the scope of the impacts of buildout of the Specific Plan as identified in the certified EIR.

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2 Background

This section provides an overview of the Bay Fair TOD Specific Plan and its EIR to provide context for this Addendum.

Bay Fair TOD Specific Plan

In February 2018, the City Council of the City of San Leandro adopted the Bay Fair TOD Specific Plan (“Specific Plan”). The Specific Plan is one of several documents that provide a long-term vision for the City of San Leandro and guidelines and regulations to implement that vision. The Bay Fair TOD Specific Plan Area (“Plan Area”) consists of the Bay Fair BART Station, Bayfair Center shopping mall, Fairmont Square and Fashion Faire Place shopping areas, and portions of the Hesperian and East 14th Corridors in the City of San Leandro. The Specific Plan also provides overall direction to the day-to-day decisions of the Planning Commission, City Council, and City staff regarding the Plan Area.

The Specific Plan includes 15 key objectives:

- 1 **More Parks and Open Space.** Increase the amount of parks, green space, plazas, and other public space that encourages pedestrian activity, recreation, and access to nature.
- 2 **More Walkable Environment.** Improve the pedestrian experience, public space, aesthetics, and design quality to attract visitors, serve residents, and promote walking.
- 3 **Better Mobility and Connectivity.** Improve pedestrian, bicycle, transit, and vehicle connections through the creation of an interconnected street grid, with a focus on better pedestrian and bicycle connections between the Bay Fair BART station and the adjacent shopping areas.
- 4 **Improved Safety and Less Crime.** Improve safety in and around the Bay Fair area through a range of strategies including increased pedestrian activity; more “eyes on the street;” enhanced and more coordinated policing; better lighting; activation of vacant spaces; and an increased sense of ownership and stewardship by residents, workers, and visitors.
- 5 **Compatibility with Adjacent Neighborhoods.** Ensure compatibility with the residential neighborhoods adjacent to the Plan Area – including those in unincorporated Alameda County as well as the City of San Leandro – and encourage sensitive design transitions, public amenities, and uses and services that benefit surrounding neighborhoods.
- 6 **Diversity of Uses.** Support a diverse, sustainable mix of uses including retail, housing, workplaces, and community spaces. Encourage a variety of essential goods and services such as grocery stores, pharmacies, banks, social services, restaurants, and other businesses.
- 7 **Diverse and Affordable Housing.** Support both market rate and affordable housing, and seek to protect existing residents from involuntary displacement.
- 8 **Range of Educational Opportunities.** Provide a range of services to provide opportunities for higher education, business incubation, and vocational and employment training programs for all age groups.
- 9 **Community Facilities.** Provide community facilities necessary to support the level and type of additional growth, including schools, community and senior centers, child care centers, and public safety facilities.

- 10 **Efficient and Shared Parking.** Implement parking management solutions that most efficiently use parking resources, including sharing of public and private parking spaces between different uses, and sharing between different use types such as residential, office, and commercial.
- 11 **BART and Bus Station Improvement.** Support and improve the Bay Fair BART and bus stations as integral amenities for the surrounding neighborhoods, the City, the County, and the region.
- 12 **Zoning Aligned with Community Vision.** Ensure future zoning is aligned with the community vision, while allowing flexibility to adjust to changing trends and land ownership.
- 13 **Local and Regional Destination.** Provide attractive and usable public space, outdoor dining, public art and dynamic retail experiences to create central gathering places that serve local and regional populations.
- 14 **Infrastructure.** Improve and maintain basic infrastructure such as roads, landscaping, stormwater management facilities, flood control, and water, sewer, gas, lighting, and telecommunications service/high-speed fiber optics and wireless broadband services, including support for both community (i.e., San Leandro WiFiber, which is the City’s free and public Wi-Fi service) and commercial(i.e., Comcast, AT&T, Lit San Leandro) networks.
- 15 **Environmental Sustainability.** Create a sustainable urban environment that incorporates green building features, green infrastructure and ecology, sustainable energy systems, water efficiency and conservation, and sustainable transportation systems.

Bay Fair TOD Specific Plan EIR

The City certified the Final Environmental Impact Report for the Specific Plan in February 2018 (“2018 EIR”). The 2018 EIR evaluated potential environmental consequences of implementation of the Specific Plan. Alternatives and mitigation measures were identified to reduce or avoid potential adverse environmental effects associated with the implementation of the Specific Plan. The EIR assumed that by 2035 the Specific Plan could accommodate up to 2,540 housing units and 300,000 square feet of office space, as well as the removal of an estimated 161,000 square feet of retail space, resulting in 725 net new jobs and a population increase of 7,239 residents in 2035.

The 2018 EIR determined that the proposed policies of the Specific Plan would avoid or eliminate all potentially significant impacts associated with implementation of the Specific Plan, with the exception of significant and unavoidable traffic impacts. Subsequent discretionary actions that propose changes or potential project-specific impacts not covered in the 2018 EIR would warrant additional project-specific environmental review, as required by CEQA.

City of San Leandro General Plan

The City of San Leandro General Plan provides a vision for the future of the city and a strategy for implementation. This includes designated and defining land uses throughout the city.

City of San Leandro Zoning Code and Zoning Map

The City of San Leandro Zoning Code (“Zoning Code”) provides zoning regulations that guide and regulate development across the city. The Zoning Code defines the different zoning districts, lists the various uses allowed in each district, and describes the required approval processes required to

establish those uses, including development and performance standards that approved projects are required to meet. The Zoning Map delineates the boundaries of zoning districts within the city.

City of San Leandro Municipal Code

The City of San Leandro Municipal Code (“Municipal Code”) provides regulations related to health, safety, and welfare, including specific standards for streets, parks, buildings, and subdivisions.

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3 Proposed Amendments

The Bay Fair TOD Zoning Update and Minor Specific Plan Amendments Project (proposed project) would involve amendments to the Bay Fair TOD Specific Plan, the City’s General Plan, Zoning Map, and Zoning and Municipal Codes to allow the City to implement the Specific Plan through the creation of a new Zoning District specific to the Plan Area, and to provide minor clarifications and additions necessary for the implementation of the new District. City staff has therefore prepared a new Bay Fair TOD (B-TOD) Zoning District with and minor related amendments to the General Plan, Bay Fair TOD Specific Plan, and the City of San Leandro Zoning Map and Municipal Codes to ensure consistency between the Specific Plan and Zoning Code.

Bay Fair TOD Specific Plan

The proposed project would involve revisions to the Specific Plan to provide clarifications and revisions consistent with the proposed changes to the City’s Zoning Code, which are described below.

- **Page 35: Create a Grid of Smaller Blocks.** Amend the stated block length preference. The 440-foot maximum standard provided on Page 90 of the Specific Plan would remain unchanged.
- **Page 48: Figure 3.1.** Delete note from bottom of figure that states “The location of new streets and connections is approximate and could be adjusted based on future conditions.”
- **Page 70: Use Regulations.** Delete reference to list of uses on pages 72-73.
- **Pages 72-73: Allowed Uses.** Remove detailed list of uses from Specific Plan, to be contained in Section 2.10.200 of the proposed Zoning Code Chapter.
- **Page 79: Active Frontages.** Revise Bullet 1 to clarify that standards for active ground-floors apply to all publicly accessible streets and pathways. Currently, the Specific Plan only specifically calls out new streets, East 14th, and public parks and plazas. Clarify standards for occupied building area encroaching into setbacks above ground floor.
- **Pages 81-85, 92, 93.** Revise the following Specific Plan guidelines from “should” to “shall” to provide objective standards and be more consistent with standard language in the Zoning Code, including for the following topics:
 - Commercial tenant space depth (page 81)
 - Ground-floor facades (selected components of pages 81-85),
 - Single-story non-residential height (page 86),
 - Design of utilities (page 91)
 - Massing breaks and articulation (page 92),
 - Nighttime visibility (page 93),
 - Parking and loading design (pages 94-95),
 - Monument signs (page 104), and
 - Fencing (page 105).
- **Page 90: Maximum FAR.** Amend the statement in Bullet 1 to reference General Plan FAR limit for Bay Fair TOD.

- **Page 94: Parking and Loading Design.** Minor corrections.
- **Page 99: Public Open Space Standards.** Clarify requirements for publicly accessible open space.
- **Page 101: Private Open Space Standards.** Reduce the required minimum square footage of private open space in Bullet 2 and clarify requirements for private open space.
- **Page 131: Table 7.6.** For consistency with Figure 3.5, add East 14th Street to the list of public street projects with medium-term timing, similar to the Fairmont and Hesperian Road Diet. The revisions and clarifications to the Specific Plan would not add intensity, density, or height to allowable future developments in the Plan Area and would not change allowed land uses or their locations.

City of San Leandro General Plan

The proposed project includes a General Plan Amendment to add the B-TOD General Plan Land Use Designation to all parcels within the Specific Plan Area. These parcels are currently designated for residential, commercial, and mixed use. The General Plan Amendment will also update the Land Use Element text to reflect that the Bay Fair TOD Specific Plan was adopted in 2018. Figure 1 provides the existing General Plan land use designations of the Plan Area, and Figure 2 provides the proposed General Plan land use designations of the Plan Area.

City of San Leandro Zoning Map

The Zoning Map is proposed to be revised such that the base zoning designations in the Plan Area are all designated B-TOD. Figure 3 provides the existing zoning designations of the Plan Area, and Figure 4 provides the proposed zoning designations of the Plan Area.

City of San Leandro Zoning Code

The proposed project would also involve revisions to the City's Zoning Code to implement the Specific Plan. This includes revisions to Chapter 1.12; the addition of new Chapter 2.10; revisions to Chapter 4.04, 4.08, and 4.12; and the addition of new Chapter 5.14. In addition to the specific revisions described below, the proposed project would also replace all C-RM references with B-TOD references.

Revisions to Chapter 1.08

The proposed project would revise Chapter 1.08, *Organization, Applicability, and Interpretation*, to delete references to the C-RM District and add the B-TOD District to the Base Zoning District Table.

Revisions to Chapter 1.12

The proposed project would revise the following definitions found in Chapter 1.12, *Definitions*. Only revised portions of the code are provided below. These revisions add a definition for "Facade" and "Research and Development Services." These revisions also modify the definition for "Frontage" to differentiate between Lot Frontage and Building Frontage, provide minor clarifications of the definitions of "Height," "Setback Line," and "Street," and modify and clarify "Open Space, Common" and "Open Space, Private."

Figure 1 Existing General Plan Land Use Designations

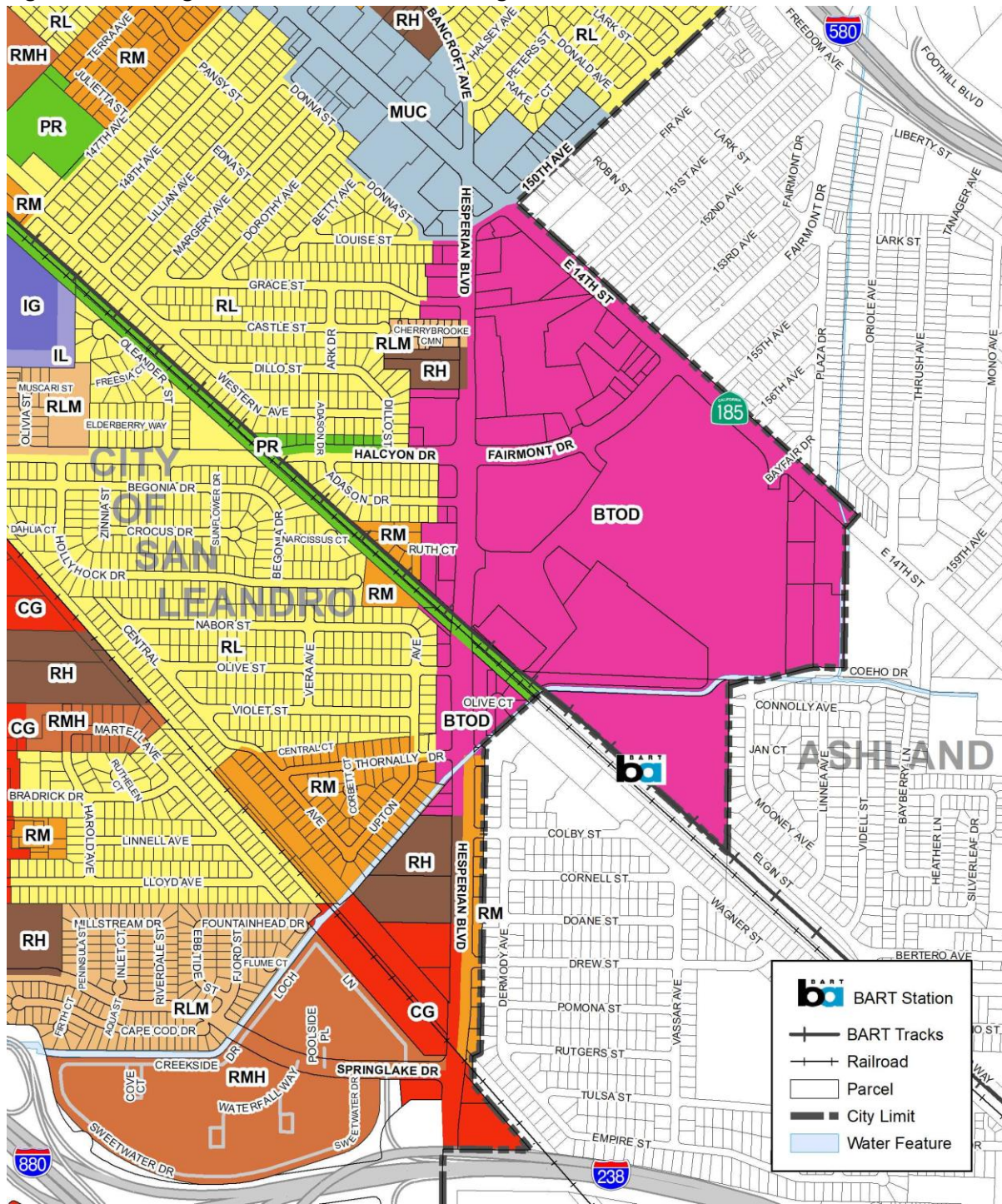


Figure 2 Proposed General Plan Land Use Designations

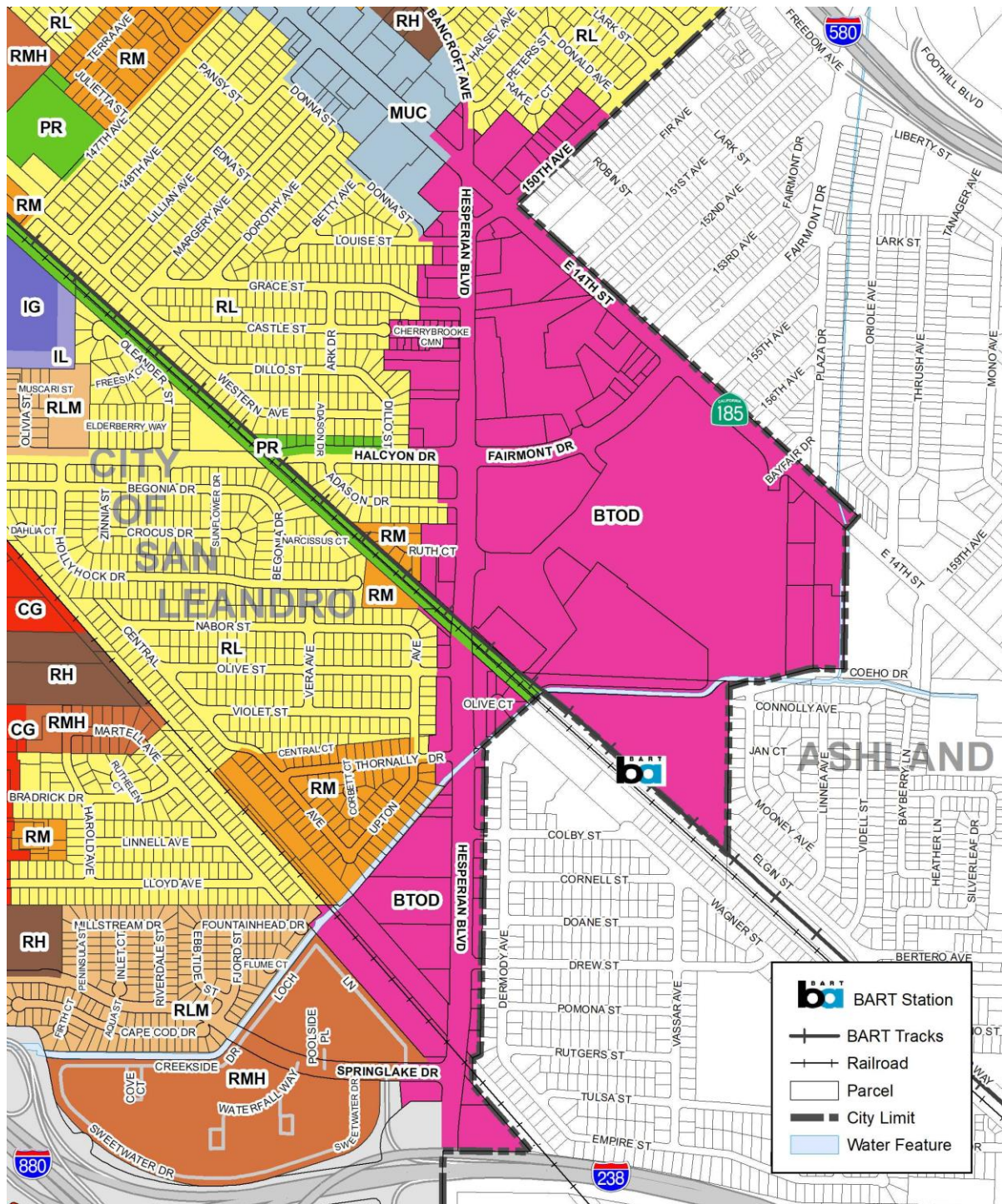
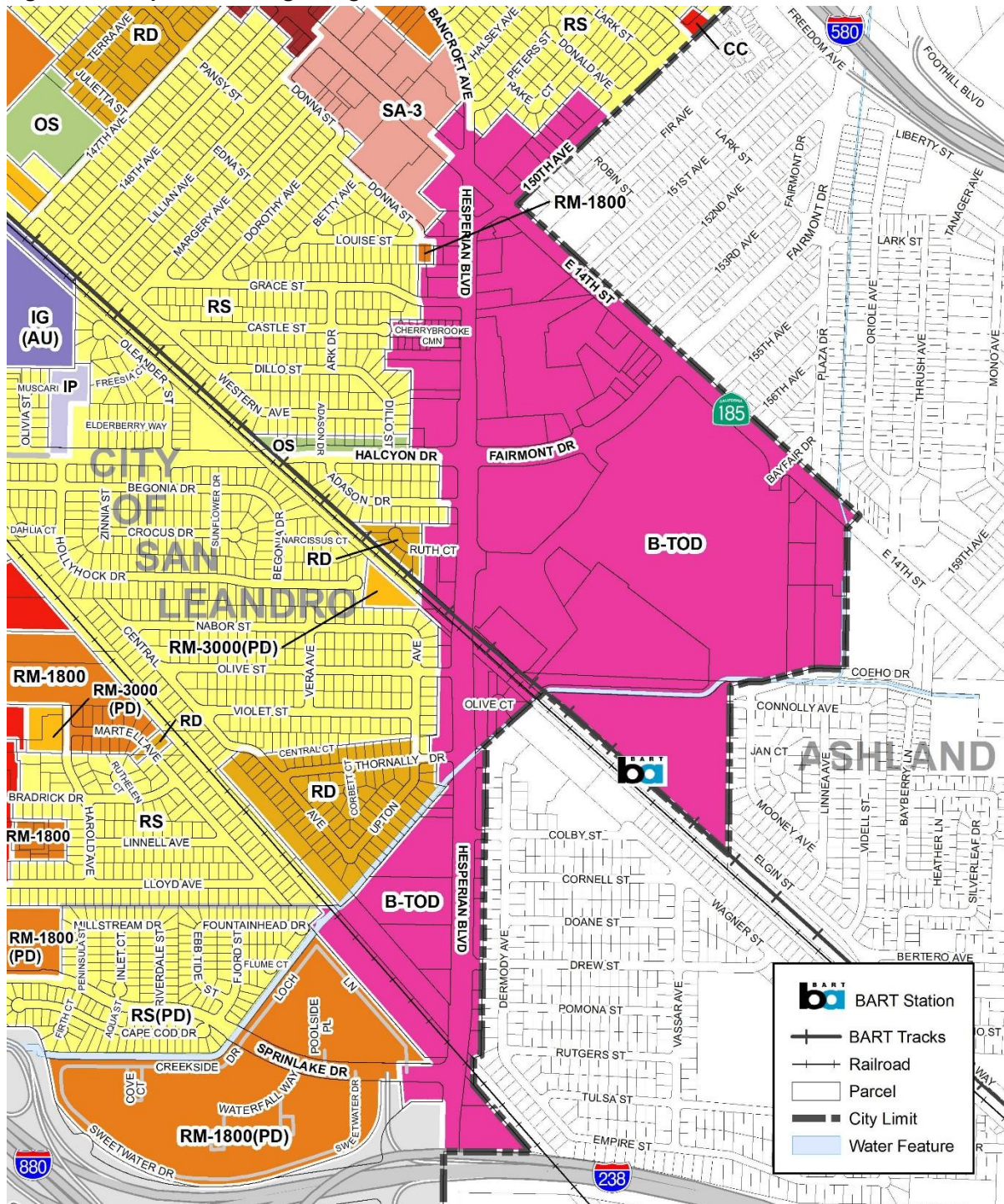


Figure 4 Proposed Zoning Designations



Revisions to Chapter 2.08

The proposed project would remove all references to the C-RM District from Chapter 2.08, *Commercial and Professional Districts*, and revise Section 2.08.336 to include private open space and common open space requirements, in addition to the existing basic required open space. These additional requirements set minimum square footages per dwelling unit for private balconies, porches, decks, patios, or courts, as well as non-street side yards, courts, patios, terraces, and rooftops.

New Chapter 2.10

Proposed Zoning Code changes include the addition of new Chapter 2.10, *Bay Fair Transit-Oriented Development District*, which would establish the Bay Fair Transit-Oriented Development (B-TOD) District to aid in implementation of the Specific Plan. The B-TOD District adheres strongly to the Specific Plan, including no added intensity, density, height, significant changes in allowed land uses or other substantial changes to the Specific Plan already adopted and analyzed in the 2018 EIR. The proposed B-TOD District includes minor clarifications and additions necessary for zoning implementation, such as clarification of parking requirements, clarification of open space requirements, clarification of the project approval process, and addition of certain non-residential use types to the allowed use list consistent with Specific Plan policies. This new chapter establishes the following requirements for the new district:

- Sub-areas with height overlays;
- Permitted uses, conditionally permitted uses, uses requiring Administrative Review, and temporary uses requiring Administrative Review;
- Minimum lot areas, widths, yard sizes, and setbacks;
- Height restrictions (minimums and maximums);
- Minimum density of residential developments;
- Lot coverage percentage;
- Minimum open space requirement;
- Site design requirements, including pedestrian access, frontage improvements, ground floor height, required openings, entrances, articulation, balconies, and parking design;
- Required amenities for multi-family and mixed-use residential developments;
- Parking access and design requirements;
- Minimum site landscaping; and
- Administrative regulations, including Development Plan Review, Site Plan Review, and Administrative Exceptions.

Revisions to Chapters 4.04, 4.08, and 4.12

The proposed project would revise Chapter 4.04, *Development Regulations*; Chapter 4.08, *Off-Street Parking and Loading Regulations*; and Chapter 4.12, *Signs*, to delete all references to the C-RM District, add references to the B-TOD District and implement the Specific Plan and for consistency with Chapter 2.10. The amendments would clarify allowed exceptions to height limits and implement fencing, parking, and signage standards for the B-TOD District.

New Chapter 5.14

Proposed Zoning Code changes include the addition of new Chapter 5.14, *Development Plan Approval*, which establishes the approval process for Development Plan Review within the B-TOD District. The intention of this new chapter is to provide a clear process and establish approval authority for Development plans. This new chapter includes the following sections:

- **5.14.100: Purpose.** This section states the purpose of the new chapter.
- **5.14.104: Applicability.** This section indicates which projects require development plan review and approval.
- **5.14.108: Review and Approval Authority.** This section assigns review and approval authority to the Board of Zoning Adjustments.
- **5.14.112: Application Requirements.** This section establishes requirements for development plan applications, including a completed application form and vicinity map.
- **5.14.116: Notice and Public Hearing.** This section establishes the requirement to hold a public hearing for development plan applications, and noticing requirements prior to the hearing, including notice contents.
- **5.14.120: Duties of Board of Zoning Adjustments.** This section lists the duties of the Board of Zoning Adjustments to conduct a public hearing, approve/conditionally approve/deny applications, and mail the Board's notice of decision to the applicant and other parties.
- **5.14.124: Required Findings.** This section lists the findings the Board is required to make during approval of a Development Plan.
- **5.14.128: Conditions of Approval.** This section allows for reasonable conditions of approval to be imposed by the Board to achieve the general purposes of the code or zoning district, protect public health and safety, ensure operation is compatible with the surrounding area, and prevent or mitigate environmental effects.
- **5.14.132: Effective Date; Appeals.** This section sets a 15-day appeal period following the Board's approval, and effective date of approved development plans.
- **5.14.136: Lapse of Approval; Transferability; Discontinuance; Revocation; Extension.** This section establishes a lapse period if no building permit, certificate of occupancy, or renewal of approval is obtained; states changes in ownership or proprietorship do not affect the validity of an approved development plan; revokes approval of a development plan if the plan is implemented in violation of conditions of approval; and allows up to a two-year extension of development plan approval by the Zoning Enforcement Official.
- **5.14.140: Changed Plans; New Applications.** This section allows for approval of changes to approved plans, and no new application of substantially the same plan within one year of plan denial.

City of San Leandro Municipal Code

The project would revise Section 7-13-110, Developer Construction of Facilities, to establish a Park Facilities Development Impact Fee credit for publicly accessible open space provided in the B-TOD District.

4 Environmental Analysis

Pursuant to Section 21166 of CEQA and Section 15162 of the *CEQA Guidelines*, when an EIR has been certified for a project, no subsequent EIR shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that one or more of the following conditions are met:

- Substantial project changes are proposed that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes would occur with respect to the circumstances under which the project is undertaken that require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified shows any of the following:
 - a) The project will have one or more significant effects not discussed in the previous EIR.
 - b) Significant effects previously examined will be substantially more severe than identified in the previous EIR.
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives.
 - d) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

Where none of the conditions specified in Section 15162 are present, the lead agency must determine whether to prepare an Addendum or whether no further CEQA documentation is required (*CEQA Guidelines* Section 15162[b]). An Addendum is appropriate where some minor technical changes or additions to the previously certified EIR are necessary, but there are no new or substantially more severe significant impacts (*CEQA Guidelines* Section 15164).

In accordance with the *CEQA Guidelines*, the City has determined that an Addendum to the Certified EIR is the appropriate form of environmental review for the proposed project. This examination includes an analysis of the provisions of Section 21166 of CEQA and Sections 15162 to 15164 of the *CEQA Guidelines* and their applicability to the proposed project.

As discussed in the impact analysis below, the proposed project would not introduce new significant environmental impacts beyond those which have already been identified and characterized in the 2018 EIR. None of the conditions described in *CEQA Guidelines* Section 15162 calling for preparation of a subsequent EIR have occurred or would occur as a result of the proposed project. This Addendum will be considered by the City of San Leandro decision-making body in making a decision on the proposed project.

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5 Environmental Impacts of the Proposed Project

This Addendum evaluates potential environmental impacts that could result from the proposed project, which includes minor modifications and clarifications to the General Plan, Bay Fair TOD Specific Plan, Zoning Map, Zoning Code, and Municipal Code, in relation to the analysis in the certified 2018 EIR for the Bay Fair TOD Specific Plan.

Appendix G of the *CEQA Guidelines* provides a checklist of environmental issue areas that are suggested as the issue areas that should be assessed in CEQA analyses. The 2018 EIR addressed in detail 16 of the suggested environmental issue areas. Impacts associated with agriculture and forestry resources and mineral resources were not discussed in depth as impacts were determined to be less than significant in the Effects Found Not to be Significant section of the EIR. In addition, updates to the *CEQA Guidelines* have resulted in two additional issue areas, Energy and Wildfire. In order to provide a thorough and conservative analysis of potential impacts associated with the project, this Addendum addresses all 20 environmental issue areas suggested by Appendix G of the *CEQA Guidelines*, as listed below.

- | | |
|---------------------------------------|-------------------------------|
| 1. Aesthetics | 11. Land Use/Planning |
| 2. Agriculture and Forestry Resources | 12. Mineral Resources |
| 3. Air Quality | 13. Noise |
| 4. Biological Resources | 14. Population/Housing |
| 5. Cultural Resources | 15. Public Services |
| 6. Energy | 16. Recreation |
| 7. Geology/Soils | 17. Transportation |
| 8. Greenhouse Gas Emissions | 18. Tribal Cultural Resources |
| 9. Hazards & Hazardous Materials | 19. Utilities/Service Systems |
| 10. Hydrology/Water Quality | 20. Wildfire |

The existing environmental conditions in the Bay Fair TOD Specific Plan Area and its surroundings are substantially the same under present conditions as described in the 2018 EIR. Potential environmental impacts of the proposed project are analyzed below to determine whether impacts are consistent with the impact analysis provided in the 2018 EIR, and whether additional mitigation measures are required to minimize or avoid potential impacts.

2018 EIR Analysis Summary

As described above, no impacts to agricultural and forestry resources or mineral resources were found in the 2018 EIR, and these resource areas were not discussed in detail. Additionally, impacts to aesthetics, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, population and housing, public services and recreation, and utilities and service systems were determined to be less than significant with no mitigation required.

The 2018 EIR determined that impacts to air quality; biological resources; cultural, tribal cultural and paleontological resources; and noise could be reduced to less than significant levels with mitigation. Mitigation proposed in the 2018 EIR included:

- Reducing construction air quality emissions per the Bay Area Air Quality Management District’s (BAAQMD) control measures;
- Conducting biological resources screening and assessment;
- Conducting special-status plant species surveys, avoidance, minimization, and mitigation;
- Implementing restoration and monitoring of special-status plant species;
- Conducting endangered/threatened species habitat assessments, protocol-level surveys, avoidance, and minimization;
- Implementing non-listed special-status animal species avoidance and minimization;
- Implementing a worker environmental awareness program during construction;
- Implementing an invasive weed prevention and management program;
- Conducting jurisdictional delineations for potential wetlands;
- Protecting native amphibians;
- Documenting and evaluating the historical built environment for demolition or alteration of buildings or structures greater than 50 years old;
- Conducting Phase 1 archaeological inventories and resource avoidance measures;
- Conducting a paleontological resource assessment and avoidance measures;
- Conducting consultation with California Native American tribe(s) following any discovery of unanticipated tribal cultural resources; and
- Implementing construction noise reduction measures.

Impacts to transportation and traffic were determined to be significant and unavoidable in the 2018 EIR, despite the implementation of proposed mitigation measures, which would improve signal timing at Hesperian Boulevard and Halcyon Drive, and East 14th Street and Fairmont Drive.

Although the 2018 EIR did not discuss energy and wildfire as separate resource areas, energy was discussed in terms of consistency with the 2017 Clean Air Plan, as well as electricity and natural gas consumption of the project, and in Section 5.3 of the prior Draft EIR. Energy impacts were determined to be less than significant with no mitigation required. Additionally, wildland fires were addressed as part of the hazards and hazardous materials analysis. The 2018 EIR determined there would be no impact related to wildfires.

Proposed Project

This discussion groups impact topics to allow a concise analysis of similar or related issue areas.

- **Aesthetics.** The proposed project would not increase the height limitations, block length restrictions, type of development or intensity of development allowed in the Plan Area. While the proposed Zoning Code changes do include the establishment of minimum densities, the specification of these standards is intended to regulate development consistent with the adopted Specific Plan and would not result in an increase in intensity or type of use as compared to the 2018 EIR analysis. Thus, the proposed project would not result in a new impact or a substantially more severe impact to aesthetics.

- **Agriculture, Forestry and Mineral Resources.** The proposed project would not expand the Plan Area to include agricultural lands, lands under a Williamson act contract, timberlands, forest lands, mineral resource zones, or mineral resource extraction sites. Therefore, the proposed project would continue to have no impact on agricultural or mineral resources.
- **Air Quality.** As described previously, the proposed project would not increase the height limitations, allowed development density, and allowed development intensity. Therefore, the proposed project would not result in a new impact or in a substantially more severe impact to air quality and greenhouse gas emissions, as no increase in development assumptions would occur as a result of the project. Mitigation proposed in the 2018 EIR to reduce potential impacts from air quality emissions would still apply to future development in the Plan Area.
- **Biological, Cultural, Paleontological, and Tribal Cultural Resources.** The proposed project would not result in greater ground disturbance, habitat modifications, or other alterations in the allowed development footprint that would increase or otherwise modify potential impacts to biological, cultural, paleontological, or tribal cultural resources from those identified in the 2018 EIR. Thus, the proposed project would not result in a new impact or a substantially more severe impact to these resources. Mitigation proposed in the 2018 EIR to reduce potential impacts to these resource areas would still apply to future development in the Plan Area.
- **Geology and Soils, Hazards and Hazardous Materials, and Hydrology and Water Quality.** As described above, the proposed project would not result in greater ground disturbance or alter the boundaries of the Plan Area considered in the 2018 EIR; therefore, potential impacts to geology and soils, hazards and hazardous materials, and hydrology and water quality would remain consistent with those described in the 2018 EIR and the proposed project would not result in a new impact or a substantially more severe impact to these resources.
- **Land Use and Planning.** The proposed project would implement the Specific Plan by updating the General Plan Land Use Map and Zoning Map and would not modify the proposed land uses in the Plan Area as provided by the Specific Plan. The 2018 EIR discusses the creation of the B-TOD Zoning District and land use designation, which is consistent with the proposed project. Therefore, the proposed project would not result in a new or substantially more severe land use impact.
- **Noise.** Because the proposed project would not increase the allowable density or intensity of development in the Plan Area, the proposed project would not result in new or substantially more severe noise impacts. Mitigation proposed in the 2018 EIR to reduce potential impacts from noise would still apply to future development in the Plan Area.
- **Population and Housing, Public Services, Recreation and Transportation.** The proposed project would not increase the allowable density or intensity of development in the Plan Area; therefore, there is no anticipated increase in population and housing, demand for public services, demand for recreational facilities, trip generation and demand for transportation facilities, and demand for utilities beyond that analyzed in the 2018 EIR. Thus, the proposed project would not result in new or substantially more severe impacts to these resources. Mitigation proposed in the 2018 EIR to reduce potential impacts from traffic impacts would still apply to future development in the Plan Area.
- **Energy.** As discussed above, the proposed project would not increase the allowable density or intensity of development in the Plan Area; therefore, the proposed project would not result in an increase in demand on energy resources and would continue to have no significant impact on energy.

- **Wildfire.** Similarly, the Plan Area would not be altered or expanded by the proposed project or include areas susceptible to wildfire; therefore, the proposed project would have no impact in terms of wildfire risk.

Effects and Mitigation Measures

As described above, it has been determined that the proposed project is consistent with the analysis of the 2018 EIR and would not result in new or substantially more severe impacts beyond those identified in the 2018 EIR. Mitigation measures identified in the 2018 EIR would remain applicable to future development projects in the Plan Area. Additionally, the proposed project is consistent with the findings and conclusions of the 2018 EIR regarding mandatory findings of significance.

6 Conclusion

As discussed in the preceding section, there are no new or substantially more severe impacts associated with the proposed project than those identified and mitigated for in the 2018 EIR. A subsequent EIR is not necessary because no new impacts or impacts of substantially greater severity than previously described would occur as a result of the proposed project. Therefore, the following determinations have been made:

- No further evaluation of environmental impacts is required for the proposed project;
- No Subsequent EIR is necessary per CEQA Guidelines Section 15162; and
- This Addendum is the appropriate level of environmental analysis and documentation for the proposed project in accordance with CEQA Guidelines Section 15164.

Pursuant to *CEQA Guidelines* Section 15164(c), this Addendum will be included in the public record for the 2018 EIR. Documents related to this Addendum will be available at City of San Leandro Community Development Department offices, 835 East 14th Street, San Leandro, California 94577, and online at https://www.sanleandro.org/depts/cd/project_updates/bftod/default.asp.

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7 References and Preparers

San Leandro, City of. 2018. Bay Fair Transit Oriented Development (TOD) Specific Plan Final Environmental Impact Report. January 2018.

<https://www.sanleandro.org/depts/cd/plan/polplanstudiesceqa/default.asp>.

List of Preparers

This Addendum was prepared by Rincon Consultants, Inc. under contract to the City of San Leandro. Persons and firms involved in data gathering, analysis, project management, and quality control include:

City of San Leandro (Lead Agency)

Community Development Department
Avalon Schultz, AICP, Principal Planner

RINCON CONSULTANTS, INC.

Abe Leider, AICP CEP, Principal
Aileen Mahoney, Associate Planner

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City of San Leandro

Meeting Date: December 7, 2020

Ordinance

File Number: 20-527

Agenda Section: PUBLIC HEARINGS

Agenda Number:

TO: City Council

FROM: Jeff Kay
City Manager

BY: Tom Liao
Community Development Director

FINANCE REVIEW: Not Applicable

TITLE: ORDINANCE of the City of San Leandro City Council Adopting Chapter 2.10, Bay Fair Transit-Oriented Development (B-TOD) District, of the San Leandro Zoning Code, Amending the San Leandro Zoning Map, and Adopting Miscellaneous Related Amendments to the San Leandro Municipal Code and Zoning Code

WHEREAS, California Government Code Section 65300 *et seq.* requires every city and county in California to adopt a General Plan for its long-range development, and further, to periodically update that plan to reflect current conditions and issues; and

WHEREAS; in 2016, the City Council adopted the San Leandro 2035 General Plan; and

WHEREAS, Government Code Section 65450 *et seq.* permits a city to adopt a specific plan for the implementation of the general plan for part of the area covered by the general plan; and

WHEREAS, on February 20, 2018, the City Council adopted the Bay Fair Transit Oriented Development (TOD) Specific Plan (the "Specific Plan"); and

WHEREAS, the Bay Fair TOD Specific Plan Area encompasses 154 acres and is generally bound by East 14 Street to the northeast, Hesperian Boulevard to the west, and the border between the City and unincorporated Alameda County to the south and southwest (the "Specific Plan Area"); and

WHEREAS, the Bay Fair BART Station and parking lots, Bay Fair Center shopping mall, Fairmont Square and Fashion Faire Place shopping areas, and portions of the Hesperian and East 14th corridors are included within the Specific Plan Area; and

WHEREAS, the Specific Plan implements the City's General Plan, which identifies the

Specific Plan Area as one of the City's most significant areas of potential change, and envisions the area as a dynamic, walkable, transit-oriented area with a mix of uses; and

WHEREAS, the Specific Plan provides a vision for a sustainable, vibrant, and safe transit-oriented village with a diversity of land uses serving local and regional populations; and

WHEREAS, the Specific Plan includes goals and policies related to land use, transportation/traffic, infrastructure, and design to fulfill the vision for the Specific Plan Area, and establishes uses and development standards for the Specific Plan Area; and

WHEREAS, the Specific Plan includes text and diagrams specifying the distribution, location, and extent of the uses of land within the area covered by the plan, as well as the location, and extent and intensity of major components of public and private transportation and other essential facilities located within the Specific Plan Area; and

WHEREAS, the Specific Plan identifies standards and criteria by which development will proceed; and

WHEREAS, the City Council desires to update the San Leandro Zoning Code, by adding Chapter 2.10, Bay Fair Transit-Oriented Development (B-TOD) District, to implement the Specific Plan and more specifically identify the standards for development within the Specific Plan Area; and

WHEREAS, the proposed changes to the Zoning Code will enable the development of a mixed-use urban village that supports housing, retail, office, entertainment, and civic uses with safe pedestrian and bicycle connections to public transit, services and employers; and

WHEREAS, new residential and non-residential uses in the Specific Plan Area will be required to provide certain minimum amounts of publicly accessible open space, as further specified in the Specific Plan and Zoning Code Chapter 2.10; and

WHEREAS, parks, green space, plazas, and other public open space encourage pedestrian activity, which is an important element of creating a sustainable, vibrant, and safe transit-oriented village; and

WHEREAS, Land Use Policy 11 of the TOD Specific Plan is to allow a variety of public open spaces, pedestrian oriented streetscapes, and gathering spaces to meet the needs of new and existing residents, visitors, workers and businesses; and

WHEREAS, Chapter 5 of the Specific Plan contains standards and guidelines for both public and private open space in the Specific Plan Area; and

WHEREAS, the City currently provides parks, recreational facilities, and open space to the community, and both the General Plan and Specific Plan have stated goals and policies related to the creation and maintenance of parks, recreational facilities, and open space; and

WHEREAS, development of new residential and commercial projects encourages new residents to move to the City, as well as new non-residents to come to the City for work, shopping, and recreations. These new residents and visitors create increased demand for parks, recreational facilities, and open space suitable for a variety of ages and uses; and

WHEREAS, this demand is not created solely by residents, but also by employees of, and visitors to, commercial spaces, who use parks, recreational facilities, and open space before and after work, during lunch and other breaks, and after visiting commercial establishments; and

WHEREAS, if publicly accessible parks, recreational facilities, and open space are not provided in the Specific Plan Area, the demand created by new development in the Specific Plan Area will be directed elsewhere, and will overburden such facilities in surrounding areas, increase crowding, and decrease access; and

WHEREAS, the publicly accessible open space requirements are necessary to assist the City in meeting its stated goals for parks, recreational facilities and open space in the General Plan and Specific Plan and accommodate the demand for such open space created by the new residential and non-residential development in the plan area; and

WHEREAS, a conservative and reasonable estimate of build-out associated with the proposed Specific Plan through 2035 would include development of up to 2,540 housing units and 300,000 square feet of office space, as well as the removal of an estimated 161,000 square feet of retail space; and

WHEREAS, as population and densities within the Specific Plan Area increase, publicly accessible open space becomes an essential neighborhood amenity and a counterbalance in the built environment; and

WHEREAS, the publicly accessible open space requirements for residential and commercial development adopted by the Specific Plan and Zoning Code Chapter 2.10 are roughly proportionate to the demand for such open space created by new residential and commercial development, and there is a reasonable relationship between the amount of the publicly accessible open space requirement and the need for such open space; and

WHEREAS, the San Leandro Municipal Code currently requires certain types of developments to dedicate park land or pay the Park Facilities Development Impact Fee, the purpose of both of which is to create or finance the creation of park facilities to reduce the impacts caused by new development; and

WHEREAS, publicly accessible open space required by the Specific Plan and Zoning Code Chapter 2.10 will count toward the parkland dedication requirements of Municipal Code Chapter 7-1 and/or be a credit toward payment of the Park Facilities Development Impact Fee required by Municipal Code Chapter 7-13; and

WHEREAS, the City Council desires to amend the Zoning Map to ensure consistency with the General Plan and Specific Plan; and

WHEREAS, the City Council also desires to make certain amendments to the City's Municipal Code and Zoning Code to ensure consistency with the General Plan and Specific Plan, and related to the creation of the B-TOD Zoning District and elimination of the C-RM (Commercial-Regional Mall) District; and

WHEREAS, the City Council also desires to add Chapter 5.14, Development Plan Approval, to the San Leandro Zoning Code to govern the processing and approval of development plans, which shall be required for sites over 5 acres; and

WHEREAS, the City released the proposed text of Zoning Code Chapter 2.10 for a two-week public review on or before August 21, 2020 and held a virtual public community meeting to solicit feedback on the zoning update on September 1, 2020; and

WHEREAS, public input was further solicited through a dedicated project website and through a meeting of the Planning Commission on July 2, 2020; and

WHEREAS, the proposed adoption of San Leandro Zoning Code Chapter 2.10 and other amendments to the San Leandro Zoning Code, the proposed amendments to the Bay Fair TOD Specific Plan, the proposed amendments to the San Leandro General Plan, and the proposed amendments to the San Leandro Municipal Code are collectively referred to as the "Project"; and

WHEREAS, the City prepared an Environmental Impact Report ("EIR") to identify the potential environmental impacts of the Bay Fair TOD Specific Plan; and

WHEREAS, on February 20, 2018, the City Council adopted Resolution No. 2018-008 certifying a Final Environment Impact Report (the "EIR") entitled, "Bay Fair Transit Oriented Development (TOD) Specific Plan Environmental Impact Report SCH#2017032016" and adopting a Mitigation Monitoring and Report Program for the Specific Plan; and

WHEREAS, the City prepared an addendum to the certified EIR documenting that the Project consists of only minor technical changes or additions and will not have significant new impacts or substantially increase previously identified significant impacts; and

WHEREAS, on December 7, 2020, the City Council adopted Resolution No. _____ adopting an Addendum to the Bay Fair TOD Specific Plan Environmental Impact Report SCH#2017032016 for the Project; and

WHEREAS, a staff report dated November 5, 2020, incorporated herein by reference, described and analyzed the proposed Project for the Planning Commission; and

WHEREAS, the City of San Leandro Planning Commission held a duly noticed Public Hearing on November 5, 2020 for consideration of the proposed Project, and did consider all information pertaining to the Project, including the staff report, the findings, and all public comments and testimony received prior to and during the hearing; and

WHEREAS, the Planning Commission recommended approval of the proposed Project to

the City Council on a 7-0 vote; and

WHEREAS, a staff report dated December 7, 2020 and incorporated herein by reference, described and analyzed the Project and the related Addendum to the EIR for the City Council; and

WHEREAS, on December 7, 2020, the City Council reviewed the staff report and the draft Addendum to the EIR at a duly noticed public hearing on the Project, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the City's General Plan, Zoning Code, and Municipal Code, as well as the Specific Plan, are incorporated herein by reference, and are available for review on the City's website.

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. FINDINGS. The City Council makes the following findings in support of adopting this ordinance, based on the whole of the record:

1. The amendments to the Zoning Code, Zoning Map, and Municipal Code are consistent with the General Plan, Bay Fair TOD Specific Plan, as amended, and the purposes of the Zoning Code as described in Zoning Code Section 1.04.108;
2. The amendments to the Zoning Code, Zoning Map, and Municipal Code will not be detrimental to the public interest, health, safety, or welfare of the City.

SECTION 3. AMENDMENT OF ZONING CODE. The San Leandro Zoning Code is hereby amended to add Chapter 2.10, Bay Fair Transit-Oriented Development (TOD) District, and to make miscellaneous other amendments as shown in attached Exhibit A and incorporated herein by reference.

SECTION 4. AMENDMENT OF ZONING MAP. The San Leandro Zoning Map is hereby amended as shown in attached Exhibit B and incorporated herein by reference.

SECTION 5. AMENDMENT OF MUNICIPAL CODE. The San Leandro Municipal Code is hereby amended as shown in attached Exhibit C and incorporated herein by reference.

SECTION 6. ENVIRONMENTAL REVIEW. Pursuant to CEQA and the CEQA Guidelines, the City adopted Resolution No. _____, incorporated herein by reference, adopting an Addendum Bay Fair TOD Specific Plan Environmental Impact Report SCH#2017032016.

The Zoning Code, Zoning Map and Municipal Code Amendments implement the Project and were analyzed in the Addendum as part of the Project. No subsequent environmental impact report or additional environmental analysis is required in connection with the approval of the

Project or this Ordinance, in that the City Council finds and determines that none of the conditions set forth in Public Resources Code Section 21166, State CEQA Guidelines Section 15162(a) have occurred.

SECTION 7. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 8. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.

EXHIBIT A
Non-Redlined Zoning Code Amendments

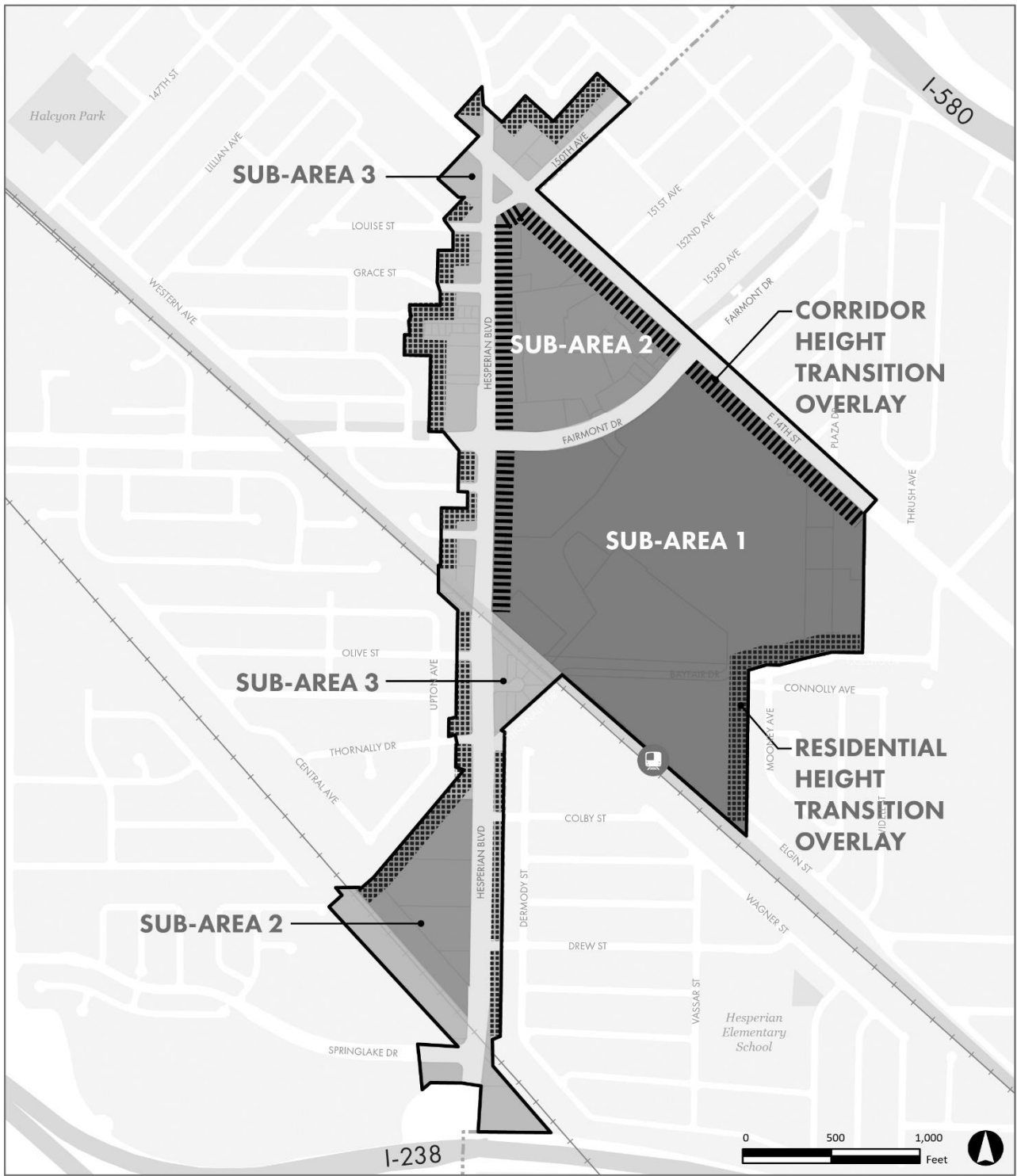
Title 2 – Base District Regulations

Chapter 2.10 Bay Fair Transit-Oriented Development District

2.10.100 Purpose and Applicability

- A. Specific Purposes. In addition to the general purposes listed in Chapter 1.04 Title, Components, and Purposes, the specific purposes of the Bay Fair Transit-Oriented Development (B-TOD) District are to:
1. Implement the Bay Fair Transit-Oriented Development Specific Plan and enable the development of a mixed-use urban village that supports housing, retail, office, entertainment, and civic uses with safe pedestrian and bicycle connections to public transit, services, and employers.
 2. Achieve a high standard of site and building design.
 3. Ensure the provision of adequate open space to serve planned population densities.
 4. Complement existing neighborhoods through site regulations and design standards that minimize impacts to adjacent uses.
- B. Applicability. The provisions of this Chapter apply to all land within the B-TOD District as delineated on the Zoning Map and, where specified by Sub-Area or Height Transition Overlay, the B-TOD Sub-Areas and Height Transition Overlays shown in Figure 1, B-TOD Sub-Areas and Height Transition Overlays.

Figure 1 B-TOD Sub-Areas



- | | | | |
|--|---|---|--|
|  SUB-AREA 1 |  RESIDENTIAL HEIGHT TRANSITION OVERLAY |  City Limit |  Bay Fair BART Station |
|  SUB-AREA 2 |  CORRIDOR HEIGHT TRANSITION OVERLAY |  Project Boundary |  Union Pacific Right of Way |
|  SUB-AREA 3 | | | |

ARTICLE 1. USE REGULATIONS

2.10.200 Use Regulations

A. Permitted Uses.

The following uses are permitted in the B-TOD 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. Artist's Studios.
4. Automatic Teller Machines.
5. Brewpubs.
6. Business Services.
7. Cafés.
8. Coin-op Laundry and Dry Cleaning.
9. Commercial Recreation.
10. Cultural Institutions.
11. Day Care, General.
12. Department Stores.
13. Drugstores.
14. Fast Food Establishments, Small Scale.
15. Financial Institutions, Retail.
16. Furniture, Electronics, and Appliance Sales.
17. Government Offices.
18. Health and Fitness Centers.
19. Home Improvement and Interior Decoration.
20. Hotels.
21. Instruction and Improvement Services.
22. Library
23. Medical Supply Stores.
24. Multi-Family Residential.
25. Mixed-use Residential.
26. Neighborhood/Specialty Food Markets.
27. Offices (Business, Professional, Administrative.)
28. Park and Recreation Facilities.

29. Pharmacies.
30. Restaurants, Full-Service.
31. Retail Sales.
32. Retail Services.
33. Supermarkets.
34. Telecommunications, Architecturally Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4-1686: Wireless Telecommunications Facilities.)
35. Theaters.
36. Theaters, Small Scale.
37. Travel Services.
38. Utilities, Minor.

B. Conditionally Permitted Uses.

The following uses are allowed in the B-TOD 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 4.04.348 Bed and Breakfast Inns.)
4. Commercial Parking Facility.
5. Communications Facilities.
6. Dance Clubs.
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. Liquor Stores.
9. Massage Therapy.
10. Public Safety Facilities.
11. Research and Development Services.
12. Retail Sales, Big Box.
13. Schools, Public or Private.
14. Theaters, Outdoors.
15. Utilities, Major.

C. Uses Requiring Administrative Review.

The following uses are allowed in the B-TOD District, subject to the approval of an Administrative Review by the Zoning Enforcement Official, as per the requirements of San Leandro Zoning Code, Article 21.

1. Animal Sales.
2. Beer and Wine Stores.

3. Business and Trade Schools.
4. Community Garden.
5. Convenience Store.
6. Farmers' Market.
7. Fast Food Establishments, Large Scale.
8. Game Centers.
9. Kiosks, Carts, and Vending Stands.
10. Telecommunications, New Monopoles and Towers.

D. Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the B-TOD District, subject to the regulations of Section 5-222: Temporary Use Permits.

1. Animal Shows.
2. Assembly Uses, Temporary.
3. Christmas Tree and Pumpkin Sales and Other Seasonal Outdoor Sales.
4. Circuses and Carnivals.
5. Commercial Filming.
6. Real Estate Offices, Temporary.
7. Retail Sales, Outdoor.
8. Special Promotions.
9. Storage Containers, Temporary.
10. Street and Neighborhood Fairs.
11. Trade Fairs.

ARTICLE 2. DEVELOPMENT REGULATIONS

2.10.300 Property Development Regulations: Bay Fair Transit-Oriented Development District

The following sections set forth the property development regulations of the B-TOD District.

2.10.304 Minimum Lot Area and Minimum Lot Width

- A. Minimum Lot Area. 10,000 square feet.
- B. Minimum Lot Width. 100 feet.
- C. Maximum Block Length. Blocks shall not exceed 440 feet in length on any one side measured from curb edge to curb edge. An Administrative Exception per Section 2.10.408 may be approved to increase the allowable block length to a maximum of 484 feet if it is found that the location or shape of the site, use of the property, or design of buildings warrant a variation, and it is found that the project design enhances pedestrian activity, provides active building frontages, and provides publicly accessible connections to the public circulation network.

2.10.308 Minimum Yards

- A. Required Setbacks. Minimum and maximum building setbacks are as follows. Minimum building setbacks shall apply unless otherwise allowed in Sections B and C below. A minimum of 70 percent of the linear street frontage shall comply with the maximum setback.

| | Hesperian Boulevard | | Fairmont Drive | | East 14 th Street | | All Other Publicly Accessible Streets | | | | | |
|----------------------------|---------------------|-----|----------------|-----|------------------------------|-----|--|-----|---------------------|-----|--|-----|
| | All Use Types | | All Use Types | | All Use Types | | Ground-Floor Non-Residential Other Than Office | | Ground-Floor Office | | Ground-Floor Residential and Mixed-Use | |
| | min | max | min | max | min | max | min | max | min | max | min | max |
| Street-Facing Setback (ft) | 8 | 20 | 12 | 20 | 0 | 12 | 0 | 6 | 8 | 12 | 8 | 20 |
| Interior Side Setback (ft) | 0 | n/a | 0 | n/a | 0 | n/a | 0 | n/a | 0 | n/a | 0 | n/a |
| Rear Setback (ft) | 0 | n/a | 0 | n/a | 0 | n/a | 0 | n/a | 0 | n/a | 0 | n/a |

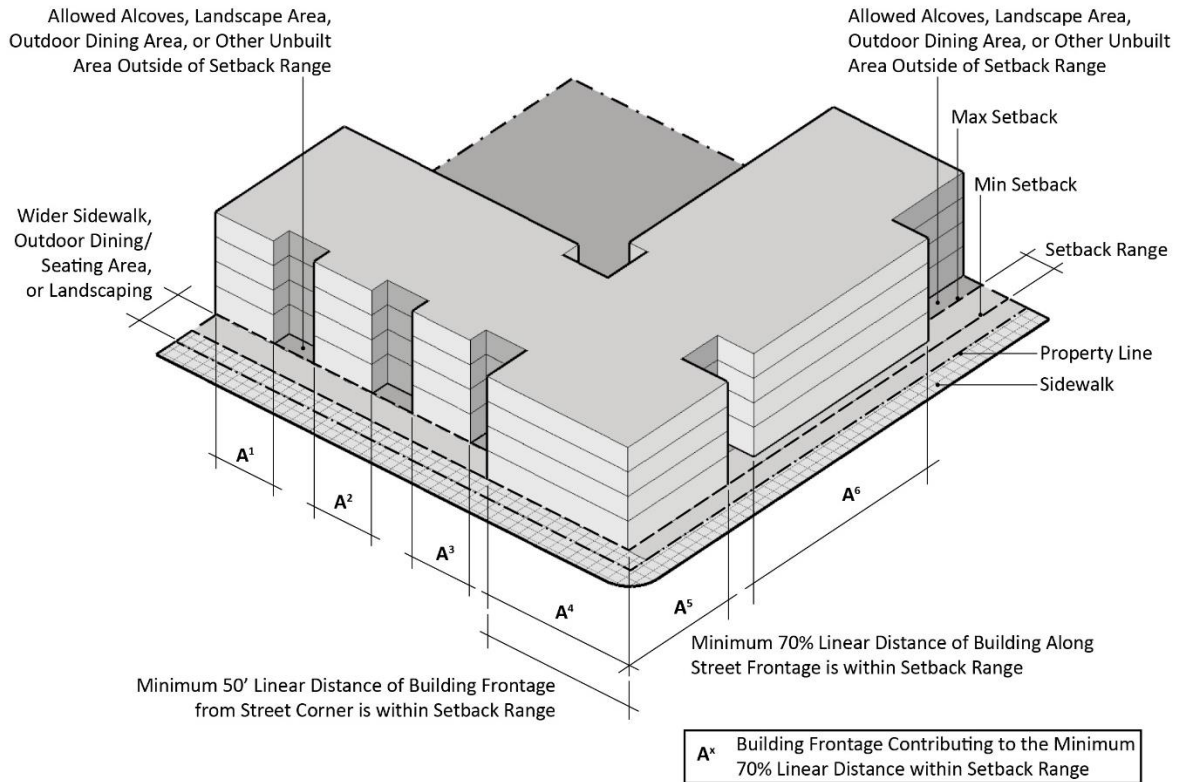
- B. Required Building Location. The following building location requirements apply:
 1. Corner Build Area. Buildings shall be located within the required setback range within 50 feet of the street corner.
 2. Frontage Improvements. The area between buildings and the property line shall be improved as part of a wider sidewalk, as outdoor dining/seating area, or with landscaping.
 3. Exceptions. Building location requirements may be modified or waived through an Administrative Exception per Section 2.10.408 upon finding that:

- a. Entry courtyards, plazas, entries, or outdoor eating areas are located adjacent to the property line and buildings are built to the edge of the courtyard, plaza, or dining area; or
- b. The building incorporates an alternative design that creates an engaging pedestrian area and welcoming entry feature facing the street.

C. Projections into Required Setbacks.

1. Projections into required setbacks shall be permitted consistent with Section 4.04.312 Building Projections into Yards and Courts provided a minimum vertical clearance of 10 feet, or as required for fire access, whichever is greater, is provided from finished grade to the bottom of the projection.
2. Occupied building area may project into the required setback area for a maximum of 65 percent of the length of the building frontage provided a minimum vertical clearance of 13.5 feet from finished grade to the bottom of the projection.
3. The total area of all projections shall not exceed 50 percent of the street facing building facade area.

Figure 2 Setback Range and Corner Build Diagram



2.10.312 Height of Structures

| B-TOD Sub-Area/Height Transition Overlay | Minimum | | Maximum ^(A) | |
|--|--|-------------------------|---|------------------|
| | Height (ft.) | Stories | Height (ft.) | Stories |
| Sub-Area 1 | 45 ^(C) | 4 ^(C) | 90 ^(B) | 8 ^(B) |
| Sub-Area 2 | 30 ^(C) | 2 ^(C) | 70 | 6 |
| Sub-Area 3 | Non-residential buildings: At least 75% of the total street-facing building frontage shall be a minimum of 25 Other buildings: n.a. | n.a. | 50 | 4 |
| Residential Height Transition Overlay | See applicable Sub-Area | See applicable Sub-Area | Daylight Plane ^(D) | |
| Corridor Height Transition Overlay | See applicable Sub-Area | See applicable Sub-Area | 58 ^(B) | 5 ^(B) |
| | | | Applicable within 40 ft of the front property line or back of sidewalk, whichever is greater. | |

- A. General Exceptions to Height Limits. The maximum height of a structure shall be subject to the regulations of Section 4.04.320 Exceptions to Height Limits.
- B. Increased Sub-Area 1 and Corridor Height Transition Overlay Height. An Administrative Exception per Section 2.10.408 may be approved to increase building heights and stories in Sub-Area 1 and within the Corridor Height Transition Overlay if it is found that the additional height is necessary to accommodate additional residential density, the additional height will not be substantially detrimental to the solar access or privacy of other structures or uses in the surrounding area, and design features minimize the perceived mass and bulk created by the increased height.
- C. Reduced Minimum Height and Stories, Non-Residential Buildings. In Sub-Areas 1 and 2, the required minimum height and number of stories may be reduced for non-residential buildings provided 75 percent or more of the total street-facing building frontage(s) is 25 feet or more in height.
- D. Daylight Plane Regulations for Parcels in the Residential Height Transition Overlay. Structures located in the “Residential Height Transition Overlay” shown in Figure 1, B-TOD Sub-Areas and Height Transition Overlays, shall not intercept a one-to-one (1:1) or 45 degree daylight plane incline inward from a height of 8 feet above existing grade at the adjacent R District boundary line. (Please refer to Figure 2 “Required Daylight Plane at Adjoining Districts – B-TOD District.”) Roof-mounted equipment screening, mechanical equipment screening, parapet walls, and rooftop amenities are exempt from this requirement.

Figure 3 Required Daylight Plane for Parcels in Residential Height Transition Overlay

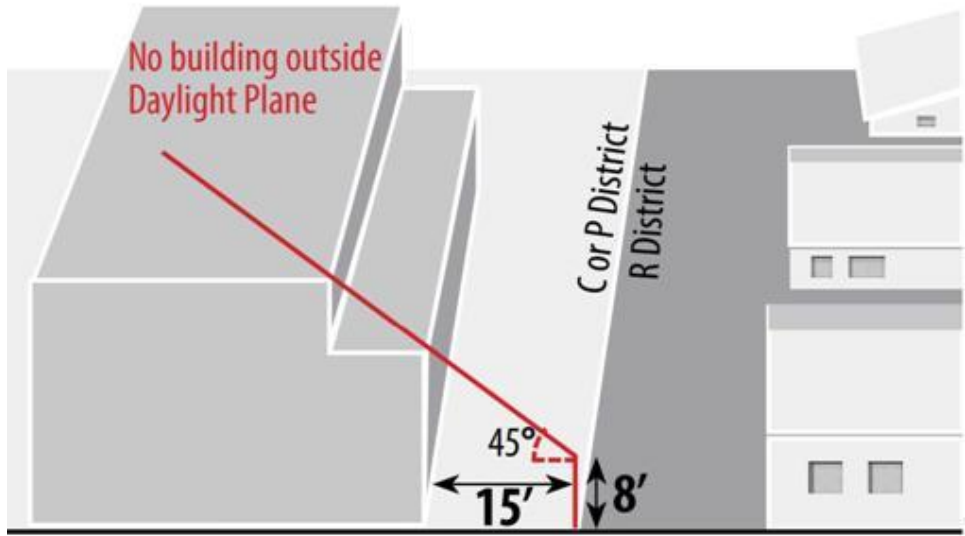
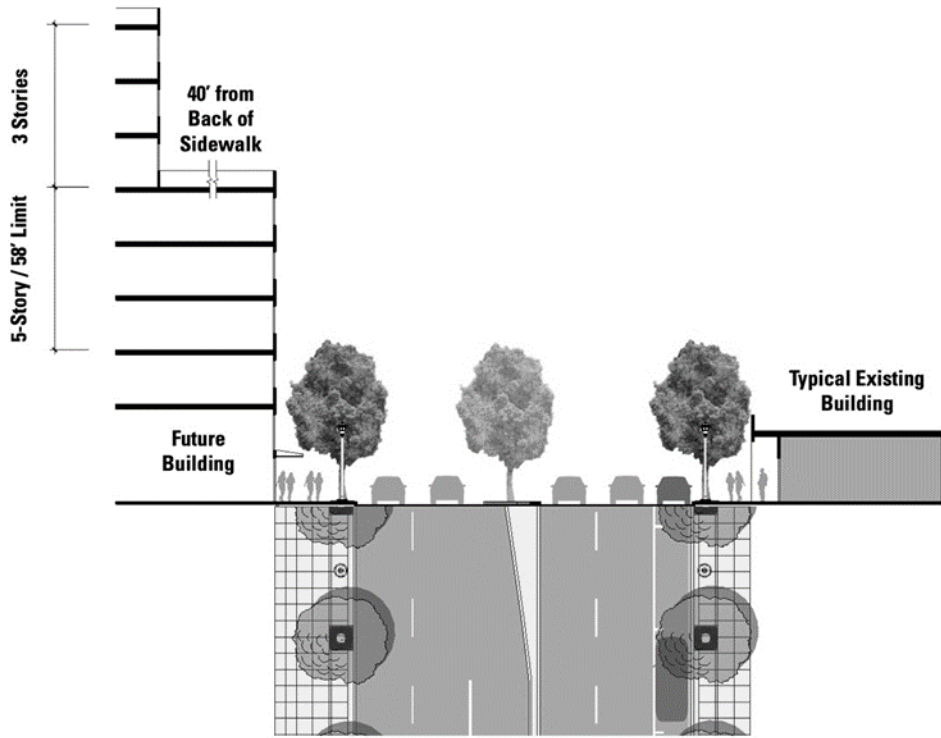


Figure 4 Required Daylight Plane for Parcels in Corridor Height Transition Overlay



2.10.316 Density for Multi-Family Residential and Mixed-Use Residential Development

- A. Density for Multi-Family Residential and Mixed-Use Residential Development. The minimum density for residential and mixed-use development is as prescribed below. For minimum density calculations that result in fractional amounts, numbers of 0.5 or greater shall be rounded up to the nearest whole integer; numbers less than 0.5 shall be rounded down to the nearest whole integer.

| B-TOD Sub-Area | Minimum Density (Dwelling Unit/Acre) |
|-----------------------|---|
| Sub-Area 1 | 65 |
| Sub-Area 2 | 60 |
| Sub-Area 3 | 20 |

- B. Exceptions to Minimum Density in Sub-Area 3. Exceptions to the minimum density requirement may be allowed in Sub-Area 3 with approval of an Administrative Exception per Section 2.10.408.

2.10.320 Lot Coverage

- A. Maximum Lot Coverage and Minimum Open Area. Lot coverage shall not exceed 80 percent. A minimum of 20 percent of the site shall be open area. Open area at the podium level that can be accessed by building occupants is considered open area and shall not count towards lot coverage.
- B. Exceptions to Lot Coverage and Open Area. An Administrative Exception to the lot coverage and open area requirements may be granted per Section 2.10.408 where the location or shape of the site, use of the property, or design of the building warrant a variation.

2.10.324 Minimum Open Space

Private Open Space, Common Open Space, and Publicly Accessible Open Space shall be provided in compliance with the standards of this Section. No portion of required open space shall be used for driveways or off-street parking and loading facilities, nor may one area of open space be double counted as satisfying the requirements of multiple types of required open space. However, the area provided to meet the open space requirement may count toward other site requirements such as landscaping, amenities, and stormwater retention and control if the area provided as open space also meets the criteria of those individual requirements.

| Use Classification | Minimum Open Space | Note |
|---|---------------------------|---|
| Residential, Mixed-Use Residential | | |
| Private and/or Common Open Space | 60 SF per dwelling unit | May be provided as any combination of Private and Common Open Space. See Subsections 2.10.324.A and 2.10.324.B. |
| Publicly-Accessible Open Space | 25 SF per dwelling unit | Applicable only to Sub-Area 1 and Sub-Area 2. See Subsection 2.10.324.C |
| Office > 20,000 Gross Square Feet (GSF) | | |

| | | |
|--|---------------------|--|
| Common Open Space and/or Publicly Accessible Open Space | 50 SF per 1,000 GSF | A minimum of 25 SF per 1,000 GSF shall be provided as Publicly Accessible Open Space in compliance with Subsection 2.10.324.C. Common Open Space shall comply with Subsection 2.10.324.B |
| Non-Residential Other than Office > 20,000 Gross Square Feet (GSF) | | |
| Publicly-Accessible Open Space | 25 SF per 1,000 GSF | See Subsection 2.10.324.C |

- A. **Private Open Space.** Private Open Space provides open space areas for the exclusive use of the occupants of a single dwelling unit and includes but is not limited to balconies, decks, terraces, patios, fenced yards, and other similar private areas.
1. Minimum Dimensions. Private Open Space shall have at least one minimum six-foot dimension.
 2. Accessibility. Private Open Space shall be accessible to only one dwelling unit by a doorway to a habitable room or hallway.
- B. **Common Open Space.** Common Open Space provides shared access for all building occupants and includes but is not limited to courtyards, terraces, forecourts, gardens, outdoor dining areas, plazas, landscaped areas, patios, swimming pools, barbeque areas, tennis courts, playgrounds, recreation areas, gardens, rooftop amenities, and other similar common areas intended for shared use by building occupants.
1. Minimum Dimensions. Common Open Space shall have at least one minimum 20-foot dimension except as provided below.
 - a. *Residential Courtyards.* Common Open Space areas with residential units facing on two opposite sides shall have a minimum width equal to the height of the shortest building facade facing the courtyard.
 2. Accessibility. Common Open Space shall be accessible to all building occupants.
 3. Surfacing. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust-free surfacing.
 - a. *Minimum Landscaping.* A minimum of 30 percent of the total common open space area shall be vegetated.
 - b. *Maximum Slope.* Slopes shall not exceed 10 percent.
- C. **Publicly Accessible Open Space.** Publicly Accessible Open Space includes paseos, plazas, outdoor dining areas, dog parks, recreation areas, and other similar areas available for use by the public. Publicly Accessible Open Space shall be provided on-site and in accordance with the following standards or met through Alternative Compliance options pursuant to Subsection 2.10.324.C.3, Alternative Compliance.
1. Publicly Accessible Open Space Standards.
 - a. *Ownership and Maintenance.* Publicly Accessible Open Space may be offered as dedication to the City or privately owned and maintained with dedication of a public access easement. Publicly Accessible Open spaces shall be maintained at no public expense. The owner of the property on

which the open space is located shall maintain it by keeping the area clean and free of litter and keeping in a healthy state any plant material that is provided.

- b. *Minimum Dimensions.* Publicly Accessible Open Space shall have at least one minimum 35-foot dimension.
- c. *Design Features.* Publicly Accessible Open Spaces shall:
 - i. Be unobstructed by fully enclosed structures;
 - ii. Include any practicable combination of lawn, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust-free surfacing;
 - iii. Not exceed a 10 percent slope;
 - iv. Provide pedestrian circulation;
 - v. Provide pedestrian-scale lighting;
 - vi. Provide one or more plaques visible to the public stating the right of the public to use the space, the type of open space, and the hours of use;
 - vii. Maintain a smoke-free environment; and
 - viii. Provide at least two of the following:
 - a) Site furnishings, including, but not limited to, tables and chairs, seating, and gathering places.
 - b) Active recreation spaces, such as tot lot or playground, sport court, or similar.
 - c) Shading.
 - d) Public art.
- d. *Location.* Publicly Accessible Open Space shall:
 - i. Be located on the ground floor;
 - ii. Have a direct, accessible pedestrian connection to a public right-of-way or easement from at least two directions, connecting to another public pedestrian right-of-way or easement; and
 - iii. Be accessible from a street or non-motorized multi-use pathway.

2. Alternative Compliance.

- a. *Park Land Dedication.* Park land dedicated and improved consistent with Municipal Code Chapter 7-1 shall count towards the required Publicly Accessible Open Space.
- b. *Residential Projects with Fewer than 50 Units.* Multi-family residential and residential mixed-use developments with fewer than 50 residential units may opt to pay the Park Facilities Development Impact Fee established by Municipal Code Chapter 7-13 in lieu of providing dedicated and improved park land and/or Publicly Accessible Open Space.
- c. *Programmed Use.* Publicly Accessible Open Space designed for concentrated and programmed public use – such as playgrounds, recreational areas, or other programmed public spaces – may be credited at a 2:1 ratio with approval of an Administrative Exception per Section 2.10.408.
- d. *Development Sites Over Five Acres.* The Publicly Accessible Open Space requirement for projects on sites over five acres may be reduced with Development Plan approval where the review authority finds that: usable Publicly Accessible Open Space has been provided to promote

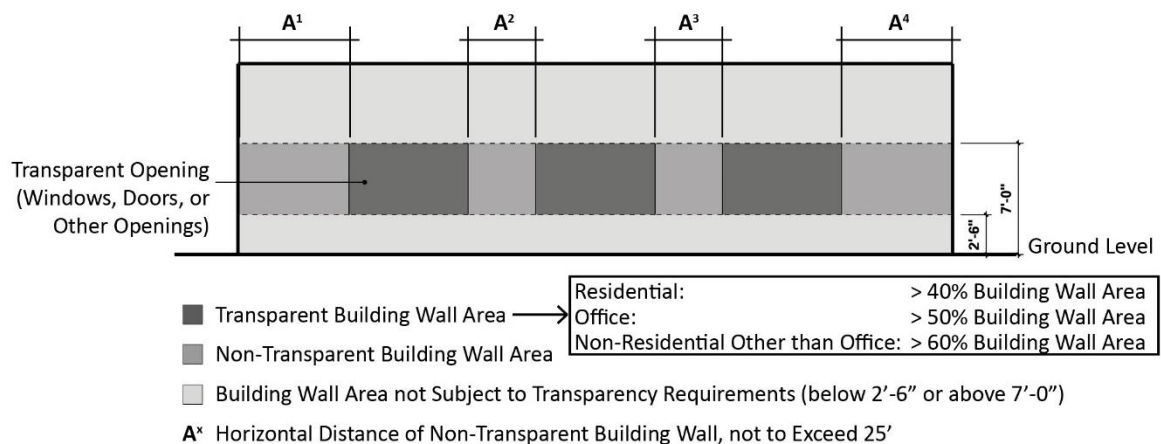
gathering, enjoyment, and active use by a broad range of the community, consistent with the Bay Fair TOD Specific Plan, to the maximum extent feasible and the design, location, and amenities compliment the area-wide open space network. At no time shall the Publicly Accessible Open Space requirement be reduced to less than one acre.

2.10.328 Site, Building and Structured Parking Design

- A. Pedestrian Access. Pedestrian accessways shall be provided for all new construction and additions of 10,000 square feet or more of gross floor area in accordance with the following standards.
 - 1. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
 - 2. To the Public Circulation Network. An on-site walkway shall connect the primary building entry or entries to the public pedestrian circulation network on each street frontage. Connections between on-site walkways and the public pedestrian circulation network, including public sidewalks, public trails, and other planned or existing public pedestrian routes, shall be provided at least every 200 feet along portions of the development site perimeter that are adjacent to public rights-of-way.
 - 3. To Neighbors. Pedestrian access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas.
 - 4. To Transit. Pedestrian connections shall be provided from transit stops to building entrances.
- B. Required New Connections and Frontage Improvements. Publicly accessible connections and frontage improvements consistent with the Bay Fair TOD Specific Plan, the Master Plan of City Streets, and the Subdivision Improvement Standards shall be provided for all subdivisions, new construction, and additions of 10,000 square feet or more of gross floor area.
- C. Ground Floor Height.
 - 1. Residential Uses. The minimum ground floor height for residential uses is 12 feet measured floor to floor.
 - 2. Non-Residential Uses. The minimum ground floor height for non-residential uses is 14 feet measured floor to ceiling.
 - 3. Exception, Change of Use. The minimum ground floor height requirements do apply to changes of use in existing buildings.
- D. Tenant Space Depth. Non-residential ground floor interior tenant space shall be a minimum of 40 feet in depth.
- E. Building Transparency/Required Openings. Exterior walls facing and within 20 feet of a front or street side lot line, public accessway, or public open space shall run in a continuous plane for no more than 25 feet without an opening and shall, at minimum, include windows, doors, or other openings as listed below.
 - 1. Required Transparency.
 - a. *Residential Uses*. A minimum of 40 percent of the building wall area located between two and one-half and seven feet above ground level.
 - b. *Office Uses*. A minimum of 50 percent of the building wall area located between two and one-half and seven feet above ground level.

- c. *Non-Residential Uses Other than Office.* A minimum of 60 percent of the building wall area located between two and one-half and seven feet above ground level.
- 2. Design of Openings. Openings fulfilling this requirement shall have transparent glazing with a visible light transmittance of not less than 80% and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
- 3. Reductions. An Administrative Exception reducing or waiving the building transparency requirement may be granted per Section 2.10.408 upon finding that:
 - a. The proposed use has unique operational characteristics incompatible with providing the required windows and openings, and
 - b. The proposed walls exhibit architectural relief and detail and/or will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

Figure 5 Required Transparency



- F. Entrances. Building entrances shall be provided in accordance with the following standards. An Administrative Exception to the entrance requirements may be granted per Section 2.10.408 where the location or shape of the site, use of the property, or design of the building warrant a variation and it is found that alternative design treatments are incorporated to provide active building frontages, enhance pedestrian activity, provide visual surveillance, and, in the case of residential development, create a transition between the public and private realm.
 - 1. Minimum Number of Entrances. There shall be a minimum of one entrance for every 50 feet of building frontage with a maximum separation of 100 feet between entrances.
 - 2. Separate Entrances Required. Buildings containing a mix of residential and non-residential uses shall provide separate building entrances for each use. Amenity areas such as exercise rooms do not require separate building entrances from the primary use.
 - 3. Orientation. Principal building entrances shall face a public street, public accessway, or public open space and shall lead to a common area a minimum of 10 feet in each dimension. Common areas include customer areas, lobbies, fitness areas, and community rooms. Where entrances are recessed, the required common area may be provided as outdoor space designed as outdoor dining areas or areas with outdoor seating.

- a. *Corner Entrances.* Entrances located at corners shall provide an entrance toward both streets or have a corner entrance at a 45-degree angle to the corner.
 - 4. Access. All building and dwelling units located in the interior of a site shall have entrances from a pedestrian walkway that is designed as an extension of the public sidewalk and connects to a public sidewalk.
 - 5. Finished Floor Elevation, Residential Dwelling Unit Entries. The finished floor elevation of entries of ground floor dwelling units shall be between two and four feet above the adjacent ground level.
 - 6. Illumination. Building entries and addresses shall be illuminated to provide nighttime visibility from adjacent streets, public accessways, and common areas.
- G. Articulation. Buildings shall be designed in accordance with the following standards. An Administrative Exception to the articulation requirements may be granted per Section 2.10.408 where alternative building design or articulation elements have been incorporated to provide visual interest and avoid a large-scale, bulky, or monolithic appearance.
- 1. Major Massing Break. Any building over 100 feet wide shall provide a massing break with a minimum width of 20 feet and minimum depth of 20 feet at least every 100 feet.
 - 2. Minor Massing Break. Any building over 50 feet wide shall provide a minor massing break at least every 50 feet that may consist of either:
 - a. A recess with a minimum width of four feet and a minimum depth of four feet; or
 - b. A projection with a minimum depth of two feet.
 - 3. Vertical Articulation. The street-facing ground floor of buildings shall be differentiated from upper floors by the use of at least three of the following architectural techniques: greater floor to ceiling height, different colors, different materials, different facade planes, projections, minor massing breaks, individual unit entries for ground-floor residential use, or more frequently occurring windows on ground floors than upper floors.
 - a. Buildings over three stories in height shall use different materials between the first floor and upper floors along a minimum of 75 percent of each facade fronting a street, public accessway, or public open space.
 - 4. Horizontal Alignment. Horizontal building elements shall be aligned within three feet of like building elements on the same facade or other buildings on the same block.
 - 5. Architectural Details. Buildings shall include three of the following architectural details: reveals, course lines, decorative cornices, columns, canopies, arbors, trellises, fins, louvers, or other architectural detailing.
 - 6. Material and Color Palettes. Each facade shall utilize three or more colors and three or more high-quality, durable building materials (not including glazing and railings). Any one material shall comprise at least 20 percent of the building frontage, excluding windows and railings. A change in material shall be offset by a minimum of six inches in depth.
 - 7. Consistent Design and Details. All building frontages visible from streets, public accessways, and public open space shall be designed with the same materials and level of detail.
- H. Balconies.
- 1. Minimum Dimension. Balconies shall have a minimum dimension of six feet if counted towards private open space requirements in Section 2.10.324.

2. Orientation. When located within 40 feet of a R District, balconies shall not front or overlook adjacent parcels in R Districts. An Administrative Exception to this requirement may be granted per Section 2.10.408 where the location or shape of the site, design of development, building orientation, or incorporation of screening or other techniques provide privacy and preclude overlook from the balcony into private residential spaces.

I. Structured Parking Design.

1. Design. Structured parking shall be underground, located behind conditioned space, or designed with exterior walls that screen structural elements of the garage from view from any adjacent street, sidewalk, or other publicly accessible accessway or open space area.
2. Facade. Structured parking shall maintain horizontal lines throughout the facade and shall not repeat the sloping floor lines of interior parking ramps on the facade.
3. Vehicular Entry. At grade entries facing the street shall be no more than 20 feet wide, located a minimum of 18 feet from the back of sidewalk, and recessed a minimum of three feet from the facade unless an Administrative Exception per Section 2.10.408 is granted upon finding that other design treatments and details that minimize the apparent width and prominence of the entrance in accordance with the buildings predominant architectural character have been incorporated.
4. Pedestrian Entry. An at grade pedestrian entry, including a walking path to the public pedestrian circulation network, shall be provided on each street frontage.
5. Lighting. Structured parking shall be designed such that interior lighting shall be fully shielded and automobile headlamps shall not be visible from adjacent buildings, parcels, streets, public parks, publicly accessible outdoor space or designated open space area.

2.10.332 Amenities for Multi-Family Residential and Mixed-Use Residential Developments

- A. Required Amenities. Projects subject to Site Plan Review per Section Chapter 5.12 shall include amenities that enhance the livability of the project and are not required elsewhere in this chapter. An Administrative Exception per Section 2.10.408 may be approved to allow alternative amenities that are comparable in value and benefit to residents. Projects shall include at least four of the following amenities. Outdoor spaces provided per the specifications of Section 2.10.324 that also appear on the following list may also be counted as required amenities:
1. Conference room.
 2. Electric vehicle (EV) charging stations or 220 V power outlet for 25 percent of required parking spaces.
 3. Fitness center.
 4. Lap pool.
 5. Tenant activity area, such as joint eating and cooking area, clubhouse, play area, screening room, or other activity area.
 6. On-site commercial child care facility.
 7. Pet washing facility or relief area.
 8. Playground or outdoor active recreation facility.
 9. Public art.
 10. Storage rooms for use by individual residents.

11. Study room and/or library.

2.10.334 Parking Access and Design

- A. Parking Access. Access to parking and loading areas shall comply with the following standards.
1. Alley Access. Access shall be from an alley. Where no alley exists, access shall be from the street anticipated to have the least amount of pedestrian use.
 2. Shared Access. Shared access between adjacent properties is allowed.
 3. Curb-cuts.
 - a. *Number*. A maximum of one curb cut per 200 feet of curb length on a single project site is allowed, unless otherwise required for emergency vehicle access, in which case a second curb-cut may be provided.
 - b. *Location*. Curb cuts shall be located a minimum of 50 feet from street corners.
 - c. *Width*.
 - i. *One-way Driveways*. Curb cuts for one-way driveways shall not exceed 12 feet in width (plus the flare), or the minimum required for emergency vehicle access.
 - ii. *Other Curb Cuts*. The width of other curb-cuts shall not exceed 20 feet (plus the flare), or minimum required for emergency vehicle access.
- B. Surface Parking Area Design.
1. Location. Surface parking areas shall not be located within 40 feet of a street facing property line, as measured perpendicularly from the property line.
 2. Surfacing. Pavement areas for surface parking areas, inclusive of parking spaces, driveways, and drive aisles, shall not cover more than 30 percent of the total lot area.
 3. Shading. At least 50 percent of the surface parking area shall be shaded by tree canopy, solar panels, or combination of tree canopy and solar panels. If shade is provided by trees, the amount of required shading is to be reached within 15 years.
 4. Exception. An Administrative Exception to the location may be granted per Section 2.10.408 where the following conditions exist:
 - a. The design incorporates occupiable space built close to the public sidewalk to the maximum extent feasible; and
 - b. The site is small and constrained such that underground parking or surface parking located more than 40 feet from the street frontage is not feasible.
- C. Loading.
1. Maximum Width. Loading docks shall not exceed 20 feet in width.
 2. Screening. Loading docks shall be screened from view by fencing, landscaping, or architectural elements from any adjacent street, sidewalk, or other publicly accessible accessway or open space area.
 3. Design. Loading docks shall be internal to the building envelope and equipped with closable doors.
- D. Alternative Parking and Loading Area Designs. The Zoning Enforcement Official may approve an Administrative Exception per Section 2.10.408 if an applicant cannot meet the provisions of Section 2.10.334 (A) through (C) due to the following reasons:

1. Site Constraints, such as parcel dimension or parcel size;
2. Achievement of environmental design and green building objectives;
3. Design objectives of the Bay Fair TOD Specific Plan.

2.10.336 Minimum Site Landscaping

In addition to the general requirements prescribed in Chapter 4.16 Landscape Requirements, landscaping shall be installed consistent with the following.

- A. Areas to be Landscaped. In addition to areas required to be landscaped pursuant to other Sections of this Chapter, the following areas shall be landscaped:
 1. Minimum Landscaped Area. A minimum of 10 percent of lot area shall be landscaped.
 2. Street Facing Setbacks. All open areas within the street facing setback range, other than those areas used for pedestrian access, vehicle access, seating, parking and loading, gathering spaces, and/or public art.
 3. Adjacent to Residential Uses. Whenever a non-residential use is located adjacent to an existing ground floor residential use, a six foot wide landscape buffer shall be provided along interior property lines. A minimum of one tree of at least 15-gallon size and four shrubs shall be planted per 30 linear feet. An Administrative Exception may be granted per Section 2.10.408 to allow an alternative size and number of trees where it is found they will provide an appropriate tree canopy over the buffer yard.
- B. Materials. Required landscape areas shall be planted with a combination of trees, shrubs, and groundcover. Required landscaping may be at the ground level, podium level, or roof level.
 1. Trees. A minimum of one 24-inch box size or greater tree shall be planted per 25 linear feet of landscape area. Tree grates shall be used for trees located in hardscape areas.
 2. Shrubs. Shrubs shall be a container size of five gallons or greater at planting and planted at spacing distances appropriate for the plant species.
 3. Groundcover. Landscaped areas that are not planted with trees or shrubs shall be planted with groundcover plants. Mulch (as a ground cover) shall be confined to areas underneath plants and is not a substitute for ground cover plants.
 - a. Groundcover plants other than grasses shall be four-inch pot size or greater and planted at spacing distances appropriate for the plant species.
 - b. Groundcover plants shall be planted at a density that will cover the entire area within two years.
- C. Edible Landscaping. Edible landscaping, including fruit trees and gardens, are considered landscaped areas and count toward required landscaping. Community gardens shall comply with Section 4.04.380 Community Gardens.
- D. Stormwater Management Areas. Vegetated stormwater management facilities count toward required landscaping.

2.10.340 Mitigation Measures

- A. Mitigation Measures. All development shall comply with applicable mitigation measures contained in the Bay Fair TOD Specific Plan Environmental Impact Report (EIR).

ARTICLE 3. ADMINISTRATIVE REGULATIONS

2.10.400 Development Plan Review

- A. Applicability. Development sites of five or more acres shall obtain Development Plan approval pursuant to Chapter 5.14 prior to or concurrent with obtaining any subdivision, site plan review, or other zoning permit approval.

2.10.404 Site Plan Review

- A. Applicability. Site plan approval pursuant to Chapter 5.12 Site Plan Approval is required prior to issuance of a building permit for the following improvements:
1. Development of new structures.
 2. Additions, or partial demolitions with reconstruction, resulting in a net enlargement of an existing structure.
 3. Major structural upgrades that extend the economic viability of existing structures and sites that are nonconforming to the development standards of this Code, as determined by the Zoning Enforcement Official. Such structural upgrades include, but are not limited to, the extensive demolition and reconstruction of exterior walls or the relocation of a significant portion of the building's structural interior walls.
 4. New or expanded outdoor storage areas or truck loading bays.
- B. Site Plan Review for Projects with Development Plan Approval. The Zoning Enforcement Official shall be the decision maker for Site Plan Review applications with prior Development Plan Approval pursuant to Chapter 5.14. The Zoning Enforcement Official shall approve, conditionally approve, or deny the Site Plan.

2.10.408 Administrative Exceptions.

- A. Standards for Which an Administrative Exception May be Approved. The Zoning Enforcement Official may approve an Administrative Exception as specifically identified in any section of this Chapter.
- B. Application Requirements. Application for such approval shall be made to the Zoning Enforcement Official on a form prescribed by Planning staff.
- C. Procedures.
1. Review Authority. The Zoning Enforcement Official shall act as the Review Authority for Administrative Exception applications based on consideration of the requirements of this Chapter except in the case of concurrent processing pursuant to Subsection C.5, below.
 2. Findings Necessary for Approval. The Zoning Enforcement Official may approve an Administrative Exception upon a determination that the proposal would not be detrimental to public health, safety or welfare and would not cause undue damage, hardship, nuisance or other detriment to persons or property in the vicinity. The Zoning Enforcement Official shall deny, approve or conditionally approve the application.
 3. Notice of Decision. The Zoning Enforcement Official shall notify by mail the applicant and all abutting property owners. Said notice shall contain a statement that the action taken will become final within 15 days from the date thereof unless appealed in writing to the Board of Zoning Adjustments. The action of the Zoning Enforcement Official shall be final unless an appeal is filed.

4. Appeals. Any person aggrieved with the action of the Zoning Enforcement Official may appeal such action to the Board of Zoning Adjustments, pursuant to the requirements of Chapter 5.20 Appeals.
5. Concurrent Processing. If a request for an Administrative Exception is being submitted in conjunction with an application for another approval, permit, or entitlement that requires review or action by the Planning Commission/Board of Zoning Adjustments or another review body, it shall be heard and acted upon at the same time and in the same manner as that application and subject to the noticing and appeal procedures therein.

Title 1 – General Provisions

CHAPTER 1.08 ORGANIZATION, APPLICABILITY, AND INTERPRETATION

SECTION 1.08.108 Definitions

B. Establishment of Base Zoning Districts. Base zoning districts into which the City is divided are established as follows:

| Base District Designator | Base District Name | Chapter |
|--------------------------|---------------------------------------|---------|
| RD | Residential Duplex (Two-Family) | 2.04 |
| RM | Residential Multi-Family | 2.04 |
| RO | Residential Outer | 2.04 |
| RS | Residential Single-Family | 2.04 |
| B-TOD | Bay Fair Transit-Oriented Development | 2.10 |
| CC | Commercial Community | 2.08 |
| CN | Commercial Neighborhood | 2.08 |
| CR | Commercial Regional | 2.08 |
| CS | Commercial Services | 2.08 |
| DA-1 | Downtown Area-1 | 2.08 |
| DA-2 | Downtown Area-2 | 2.08 |
| DA-3 | Downtown Area-3 | 2.08 |
| DA-4 | Downtown Area-4 | 2.08 |
| DA-6 | Downtown Area-6 | 2.08 |
| NA-1 | North Area-1 | 2.08 |
| NA-2 | North Area-2 | 2.08 |
| P | Professional | 2.08 |
| SA-1 | South Area-1 | 2.08 |
| SA-2 | South Area-2 | 2.08 |
| SA-3 | South Area-3 | 2.08 |
| IG | Industrial General | 2.12 |
| IL | Industrial Limited | 2.12 |
| IP | Industrial Park | 2.12 |
| IT | Industrial Transition | 2.12 |
| OS | Open Space | 2.16 |

| Base District Designator | Base District Name | Chapter |
|--------------------------|-----------------------|---------|
| PS | Public and Semipublic | 2.20 |

CHAPTER 1.12 DEFINITIONS

SECTION 1.12.108 Definitions

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

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

Accessory Dwelling Unit (ADU). An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An ADU also includes: (a) an efficiency unit, or a (b) a manufactured home, as defined in Section 18007 and 17958.1 of the California Health and Safety Code. See also Section 2.04.388 Accessory Dwelling Units (ADUs).

- A. **Accessory Dwelling Unit, Repurposed (Single-Family).** An attached or detached ADU within an existing legally established (a) single-family dwelling, or (b) existing accessory structure on a parcel with an existing or proposed single-family dwelling.
- B. **Accessory Dwelling Unit, Repurposed (Two-Family or Multi-Family).** An attached ADU within existing non-habitable space(s) including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or attached garages in an existing legally established two-family or multi-family structure.
- C. **Junior Accessory Dwelling Unit (JADU).** A unit that is contained within the habitable floor area of a single-family residence and includes a separate exterior entrance. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure. At minimum, a JADU shall include an efficiency kitchen, which shall include a food preparation counter, refrigerator, and storage cabinets.

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

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

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

Activity. The performance of a function or operation.

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

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

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

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

3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.
- E. **Adult Motion Picture Theater.** A business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, a substantial portion of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- F. **Adult Theater.** A theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are distinguished or characterized by an emphasis upon the depiction or description of specified anatomical areas or specified sexual activities.
- G. **Modeling Studio.** A business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted, or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available "specified sexual activities."

Air Cargo Processing Centers. See "Parcel Processing and Shipping Centers" and "Truck Terminals."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Apartment Building. A multi-family rental housing complex in which individual residential units are rented or leased rather than owned separately.

Arcade. See "Game Centers."

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

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

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

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

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

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

Attic. For planning and zoning purposes, an attic is the space between the underside of the roof framing (rafters or beams that directly support the roof sheathing) and the upperside of the ceiling framing. Attics are not considered a story. All areas greater than or equal to seven feet in height shall count as area for FAR calculations.

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

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

Automobile Rentals. See "Vehicle/Heavy Equipment Rental."

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

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

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

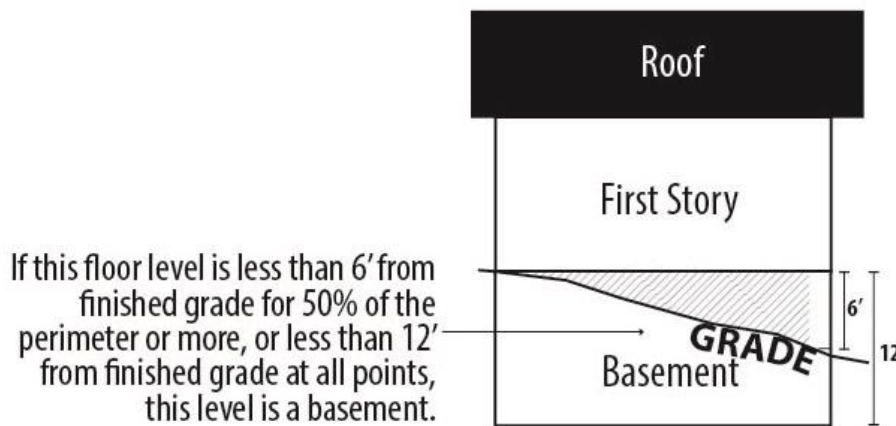
Balcony. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Banks. See "Financial Institutions, Retail."

Barbed Wire. See "Razor/Barbed Wire."

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

Basement. For zoning purposes, a basement is the space below the bottom of the floor framing (joists or girders that directly support the floor sheathing) and the basement floor. To qualify as a basement, no more than 50 percent of the perimeter exterior wall may exceed six feet above the exterior grade and no portion may exceed 12 feet above the exterior grade at any point. If any part of a basement is seven feet six inches or higher, then all areas greater than five feet zero inches in height shall count as area for FAR calculations. Basements are not considered as a story (also refer to definition of “Story, First”).



Basement
(The diagram is illustrative)

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

Bed and Breakfast Inns. Establishments with no more than six guest rooms, offering lodging on a short-term rental not to exceed 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.

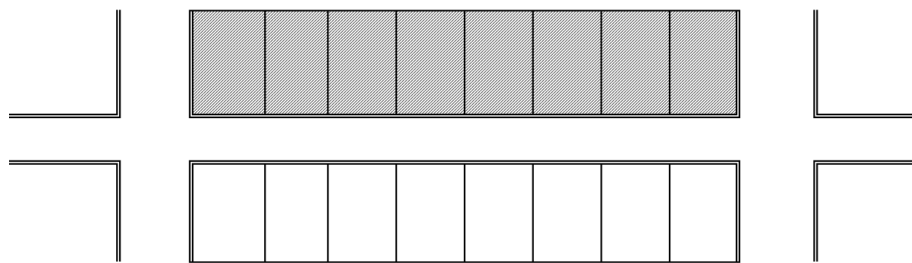
Beer and Wine Stores. A retail store principally involved in the business of selling alcoholic beverages, excluding sales of “hard liquor,” “fortified wine,” or distilled spirits for consumption off the premises where sold. Stores shall be managed by a certified wine expert (sommelier or oenologist) 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 or more billiard, pool, or snooker tables or combination thereof, are maintained for hire, including, but not limited to, a “family billiard parlor” as defined in the San Leandro Municipal Code Section 4-21-100.

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

Blockface. The properties abutting on one side of a street and lying between the two 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 guest rooms where lodging and meals are provided for not more than 10 persons, but shall not include rest homes or convalescent homes. Guest rooms numbering five or over shall be considered a hotel. This definition includes rooming houses and lodging houses.

Brewpub. A public-house (pub) or restaurant that includes an on-site tasting room producing a limited amount of beer for consumption on the premises. Additionally, the sale of beer for consumption off the premises is also allowed.

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

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, plumbing supply businesses, 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.

Cannabis. All parts of the plant *Cannabis sativa* L., also referred to as marijuana, whether growing or not, as defined by California Health and Safety Code Section 11018, as amended from time to time. This includes “cannabis” as: the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant incapable of germination.

Cannabis Dispensary. A collective, or cooperative, or other non-profit or for profit entity qualified or permitted to do business in the State of California and the City of San Leandro that distributes, dispenses, stores, exchanges, processes, delivers, makes available, transmits and/or gives away cannabis (“marijuana”). Baked products (i.e., brownies, bars, cookies, cakes), tinctures and other non-refrigerated type items are acceptable for manufacture and sale at a dispensary.

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 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.

Carport. A permanent roofed structure open on at least two sides, designed for providing covered parking for vehicles.

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

Cellar. See “Basement.”

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

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

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

Christmas Tree and Pumpkin Sales. Outdoor retail sales of Christmas trees during the Holiday Season, and pumpkins during the month of October.

Circuses and Carnivals. Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of 30 days. This classification excludes events conducted in a permanent entertainment facility.

City. The City of San Leandro.

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

Collection Facility. A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public.

- A. **Small Collection Facility.** Occupy less than 500 square feet and may include:
 - 1. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;
 - 2. Kiosk-type units that may include permanent structures; or
 - 3. Unattended containers placed for the donation of recyclable materials.
- B. **Large Collection Facility.** Occupy more than 500 square feet and may include permanent structures as well as mobile units, bulk reverse vending machines, kiosk-type units.

Commercial Filming. Commercial motion picture or video photography.

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

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

Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major) and Telecommunications antennas and towers as defined in this Code, [Section 4.04.376 Wireless Telecommunications Facilities as per Ordinance No. 98-009]. This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.

Community Apartment. A dwelling unit as defined in Civil Code Section 1351 or successor section.

Community Gardens. A site that occupies less than one acre for non-commercial raising for family or community use of vegetables, berries, trees, fruits, vines, flowers, ornamental trees or shrubs. Crops

from community gardens are limited to personal or group consumption, or for donation, only. Community garden uses may include communally-managed gardens. Community gardens may be the principal or accessory use. Community gardens may not grow cannabis or any other federally-controlled substances. Such use may not keep bees or any other animals unless allowed by Chapter 4-11 of the San Leandro Municipal Code.

Concertina Wire. See “Razor/Barbed Wire.”

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

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

Condominium. A dwelling unit as defined in Section 1350 of the Civil Code of the State of California or successor section. 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.

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

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 merchandise and 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.

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

Convenience Stores. Retail sales of food, beverage and small convenience items primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a building with a floor area less than 10,000 square feet. This classification excludes tobacco stores, liquor stores, delicatessens, confectioneries, and specialty food markets, or grocery stores having a sizeable assortment of fresh fruits and vegetables, and fresh-cut meat, fish or poultry. Also see

“Tobacconist/Cigarette Store,” “Liquor Store,” “Beer and Wine Store,” and “Neighborhood/Specialty Food Markets.”

Corner Lot. See “Lot, Corner.”

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

Cottage Food Operation. A home-based food enterprise that is operated by a resident, and that has not more than one full-time equivalent cottage food employee, not including an immediate family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct and/or indirect sale to consumers. The term “cottage food operation” shall have the same meaning as provided in the California Health and Safety Code, as that section may be amended. Cottage food operations are regulated under Section 2.04.228 Cottage Food Operations of the San Leandro Zoning Code.

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

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

- A. Cornices, canopies, eaves or other projections which do not increase the volume of space enclosed by the building provided that any portion of such projections extending more than two feet from the building shall be included as coverage;
- B. Fire escapes up to three and one-half (3 1/2) feet;
- C. An uncovered stair and landing which does not extend above a ground floor entrance except for the railing; or
- D. Bay windows, balconies or chimneys which project from the wall not more than two feet; provided, that, such features do not in the aggregate occupy more than one-third of the length of a wall which faces an interior side lot line, or more than two-thirds of the length of a wall which faces a street or a rear lot line.

Covered Porch. A roofed structure that is open on at least two sides, including the covered, unenclosed portion over porches, entryways, balconies, decks, terraces and patios. A trellis or arbor does not count as a covered porch.

Credit Union. See “Financial Institutions, Retail.”

Cross-Dock. An industrial shipping facility with truck loading docks and/or doors located on opposing sides of an enclosed or unenclosed platform. Shallow depth cross-docks (such as those with less than 75

feet between the opposing docks and/or doors, and with minimal area for storage) are typically associated with the “Truck Terminals” use classification.

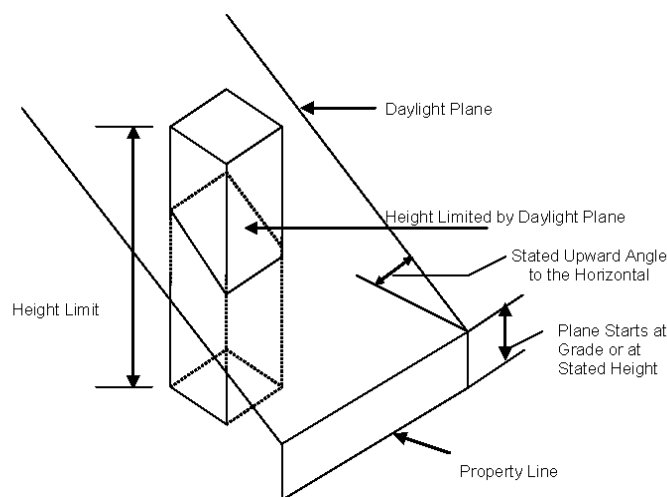
Cultural Institutions. Non-profit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.

Dance Clubs. Any establishment where the primary use is dance and where persons pay admission to dance except where admission charges are to be used for charitable, educational, religious, or social groups which do not include the distribution of profits to the sponsors or members thereof.

Day Care, Child or Adult. A State-licensed facility that provides care for adult clients or minor children for periods of less than 24 hours per day for any client. These facilities include the following, all of which are classified and required to be licensed by the California State Department of Social Services. This does not include employer-run day care services that are provided as an accessory use to an established business. For San Leandro zoning purposes, the categories are defined as follows:

- A. **Day Care, General.** As defined by California Health and Safety Code, any child or adult day care facility other than a family day care, and includes infant centers, preschools, extended day care facilities, and school-age child care centers.
- B. **Day Care, Family Home.** A day care facility in a single residence where an occupant of the residence provides family day care for up to 14 clients, inclusive, including adult clients and children under the age of 10 years who reside in the home.

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



DAYLIGHT PLANE
(This diagram is illustrative)

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

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

Depth. See “Lot Depth.”

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

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).

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.

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. See “Two-Family Residential.”

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

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

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

Electronic Cigarette-Related Products. Any electronic device that can provide an inhalable dose of nicotine by delivering a vaporized solution, as defined by California Revenue and Tax Code Section 30121(b), or any electronic device designed to vaporize a liquid solution that releases flavored vapor and the use or inhalation of such device simulates smoking. This definition shall include any substance containing nicotine or a flavored liquid solution for vaporization through an electronic cigarette, including any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

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

Emergency Shelters. Facility limited to 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 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 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 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 25 percent, or more.

Facade. The wall planes of a structure as seen from one side or view.

Family. A person or a group of persons living together and maintaining a common household.

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 2,000 square feet or more in gross floor area, and greater than 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 2,000 square feet in gross floor area, or less than 1,000 square feet of public dining area.

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

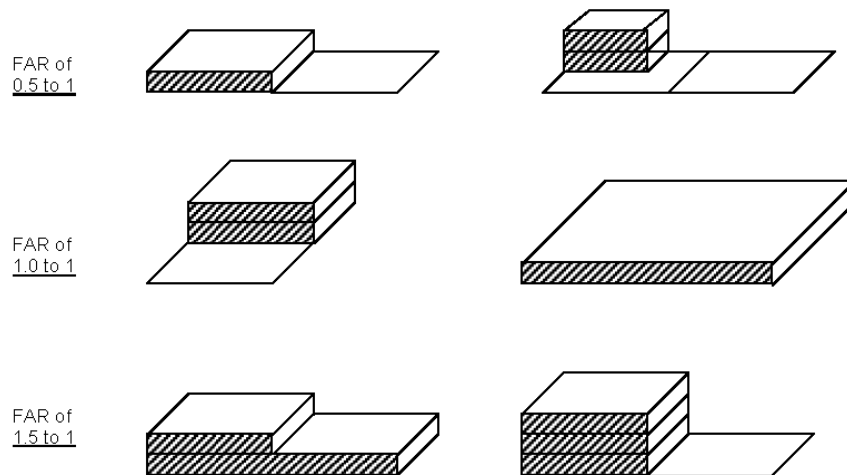
Financial Institutions, Check Cashing and Personal Loan Services. Businesses whose primary purpose is to provide limited financial services to individuals, such as check cashing, deferred deposit loans and loans on vehicle titles. This includes, but is not limited to, check cashers, payday advance businesses and other businesses regulated by the State of California's Check Cashier Permit Program, per the California Civil Code, Section 1789.37. A financial institution, check cashing, or personal loan services use in conjunction with another use will be considered accessory to the use if said use is not advertised outside the business premises or by signs visible from the outside of the building.

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

First Story. See “Story, First.”

Floor Area, Gross. The total enclosed area of all floors of a building, other than a single-family home in a RO or RS District, measured to the outside face of the structural members in exterior walls, and including halls, stairways, mezzanines, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than seven feet. For measure of floor area in a single-family home, refer to Section 2.04.404 Residential Site Plan Review—Measure of Floor Area and General Requirements.

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



FLOOR AREA RATIO
(The diagram is illustrative)

Floor Area, Residential. The measure of floor area in a single-family home in an RO or RS District. Refer to Section 2.04.404 Residential Site Plan Review—Measure of Floor Area and General Requirements.

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

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

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

Fortune-Telling Establishment. Any business establishment where a person purports to predict or influence future events through any magic, mystical, supernatural, occult, psychic, extrasensory, or metaphysical techniques.

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

Frontage, Building. The building elevation(s) facing a public way and/or containing a public entrance.

Frontage, Lot. The portion of a lot abutting a public way.

Furniture, Electronic, and Appliance Sales. Establishments retailing the following goods as their primary business: furniture, electronic equipment, and appliances. This classification excludes retailers who sell furniture, electronics and appliances as a part of a department store or retail sales, big box classification.

Game Centers. A commercial establishment, which contains more than four pinball machines, computer games, electronic video games, or any other similar games or devices, for the use of which fees are paid directly into the machines or to an operator regardless of whether the devices constitute the primary use or accessory or incidental use of the premises. This does not include games of chance, Internet sweepstakes, or any gambling activities, which are not permitted in any zoning district in the City.

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

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

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

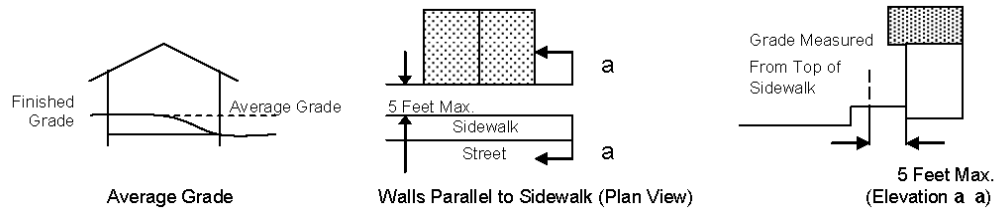
General Plan. The City of San Leandro General Plan, as amended.

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

Grade, Existing. The surface of the exterior ground or pavement at a stated location as it exists (i.e. without alteration) prior to disturbance in preparation for a project regulated by this Code.

Grade, Finished Ground Level. The lowest point of elevation of finished ground level within the area between a building and the property line or where the property line is more than five feet from the

building, between the building and a line five feet from the building. In cases where walls are parallel to and within five feet of a sidewalk, the finished ground level shall be measured at the sidewalk. Please refer to the grade standards illustration below.



GRADE STANDARDS
(The diagram is illustrative)

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

Group Housing. Shared living quarters, with a congregate arrangement, where meals are provided in a common dining area, and either no or limited cooking facilities are provided within the individual rooms or units. This classification includes rooming or boarding houses, private residential clubs, congregate and/or assisted care facilities for the elderly or persons with disabilities, and housing for individuals requiring court ordered supervision, but excludes “Residential Hotels,” “Hotels, Motels ,and Time-Share Facilities,” “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).

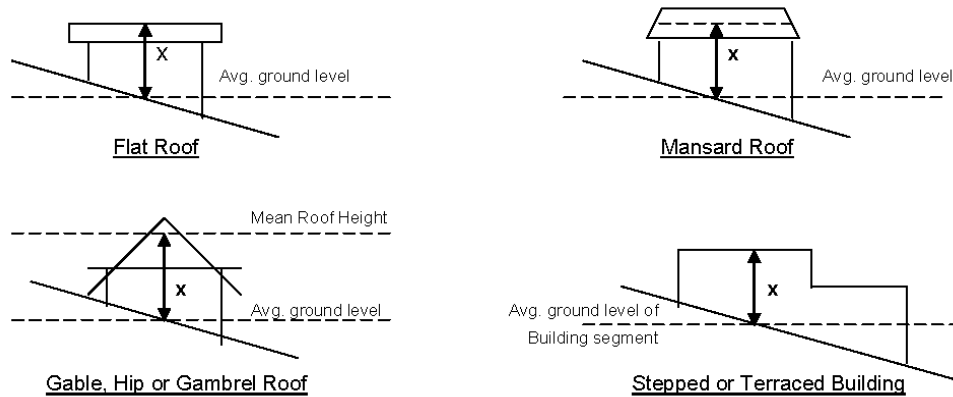
Hazardous Substances. Includes all substances on the comprehensive master list of hazardous substances compiled and maintained by the California Department of Health Services pursuant to Section 25282 of the California Health and Safety Code or the California Occupational Safety and Health Agency’s Hazardous Substances List; CCR Title 8, Division 1, Chapter 3.2, Subchapter 1, Article 5, Section 339. See also Section 4.04.212 Hazardous Materials Storage.

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.

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 to the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building, unless otherwise specified, to the highest point. Please refer to the Building Height illustration below. (For a definition of “height” in relation to Telecommunications antennas and towers, see Section

4.04.376 Wireless Telecommunications Facilities {as per Ordinance No. 98-009}; and for definition of height restrictions in the RS-VP sub-district, refer to Section 2.04.412 RS-VP Sub-District—Residential Site Plan Review and Exceptions to Height Restrictions).



BUILDING HEIGHT
(The diagram is illustrative)

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

Home Occupation. Occupations conducted in a dwelling unit, portions of the garage not required for parking, or accessory building in a residential district that are incidental to the principal residential use of a lot or site and which meet the conditions of Section 2.04.220 Home Occupation in R Districts. This definition does not include “cottage food operations” defined separately herein.

Horticulture, Limited. The raising of vegetables, flowers, ornamental trees, and shrubs as a commercial enterprise, provided that no nursery equipment or materials shall be stored and no structures erected. Commercial horticulture accessory to a dwelling unit shall be regulated as a home occupation in the RO District, only, per Section 2.04.208 RO District—Use Regulations.

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

Hotels, Motels, and Time-Share Facilities. Establishments offering lodging on a less than weekly basis. This classification includes eating, drinking, and banquet service as accessory uses if under the direct control of the primary use.

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

- A. Manifested waste transfer station

- B. Recycling facility
- C. Aqueous treatment facility
- D. Stabilization and solidification facility
- E. Bioremediation facility

Industry, Cannabis Product Manufacturing. Cannabis manufacturing, processing, and packaging of products derived from or infused with cannabis, including edibles, concentrates and extracts for wholesale or retail to cannabis dispensaries or other cannabis product distributors and manufacturers as allowed by State law. This definition includes cannabis manufacturers requiring a Type 6 or 7 license from the State of California. This definition does not include the cloning, planting or cultivation of cannabis plants or the direct sales, distribution, delivery, or dispensing of manufactured cannabis products to the public.

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

Industry, General. Manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes chemical manufacture or processing, laundry and dry cleaning plants, and auto dismantling within an enclosed building. This classification excludes the processing of recycled materials as a facility regulated by Section 4.04.232 Recycling Facilities.

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

Industry, Limited. Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within an enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, vehicle/equipment repair services, and the processing of recycled materials as a facility regulated by Section 4.04.232 Recycling Facilities.

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

In-Law Unit. See "Accessory Dwelling Unit (ADU)."

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

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

Junior Accessory Dwelling Unit (JADU). See “Accessory Dwelling Unit (ADU).”

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

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

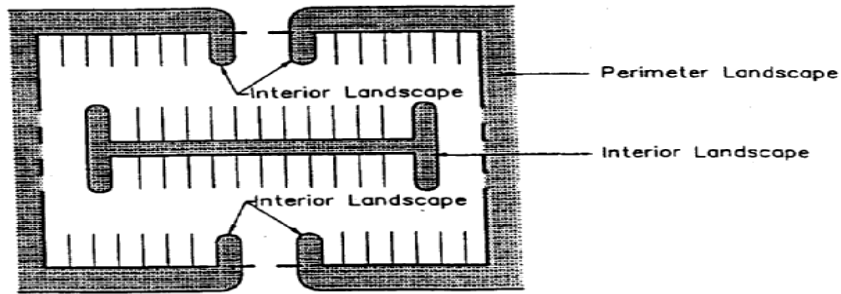
Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as “Industry, Research and Development” or “Laboratories, Cannabis Testing Facilities.”

Laboratories, Cannabis Testing Facilities. Laboratories conducting safety, quality control, and analytical testing services of cannabis and products derived from cannabis as a service to cannabis dispensaries, medical facilities, government agencies, cannabis product manufacturers, or other entities as allowed by State law. This definition includes cannabis testing and laboratory facilities requiring a Type 8 license from the State of California. This definition does not include the cloning, planting or cultivation of cannabis plants or the direct sales, distribution, delivery, or dispensing of cannabis and cannabis products to the public.

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

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

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



Landscaping: Perimeter/Interior
 (The diagram is illustrative)

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

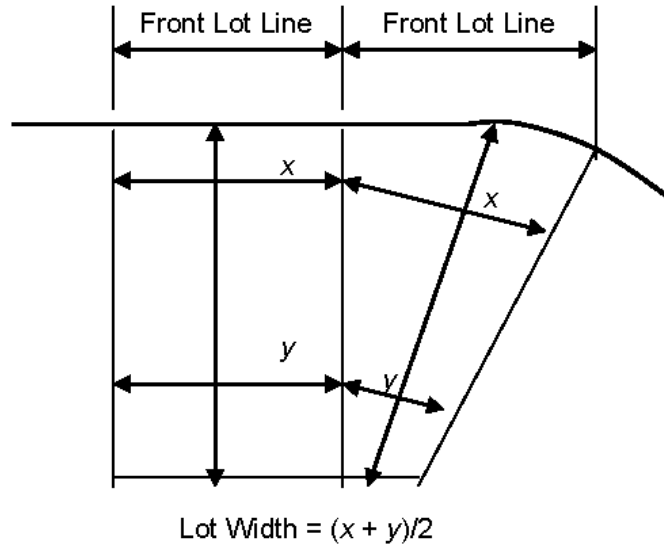
Live-Work. A structure or complex of structures that integrates space for both residential and nonresidential uses within individual units. Nonresidential uses shall operate to allow the “quiet enjoyment” expectations of neighbors. Such uses should operate with limited noise, odor and other similar impacts,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

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

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

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

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



LOT DEPTH AND LOT WIDTH
(The diagram is illustrative)

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

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

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

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

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

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

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

Manufactured Home. A dwelling unit manufactured elsewhere and placed on a building site as regulated in Section 2.04.392 Manufactured Homes in R Districts and constructed in accord with State of California standards for manufactured homes and with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C., Section 5401 et seq.), as amended. This

definition is intended to include mobile homes and modular homes, which meet Federal and State standards for manufactured homes.

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

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

Marquee. See "Canopy."

Massage Therapy. Establishments providing massage service, which comply with all local and state regulations.

Medical Cannabis Dispensary. A collective, or cooperative, or other non-profit or for profit entity qualified or permitted to do business in the State of California and the City of San Leandro that distributes, dispenses, stores, exchanges, processes, delivers, makes available, transmits and/or gives away cannabis ("marijuana") for medicinal purposes to four or more qualified patients and/ or primary caregivers pursuant to California Health and Safety Code Sections 11362.5 and 11362.7 et seq. Baked medicinal products (i.e., brownies, bars, cookies, cakes), tinctures and other non-refrigerated type items are acceptable for manufacture and sale at a dispensary.

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

Mezzanine. An intermediate floor placed within a room.

Mini-Warehouse. See "Public Storage."

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

Mobile Food Vending. The sale of food from any motorized or trailer vehicle, designed to be portable and not permanently attached to the ground, from which only food and beverages are sold, served free or sampled, displayed or offered for sale, as regulated by the San Leandro Municipal Code.

Mobile Home. A structure designed for human habitation and for being moved on a street or highway under permit pursuant to Vehicle Code Section 35790. Mobile home does not include a recreational vehicle, as defined in Civil Code Section 799.24, or a commercial coach, as defined in Health and Safety Code Section 18218.

Mobile Home Park. An area of land where two or more mobile home sites are rented or held out for rent to accommodate mobile homes used for human habitation. Mobile home park shall not include a mobile home subdivision or stock cooperative.

Mobile Home Park Conversion. A use of a mobile home park for a purpose other than the rental or the holding out for rent of two or more mobile home sites to accommodate mobile homes used for human habitation. Such a conversion may affect an entire mobile home park or any portion thereof. A conversion shall include, but is not limited to, a change of the mobile home park or any portion

thereof to a condominium, stock cooperative, planned unit development, or any form of ownership wherein spaces within the mobile home park are to be sold.

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

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

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

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

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

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

Nonhabitable Accessory Structure. A detached subordinate structure without living space, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use.

Nurseries. Any business which sells, primarily at retail, plants which are displayed or otherwise merchandised outside an enclosed building. Merchandise other than plants is kept with an enclosed building or a fully screened enclosure. Fertilizer of any type is stored and sold in package form only.

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

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

Open Space, Common. Usable open space reserved for the exclusive use of residents and their guests.

Open Space, Private. Usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

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

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

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

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

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

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

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

Pawn Shop. A business establishment engaged in the buying and selling of new or secondhand merchandise and offering loans secured by merchandise.

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

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

Pharmacies. Establishments that primarily sell prescription drugs.

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

Pre-Existing. In existence prior to the effective date of this Code.

Processing Facility. A building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

- A. **Light-Processing Facility.** Occupies less than 45,000 square feet, all activities are conducted entirely within an enclosed building, and includes equipment for baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials, except ferrous metals other than food and beverage containers, and repairing of reusable materials. (See Section 4.04.232 Recycling Facilities, Subsection B Permits Required.
- B. **Heavy-Processing Facility.** Any processing facility other than a light-processing facility.

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

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

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

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

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

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

Recyclable Material. Residential, commercial and industrial materials or by-products, which are set aside, handled, packaged or offered for collection separate from garbage for the purpose of being processed and then returned to the economic mainstream in the form of commodities or products. Reusable material, including, but not limited to, metals, glass, plastic, and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Also see Section 4.04.232 Recycling Facilities.

Recycling. The process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. Also see Section 4.04.232 Recycling Facilities.

Recycling Centers. A facility for the recycling of waste paper, bottles, cans, or other materials, including small collection facilities and reverse vending machines. Also see Section 4.04.232 Recycling Facilities.

- A. **Certified.** A center certified by the State of California for redemption of waste materials having uniform redemption value or for any other recycling program.
- B. **Small Scale Hazardous Waste.** A center for the collection, short-term storage, transfer, or limited processing of hazardous waste from households, small businesses or other small-scale generators.

Recycling Facility. A center for the collection and/or processing of recyclable materials, and includes facilities for the drop-off, buyback, deposit, or return for redemption, of recyclable material. Recyclable material is reusable material including, but not limited to, aluminum, glass, plastic and paper which is intended for remanufacture or reconstitution for the purpose of using the altered form. A recycling facility consists of a reverse vending machine, collection facility, or processing facility. A recycling collection facility may also consist of a facility for the collection of reusable household goods or clothes by a charitable organization. Also see Section 4.04.232 Recycling Facilities.

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

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

Research and Development Services. Research of an industrial, scientific, or medical nature, including associated office space, indoor laboratories, and testing facilities. This classification may include small-scale indoor fabrication as part of the research function, but excludes mass manufacturing, fabrication, or processing of products.

Residential Congregate Care Facilities. Use of a residence for the purpose of providing, for a fee, adult day care and/or 24 hour-a-day, non-medical residential living accommodations, day treatment, or foster agency services for seven or more individuals, and where the duration of stay is determined, in whole or in part, by the individual residents’ participation in group or individual activities, such as counseling, recovery planning, and medical or therapeutic assistance. This classification includes facilities licensed by the State of California.

Residential Congregate Care Facilities, Limited. Use of a residence for the purpose of providing, for a fee, adult day care and/or 24 hour-a-day, non-medical residential living accommodations, day treatment, or foster agency services for up to six individuals, and where the duration of stay is determined, in whole or in part, by the individual residents’ participation in group or individual

activities, such as counseling, recovery planning, and medical or therapeutic assistance. This classification includes facilities licensed by the State of California.

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

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

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

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

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

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

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

Reverse Vending Machine(s). An automated mechanical device that accepts at least one or more types of empty beverage containers such as aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine. Also see Section 4.04.232 Recycling Facilities.

- A. **Single-Feed Reverse Vending Machine.** Designed to accept individual containers one at a time.
- B. **Bulk Reverse Vending Machine.** Designed to accept more than one container at a time and to compute the refund or credit due on the basis of weight.

Roof Line. The top of the parapet or the midpoint between the eave line and the top of the roof.

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

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

Rooming House. See "Boarding House."

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

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

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

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

Setback Line. A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side, street, or rear yard, setback area, or the boundary of any public right-of-way (whether acquired in fee, dedicated through easement, established as a future right-of-way line, or otherwise) or a line otherwise established to govern the location of buildings, structures, or uses.

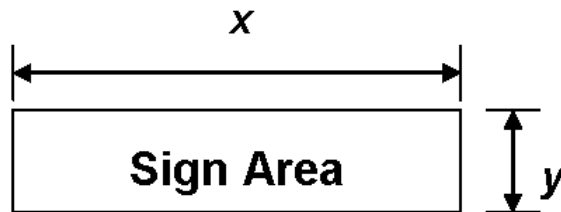
Sign. A visual communications device used to convey a message to its viewers. A sign shall mean and include every advertising message, announcement, declaration, insignia, surface or space erected or maintained for identification, advertisement or promotion of the interests of any person, entity, product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

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

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

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

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



Sign Area = x by y

SIGN AREA

(The diagram is illustrative)

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

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

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

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

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

Sign, Flag. See "Sign, Freestanding."

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

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

Sign, Ground. See "Sign, Freestanding."

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

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

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

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

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

Sign, Nameplate. A sign designating: (1) the name of a building; (2) the address of property; (3) the name of an occupant; or (4) the profession of an occupant.

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

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

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

Sign, Pole. See "Sign, Freestanding."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Single-Family Residential. Buildings containing one dwelling unit and up to one accessory dwelling unit and one junior accessory dwelling unit located on a single lot. This classification includes mobile home and factory-built housing.

Single Housekeeping Unit. An individual or two or more persons living together in a dwelling unit, and in which responsibilities for expenses, housekeeping, cooking, and other household maintenance chores are shared among the 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., assisted living facilities). A single housekeeping unit is allowed to occupy any legal dwelling unit subject to the requirements of Section 2.04.236 Maximum Dwelling Unit Occupancy (i.e. occupancy by more than 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 Code, 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 Hazardous Waste Center. A center for the collection, short-term storage, transfer, or limited processing of hazardous waste from households, small businesses or other small-scale generators. Facilities with waste streams small enough to be exempt from manifest requirements as described in California Health and Safety Code Section 25160. Wastes from any given generator must

not exceed a total volume of five gallons or a total weight of 50 pounds. This definition includes household hazardous waste collection facilities. See also "Recycling Centers."

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

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

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

- A. Less than completely and opaquely covered human: (1) genitals or pubic region; (2) buttocks; and (3) female breasts below a point immediately above the top of the areola;
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and
- C. Any device, costume, or covering that simulates any of the body parts included in Subsection A or B above.

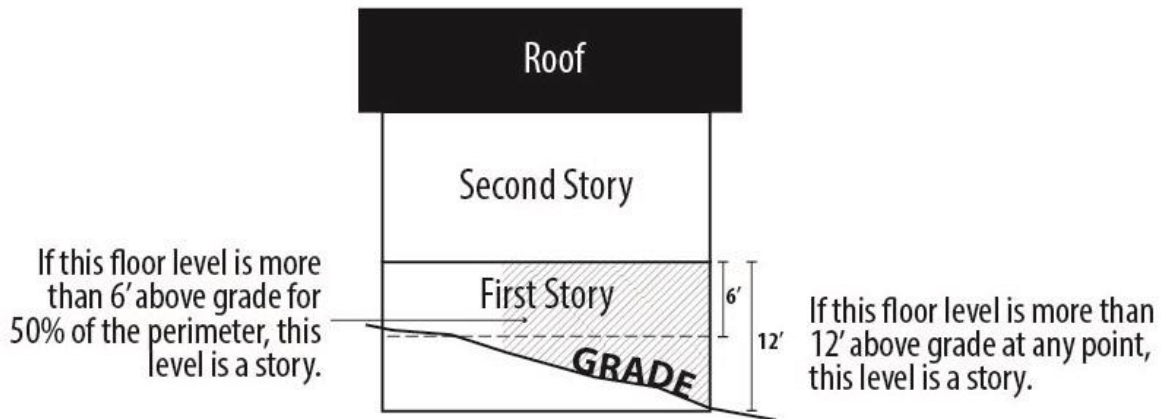
Specified Sexual Activities. As used herein, "specified sexual activities" shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:

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

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

Stock Cooperative. A dwelling unit as defined in Section 11003.2 of the Business and Professions Code of the State of California or successor section.

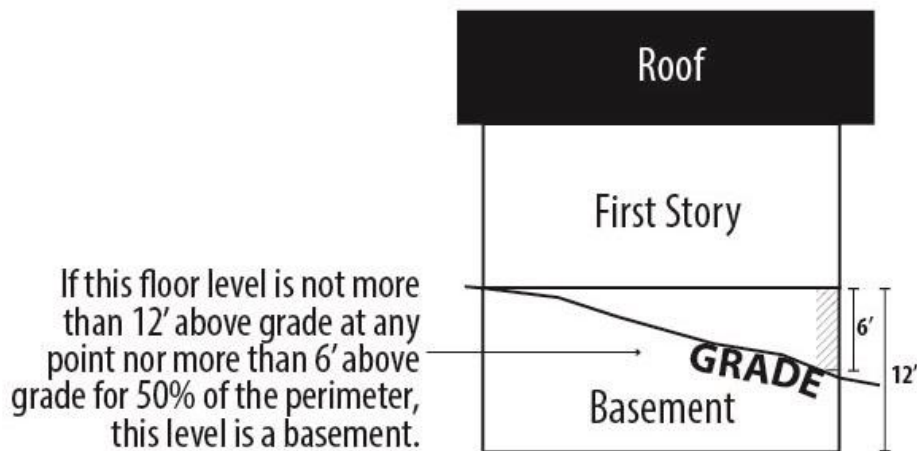
Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it. If there is no floor above the uppermost floor, the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly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



STORY

(This diagram is illustrative)

Story, First. The lowest story in a building. The lowest level of a building having two or more levels is considered the “first story” when the floor level above is more than six feet above grade for at least 50 percent of the total perimeter, or is more than 12 feet above the exterior grade at any point. [If the floor level above the lowest level is NOT more than six feet above grade for at least 50 percent of the total perimeter, or is NOT more than 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, other than an alley or path, 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 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 on-site or off-site 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 residential dwelling units of the same type in the same zone.” See development regulations in Section 4.04.316 Supportive and Transitional Housing.

Swap Meets, Non-Recurring. Retail sale or exchange of handcrafted, or secondhand merchandise for a maximum period of 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 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 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 90 days.

Temporary Use. An intermittent (not more than four times per year) commercial activity, the period of operation of which does not exceed 90 days at any one time. A temporary use permit shall be obtained, per Section 5.08.144 Temporary Use Permits.

Tenant or Existing Tenant. A person who rents, leases or subleases, through either a written or oral agreement, real property from another.

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

Theaters, Small Scale. Theaters of less than 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.

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

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

Townhouse. A dwelling unit characterized by a separate interest in a building and the land directly beneath it, which may be combined with either an undivided interest in the remainder or easements across common areas.

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

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

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 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 Section 4.04.316 Supportive and 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 18 inches or more, measured 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-fueling and dispatching. Also, refer to definition of “Cross-Dock.” (This classification excludes trucking activities accessory to industrial, manufacturing or warehousing uses, or to the “Parcel Processing and Shipping Facilities” use classification.)

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

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

Use, Accessory. See “Accessory Uses and Structures.”

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

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

Utilities, Major. Generating plants, electrical substations, above-ground electrical transmission lines, switching buildings, data centers, flood control or drainage facilities, water or wastewater treatment plants, transportation or communications utilities, and similar facilities of public agencies or public utilities, but excluding wireless telecommunications facilities, see Section 4.04.376 Wireless Telecommunications Facilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification.

Utilities, Minor. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, underground water and sewer lines.

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

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

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

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

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

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

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

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

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

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

Warehouse - 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.)

Warehouse - 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 Property Maintenance Code (Chapter 7-5, Article 3 of the Municipal Code).

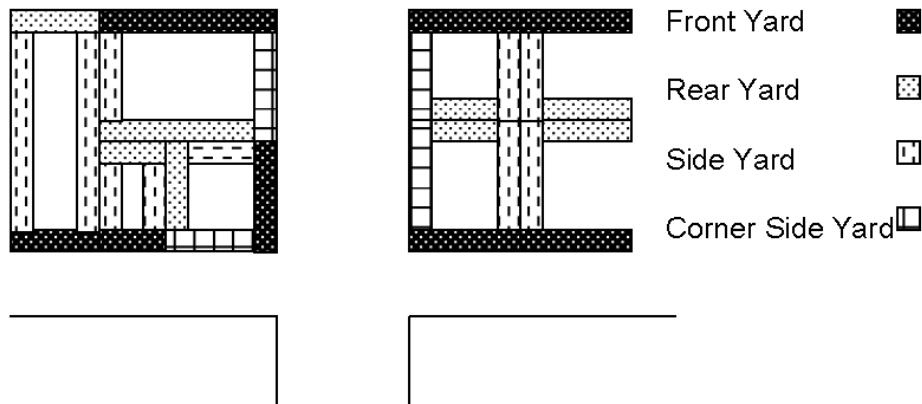
Wireless Telecommunications Facility. An unstaffed communications facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves, including antennas and all ancillary equipment. It does not include 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.

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

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

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



YARD TYPES

(This diagram is illustrative)

Zoning Enforcement Official. That person designated by the City Manager as responsible for determining compliance with the Zoning Code.

Title 2 – BASE DISTRICT REGULATIONS

CHAPTER 2.08 COMMERCIAL AND PROFESSIONAL DISTRICTS

SECTION 2.08.100 Specific Purposes

In addition to the general purposes listed in Chapter 1.04 Title, Components, and Purposes, the specific purposes of commercial district regulations are to:

- A. Provide appropriately located areas consistent with the General Plan for a full range of office, retail commercial, and service commercial uses needed by residents, businesses, and visitors in the City and region.
- B. Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities.
- C. Create suitable environments for various types of commercial uses, and protect them from the adverse effects of inharmonious uses.
- D. Minimize the impact of commercial development on adjacent residential districts.
- E. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area or with planned changes in the character of the area in which they are located and that the quality of site and building design enhances the community.
- F. Ensure the provision of adequate off-street parking and loading facilities.
- G. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.

The additional purposes of each C, DA, NA, P, 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.

CS Commercial Services District. To provide sites for commercial services, including automobile sales and services, building materials, contractors' yards, warehousing, storage and similar uses; offices not accessory to a permitted use are excluded.

DA-1 (Downtown Area 1). To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy for the Downtown retail core area centered on East 14th Street between Davis Street and Castro Street. Ground floor retail is required on parcels fronting on East 14th Street and Washington Avenue north of Parrott Street and encouraged on all other parcels in this District. Residential mixed use development is allowed.

DA-2 (Downtown Area 2). To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy by providing for designated areas on the periphery of the Downtown core where new development shall be sensitive to and of a scale consistent with adjacent Residential Districts and where mixed use developments are allowed and encouraged but not required.

DA-3 (Downtown Area 3). To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy in areas 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-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, mixed-use and multi-family residential uses at appropriate locations, subject to development standards and landscaping requirements that prevent significant adverse effects on adjacent uses. Retail activity is appropriate, subject to limitations to ensure development is consistent with the existing neighborhood quality.

SA-1 (South Area-1). To promote quality mixed-use developments, especially multi-story developments, with neighborhood-oriented commercial uses. A primary intent is to ensure that new development will be quality in-fill projects. Provisions for reduced parking are included. The SA-1 Zoning District will serve to implement the East 14th Street South Area Development

Strategy, particularly, policies and design guidelines for the Palma District and International and Cultural District.

SA-2 (South Area-2). To promote in-fill residential uses that would be sensitive to the adjoining neighborhoods. Residential, commercial and community-oriented uses would also be encouraged in mixed use multi-story buildings. Provisions for reduced parking are included. The SA-2 Zoning District will serve to implement the East 14th Street South Area Development Strategy, particularly, policies and design guidelines for the McKinley Residential District.

SA-3 (South Area-3). To provide opportunities for larger commercial and office developments, and to promote additional commercial opportunities that would exhibit quality design. Provisions for reduced parking are included. The SA-3 Zoning District will serve to implement the East 14th Street South Area Development Strategy, particularly, policies and design guidelines in the Gateway District.

ARTICLE 2. DEVELOPMENT REGULATIONS

SECTION 2.08.300 Property Development Regulations: Commercial and Professional Districts

The following sections set forth the property development regulations of the CC, CN, CR, CS, DA-1, DA-2, DA-3, DA-4, DA-6, NA-1, NA-2, P, SA-1, SA-2, and SA-3 Districts. In addition, development in the SA-1, SA-2 or SA-3 Districts shall be consistent with the Design Guidelines in the East 14th Street South Area Development Strategy. Development in the DA-1, DA-2, DA-3, DA-4, and DA-6 Districts shall be consistent with the provisions contained in the Design Guidelines in the Downtown San Leandro Transit-Oriented Development Strategy.

SECTION 2.08.304 Minimum Lot Area and Minimum Lot Width

| Zoning District | Minimum Lot Area (sq. ft.) | Minimum Lot Width (feet) |
|--------------------|----------------------------|--------------------------|
| CC, CS, NA-1, NA-2 | 10,000 | 100 |
| CN, P | 5,000 | 50 |
| CR | 10,000 | n.a. |
| | | |
| DA-1, DA-6 | 10,000 ^(A) | 100 |
| DA-2, DA-3, DA-4 | 5,000 ^(A) | 50 |
| SA-1, SA-2, SA-3 | 5,000 | 50 |

A. Exceptions to Minimum Lot Size—DA Districts. The Zoning Enforcement Official may administratively approve an exception to the minimum lot size to allow for lots less than the minimum size required by this section if adequate shared ingress, egress and access to parking facilities can be provided to accommodate each proposed new lot.

SECTION 2.08.308 Minimum Yards

A. Minimum Building Setback. The minimum setback for building placement, is as prescribed below. Additional building setback may also apply as specified in Subsections B, C, D, E, F, G, H, I and J.

| Zoning District | Front (ft.) | Side (ft.) | Corner Side (ft.) | Rear (ft.) | Daylight Plane and Yards Abutting R Districts |
|-----------------|--------------------------|------------|-------------------|--------------------------|---|
| CC | 10 | 0 | 10 | 0 | 15 ft. side or rear ^(J) |
| CN, P | 10 | 0 | 10 | 0 | 15 ft. side or rear ^(J) |
| CR | 20 | 0 | 20 | 0 | 15 ft. side or rear ^(J) |
| CS | 10 | 0 | 10 | 0 | 15 ft. side or rear ^(J) |
| DA-1 | Varies ^{(D)(G)} | 0 | 0 | Varies ^{(D)(G)} | Varies ^(J) |

| Zoning District | Front (ft.) | Side (ft.) | Corner Side (ft.) | Rear (ft.) | Daylight Plane and Yards Abutting R Districts |
|------------------|--------------------------|-------------------|-------------------|--------------------------|--|
| DA-2; DA-3, DA-6 | Varies ^{(E)(G)} | 0 | 0 | Varies ^{(E)(G)} | Varies ^(J) |
| DA-4 | Varies ^{(F)(G)} | 0 | 0 | Varies ^{(F)(G)} | Varies ^(J) |
| NA-1 | 0 | 4 | 0 | 5 | n.a. |
| NA-2 | 20 or 25 ^(H) | 15 ^(H) | 20 ^(H) | 15 ^(H) | 25 ft. rear for second story 35 ft. rear for third story ^(H) |
| SA-1, SA-3 | 0 ^(I) | 0 | 0 ^(I) | 0 | 8 ft. side or rear ^(J) |
| SA-2 | Varies ^(I) | 0 | 0 | 0 | 8 ft. side or rear ^(J) |

B. Additional Regulations—All Commercial and Professional Districts.

1. Front, side, corner side, and rear yards shall be subject to the regulations of Section 4.04.312 Building Projections into Yards and Courts.
2. Double-frontage lots shall provide the minimum front setback on each frontage.

D. Additional Building Setback Requirements—DA-1 District.

1. Along East 14th Street, a minimum front setback of seven feet is required to create a minimum 15-foot wide pedestrian zone.
2. Rear yards shall be consistent with the prevailing condition on each block.

E. Additional Building Setback Requirements—DA-2, DA-3, and DA-6 Districts.

1. Front setbacks shall be consistent with the prevailing condition on each block.
2. Where ground floor residential is proposed, a minimum front setback of 10 feet and a maximum of 15 feet shall be provided.
3. For mixed-use buildings, the front setback shall not exceed 10 feet.
4. Rear yards shall be consistent with the prevailing condition on each block.

F. Additional Building Setback Requirements—DA-4 District.

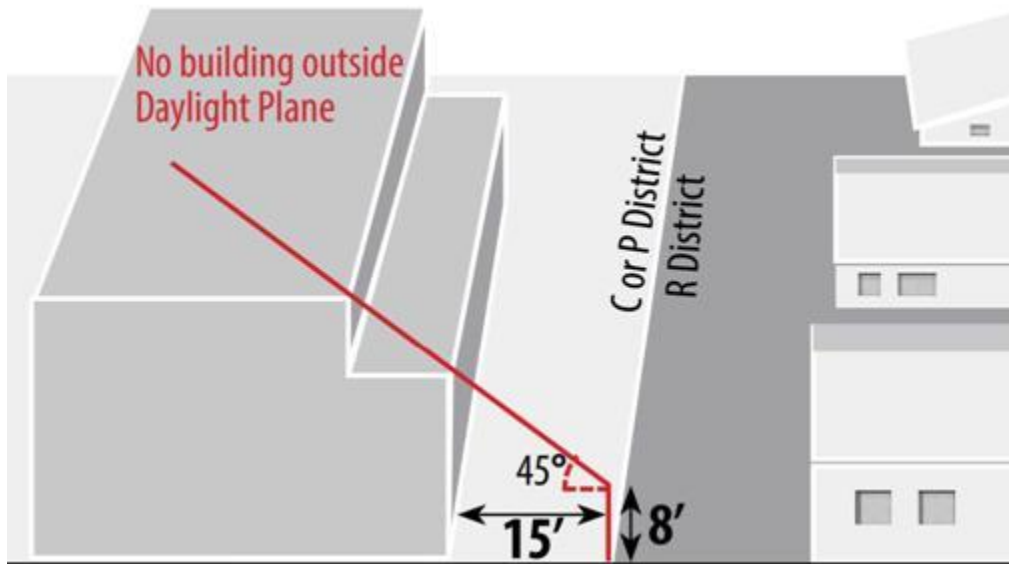
1. Front setbacks shall be consistent with the prevailing condition on each block.
2. Rear yards shall be consistent with the prevailing condition on each block.
3. Along the San Leandro Creek, the Zoning Enforcement Official shall determine the applicable building setback for a creek trail and open space.

G. Pre-Existing Residential in DA Districts. The Zoning Enforcement Official shall determine the applicable building setback standards for modifications or additions to pre-existing residential development based on the prevailing conditions on each block.

H. Additional Building Setback Requirements—NA-2 District.

1. The front setback in the NA-2 District shall be as follows: 20 feet for one- and two-story buildings and 25 feet for three-story buildings.

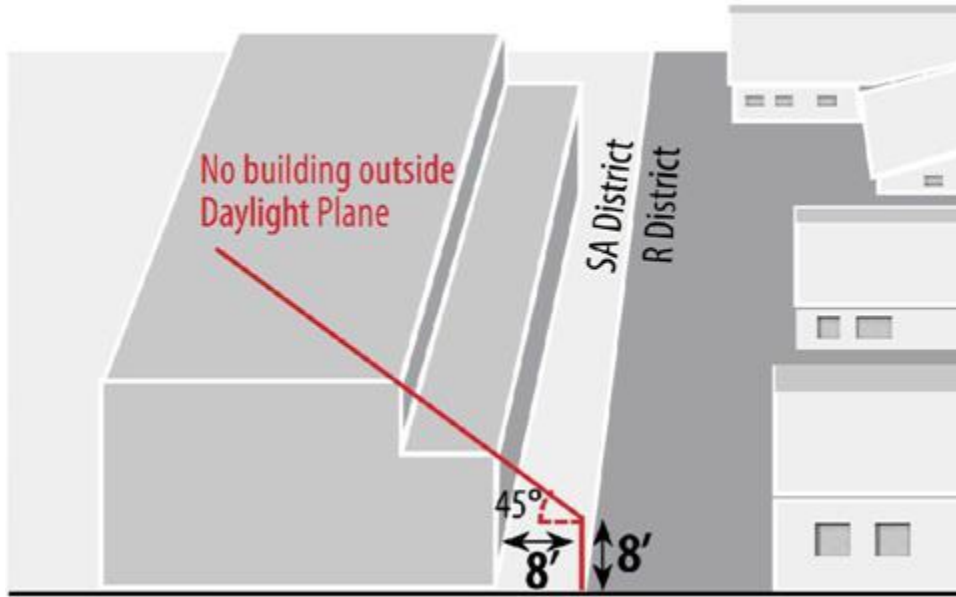
2. Side setbacks in the NA-2 District shall be 15 feet or one-half the building height, whichever is greater.
 3. Corner side setbacks in the NA-2 District shall be 20 feet, or one-half the building height, whichever is greater.
 4. Rear yard requirements in the NA-2 District, when adjoining RS Districts, shall be increased to 25 feet for the second story and 35 feet for the third story. Rear yards in the NA-2 District, when adjoining RD or RM Districts, shall be increased to 25 feet.
- I. Additional Building Setback Requirements—SA-1, SA-2, and SA-3 Districts.
1. If ground floor residential is proposed, a 10-foot building setback shall be required.
 2. South of Blossom Way: front setbacks will vary to achieve a 13.5-foot wide sidewalk. No front setback is required.
 3. North of Blossom Way: front setbacks will vary to achieve a 13-foot wide sidewalk. A minimum 4.5-foot setback shall be required.
- J. Daylight Plane Regulations for Parcels Adjacent to R Districts.
1. For C and P Districts, structures shall not intercept a one-to-one (1:1) or 45 degree daylight plane inclined inward from a height of 8 feet above existing grade at the R District boundary line. (Please refer to illustration “Required Daylight Plane at Adjoining Districts—C or P Districts.”)



Required Daylight Plane at Adjoining Districts—C or P Districts

(The diagram is illustrative)

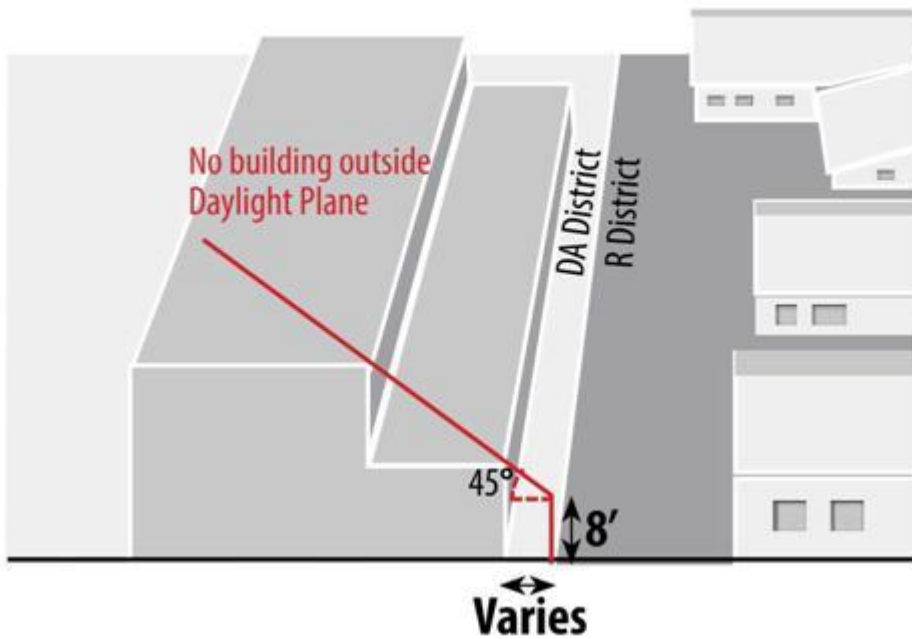
2. For SA districts, structures shall not intercept a one-to-one (1:1) or 45 degree daylight plane inclined inward from a height of eight feet above existing grade at the R District boundary line. (Please refer to illustration “Required Daylight Plane at Adjoining Districts—SA Districts.”)



Required Daylight Plane at Adjoining Districts—SA Districts

(The diagram is illustrative. Also refer to the East 14th Street South Area Design Guidelines)

- For DA districts, structures shall not intercept a one-to-one (1:1) or 45 degree daylight plane inclined inward from a height of eight feet above existing grade at an RS or RD District boundary line. (Please refer to illustration “Required Daylight Plane at Adjoining Districts—DA Districts.”)



Required Daylight Plane at Adjoining Districts—DA Districts

(The diagram is illustrative. Also refer to the Design Guidelines in the Downtown San Leandro Transit-Oriented Development Strategy)

4. In instances in which the zoning district boundary is located at the centerline of an adjacent public right-of-way, the daylight plane shall be measured from the nearest property line.
5. The Zoning Enforcement Official may approve an Administrative Exception if an applicant cannot meet these provisions per Section 2.08.400 Administrative Exceptions.

SECTION 2.08.312 Height of Structures

| Zoning District | Non-Residential Development | | Residential and Mixed-Use Residential Development | |
|------------------|-----------------------------|----------------------|---|----------------------|
| | Minimum Height (ft.) | Maximum Height (ft.) | Minimum Height (ft.) | Maximum Height (ft.) |
| CC | n.a. | 50 | n.a. | 50 |
| CN, NA-1, NA-2 | n.a. | 30 | n.a. | 50 |
| CR, CS | n.a. | 40 | n.a. | n.a. |
| DA-1 | n.a. or 24 ^(B) | 75 ^(C) | n.a. or 24 ^(B) | 75 ^(C) |
| DA-2 | n.a. or 24 ^(B) | 50 ^(C) | n.a. or 24 ^(B) | 50 ^(C) |
| DA-3 | n.a. | 50 ^(C) | n.a. | 50 ^(C) |
| DA-4 | n.a. | 60-75 ^(C) | n.a. | 60-75 ^(C) |
| DA-6 | n.a. | 75 ^(C) | n.a. | 75 ^(C) |
| P | n.a. | 30 | n.a. | 30 |
| SA-1, SA-2, SA-3 | 24 | 50 | 24 | 50 |

B. Exceptions to Minimum Height—DA-1 and DA-2 Districts. The 24-foot minimum height standard only applies along East 14th Street between Chumalia Street and Georgia Way. No minimum height applies elsewhere in the DA-1 or DA-2 districts.

C. Specific Heights and Height Exceptions—DA Districts. The Downtown San Leandro Transit-Oriented Development Strategy Figure 8 Building Height Framework establishes the locations of specific height limits. Exceptions to the maximum height requirement may be allowed subject to the approval of a Conditional Use Permit.

D. Other Exceptions to Height Limits. The maximum height of structures shall be subject to the regulations of Section 4.04.320 Exceptions to Height Limits.

SECTION 2.08.316 Lot Coverage

| Zoning District | Maximum Lot Coverage |
|-----------------|----------------------|
| CC, CN, CS, P | 50% |

| | |
|--|------|
| CR | 25% |
| DA-1, DA-2, DA-3, DA-4, DA-6, NA-1, NA-2, SA-1, SA-2, SA-3 | 100% |

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

1. Cornices, canopies, eaves or other projections which do not increase the volume of space enclosed by the building provided that any portion of such projections extending more than two feet from the building shall be included as coverage at a ratio of 1/2 : 1;
2. Fire escapes up to 3 1/2 feet;
3. An uncovered stair and landing which does not extend above a ground floor entrance except for the railing; or
4. Bay windows, balconies or chimneys which project from the wall not more than two feet; provided, that, such features do not in the aggregate occupy more than one-third of the length of a wall which faces an interior side lot line, or more than two-thirds of the length of a wall which faces a street or a rear lot line.

SECTION 2.08.320 Floor Area Ratio (FAR)

| Zoning District | Minimum FAR | Maximum FAR | |
|-----------------|-------------|-------------|--|
| CC | n.a. | 1.0 | |
| CN | n.a. | 0.5 | |
| CR | n.a. | 1.0 | |
| CS | n.a. | 0.5 | |
| DA-1 | n.a. | 3.5 | |
| DA-2 | n.a. | 1.0 | Residential or Mixed Use Residential: 1.5 ^(D) Downtown Mixed Use: 3.5 ^(A) Transit-Oriented Mixed Use: 4.0 ^(B) Adjacent to BART: 5.0 ^(C) |
| DA-3 | n.a. | 3.5 | Transit-Oriented Mixed Use: 4.0 ^(B) |
| DA-4 | n.a. | 4.0 | Adjacent to BART: 5.0 ^(C) |
| DA-6 | 1.0 | 4.0 | Adjacent to BART: 5.0 ^(C) |
| NA-1, NA-2 | n.a. | 1.0 | Residential or Mixed Use Residential: 1.5 ^(D) |
| P | n.a. | 0.5 | Downtown Mixed Use: 3.5 ^(A) |

| | | | |
|------------------|------|-----|--|
| SA-1, SA-2, SA-3 | n.a. | 1.0 | Residential or Mixed Use Residential: 1.5 ^(D) |
|------------------|------|-----|--|

A. Maximum FAR in Downtown Mixed Use—DA-2, DA-3, and P Districts. Maximum of 3.5 FAR allowed for parcels within the General Plan Downtown Mixed Use land use category.

B. Maximum FAR in Transit-Oriented Mixed Use—DA-2, and DA-3 Districts. Maximum of 4.0 FAR allowed for parcels within the General Plan Transit-Oriented Mixed Use land use category.

C. Parcels Adjacent to BART—DA-2, DA-3, DA-4, and DA-6 Districts. Maximum of 5.0 FAR allowed for parcels within a 0.5 mile radius to a BART station.

D. Maximum FAR for Residential or Mixed-Use Residential Developments—DA-2, NA-1, NA-2, SA-1, SA-2, and SA-3 Districts. Maximum of 1.5 FAR for residential or mixed-use residential development.

SECTION 2.08.324 Minimum Site Landscaping

A. General Landscape Requirements. In addition to the general requirements prescribed in Chapter 4.16 Landscape Requirements, the following requirements for minimum site landscaping apply to all property within commercial and professional districts. The minimum percentage of the site that shall be used for landscaping shall be as prescribed below:

| Zoning District | Minimum Site Landscaping |
|----------------------------------|--|
| CN, NA-1, P, SA-1, SA-3 | 5% ^{(C)(D)} |
| CC, CS, NA-2, SA-2 | 10% ^{(C)(D)} |
| CR, DA-1, DA-2, DA-3, DA-4, DA-6 | Determined at the time of project Site Plan Review, pursuant to Chapter 5.12 Site Plan Approval ^(C) |

SECTION 2.08.332 Density for Multi-Family Residential and Mixed-Use Residential Development

A. Density for Multi-Family Residential and Mixed-Use Residential Development. The minimum and maximum density for residential and mixed-use development is as prescribed below. For minimum and maximum density calculations that result in fractional amounts, numbers of 0.5 or greater shall be rounded up to the nearest whole integer, numbers less than 0.5 shall be rounded down to the nearest whole integer.

| Zoning District | Minimum Density (Dwelling Unit / Acre) | Maximum Density (Dwelling Unit / Acre) |
|-----------------|--|--|
| CC, CN | n.a. | 24 ^(B) |
| CR, CS | n.a. | n.a. |

| Zoning District | Minimum Density (Dwelling Unit / Acre) | Maximum Density (Dwelling Unit / Acre) |
|------------------|--|---|
| DA-1 | Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 35 | Parcels < 10,000 sf: 24 ^(B) Parcels ≥ 10,000 sf: 100 ^(B) |
| DA-2 | Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 20 | Parcels < 10,000 sf: 24 ^(B) Parcels ≥ 10,000 sf: 40 ^(B) |
| DA-3 | Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 20 | Parcels < 10,000 sf: 24 ^(B) Parcels ≥ 10,000 sf: 60 ^(B) |
| DA-4 | Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 60 | Parcels < 10,000 sf: 24 ^(B) Parcels ≥ 10,000 sf: 100 ^(B) |
| DA-6 | Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 60 | Parcels < 10,000 sf: 24 ^(B) Parcels ≥ 10,000 sf: n.a. |
| NA-1, NA-2, P | n.a. | 24 |
| SA-1, SA-2, SA-3 | 18 ^(C) | 35 |

SECTION 2.08.336 Open Space for Multi-Family Residential and Mixed-Use Residential Development

A. **Basic Requirement.** In addition to the general landscape requirements prescribed in Chapter 4.16 Landscape Requirements and Subsection A of Section 2.08.324 Minimum Site Landscaping, the following requirements for minimum required open space apply to all multi-family residential and mixed-use residential development in the C, P, NA, DA or SA Districts.

| Zoning District | Required Open Space (sf / DU) |
|--|-------------------------------|
| CN, CC, NA-1, NA-2, P | 200 |
| SA-1, SA-2, SA-3, DA-1, DA-2, DA-3, DA-4, DA-6 | 60 |

B. **Private Open Space.** Private open space meeting a portion of the requirement shall be provided as one of the following:

1. A private balcony attached to a dwelling unit with a minimum area of 60 square feet and a minimum horizontal dimension of six feet.
2. A private porch, deck, patio, or court with a minimum horizontal dimension of 10 feet and a minimum area of 120 square feet.

C. **Common Open Space.** Common open space, provided by non-street side yards, courts, patios, terraces, and rooftops shall be designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet and a minimum area of 300 square feet, shall be open to the sky, and shall not include driveways, pedestrian access to units, or parking areas, or area required for front or street side yards. Common open space provided on roof tops shall be surrounded by a parapet, wall, or other enclosure that is at least four feet high, and shall be subject to approval by the

Zoning Enforcement Official. The Board of Zoning Adjustments may allow a percentage, not to exceed 30 percent, of the total roof top open space provided to be used to satisfy the open space requirement of this Section. To approve roof top open space, the Board of Zoning Adjustments must make the following findings:

1. The roof top open space is readily accessible to all residents of the complex;
2. The roof top open space includes areas for active recreation or has significant aesthetic value, or a combination thereof; and
3. The roof top open space is an amenity of the development which adds value to the project overall.

SECTION 2.08.340 Additional Property Development Regulations: Commercial and Professional Districts

- A. Ground Floor Retail in DA-1. Retail uses required on ground floor on parcels fronting on East 14th Street and Washington Avenue, north of Parrott Street.
- B. Views into Buildings. On commercial ground floors in the DA and SA Districts, not less than 50 percent of the first story of that portion of a building facing a street shall consist of opening or clear or tinted glass windows providing views of merchandise displayed, building interiors, or courtyards.
 - C. Security Roll-Up Doors. Retractable security gates, window bars, and mall-style roll-up doors shall be installed to the inside of existing windows or glass doors for installation of physical security measures on a building façade. A mall-style roll-up door must not be visible during business hours. Metal gates, stored in a wall pocket or similar enclosure so as not to be visible during business hours, and scissor-style security grilles, retracted into casing during business hours, are subject to the review and approval of the Zoning Enforcement Official.

Title 4 – REGULATIONS APPLYING IN ALL OR SEVERAL DISTRICTS

CHAPTER 4.04 DEVELOPMENT REGULATIONS

SECTION 4.04.232 Recycling Facilities

B. Permits Required. No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a permit as follows:

| Type of Facility | Districts Permitted | Permit Required |
|--|--|-----------------|
| Single-Feed Reverse Vending Machine(s) | B-TOD, CC, CN, CS, DA-1, DA-2, I (AU), NA, P, SA-1, SA-2, SA-3 | Admin. Review |
| Bulk Reverse Vending Machine | CC, CN, CS, I, I (AU), NA, SA-1, SA-2, SA-3 | Admin. Review |
| Small Collection | CC, CS, CN, SA-1, SA-2 and SA-3 | Admin. Review |
| Small Scale Hazardous Waste Center | CS | Admin. Review |
| Large Collection | CC, CS, IG, IG(AU), IL, IL(AU), IP, IP(AU) | Admin. Review |

| | | |
|------------------|---------------------------|---------------|
| | IT | Use Permit |
| Light Processing | IL, IL(AU), IG and IG(AU) | Admin. Review |
| | IT | Use Permit |
| Heavy Processing | IG, IG(AU), and IT | Use Permit |

1. The Zoning Enforcement Official shall be the decision-maker but may refer to the Board of Zoning Adjustments for a Conditional Use Permit.

SECTION 4.04.320 Exceptions to Height Limits

- A. Exceptions for Roof Features and Amenities. Towers, spires, cupolas, chimneys, domes, elevator penthouses, elevator towers, covered stair access, water tanks, flagpoles, monuments, theater scenery lofts, radio and television antennas, transmission towers, fire towers, usable rooftop amenities, and similar structures may exceed the maximum permitted height in the district in which the site is located by no more than 10 feet above the roof level, unless the Board of Zoning Adjustments approves a Conditional Use Permit that authorizes additional height. Roof-mounted equipment, mechanical equipment screening, and parapet walls may extend up to six feet above the maximum permitted height in the district in which the site is located.

SECTION 4.04.324 Outdoor Facilities and Storage/Loading Facilities

- A. Outdoor Storage—Location.

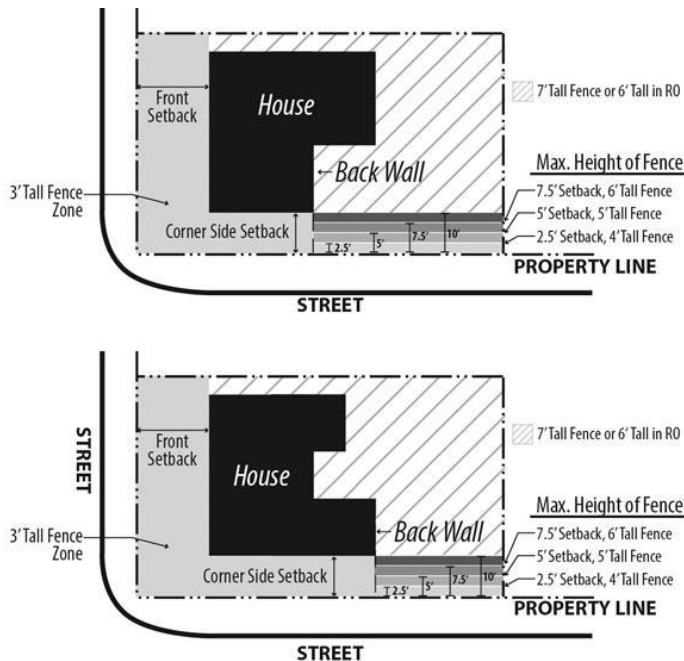
1. IG District—Permit Not Required. Outdoor storage of materials or equipment is allowed in the IG district, subject to the screening requirements prescribed in Subsection C Outdoor Storage and Loading Facilities—Screening Required below. Outdoor storage of materials or equipment shall be strictly related 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 5.08.144 Temporary Use Permits. If the outdoor sales exceed 90 consecutive days in duration, an Outdoor Facilities Permit shall be required, per Subsection A.2.

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 B-TOD, CC, CN, CS, CR, DA-1, DA-2, DA-3, DA-4, DA-6, IG, IL, IP, IT, NA-1, NA-2, SA-1, SA-2, and SA-3 Districts subject to screening requirements prescribed in Subsection C below. Sidewalk cafés and outdoor food service accessory to an Eating and Drinking Establishment or a retail use shall be permitted subject to approval of an Outdoor Facilities Permit by the Zoning Enforcement Official in the B-TOD, CC, CN, CR, DA-1, DA-2, DA-3, DA-4, DA-6, IG, IL, IP, IT, NA-1, NA-2, OS, P, SA-1, SA-2, SA-3 Districts and shall be subject to Subsection B. Temporary displays for Outdoor Retail Sales may be allowed with a Temporary Use Permit up to 90 days in accordance with Section 5.08.144 Temporary Use Permits, consistent with the applicable base district land use regulation, as modified by an overlay district.

SECTION 4.04.364 Fences, Walls, and Hedges

A. Residential, Open Space and Public/Semi-Public Districts. Except as provided for in Paragraphs 1, 2 and 3 below, the maximum height of a fence, wall, or hedge shall be seven feet except in required front or corner side yards abutting a street where the maximum height shall be three feet. All fences, walls, and hedges shall be subject to the driveway visibility requirements of Section 4.08.148 Driveways—Visibility.

1. RO District. The maximum height of a fence, wall, or hedge in the RO District shall be six feet except in required front or corner side yards abutting a street where the maximum height shall be three feet.
2. Corner lots in the RO, RS, RS-40, RS-VP, and RD Districts. Starting from the back wall of the house, the maximum height of a fence, wall, or hedge on a corner lot in the RO, RS, RS-40, RS-VP or RD District shall follow the gradient formula diagram below, which allows for an increase in height of one foot for each two and one-half feet back from the street side property line, up to a maximum of six feet in the RO District, and seven feet in the RS, RS-40, RS-VP and RD Districts. The area in front of the fence shall be required to be planted with a combination of groundcovers, shrubs, and/or small trees and shall also have irrigation installed. Over-height fences along the side of the house shall continue to require review and approval of a fence modification.



Corner Lot Fence in the RO, RS, RS-40, RS-VP, and RD Districts

(The diagram is illustrative)

3. RS-VP District. In order to protect the existing view corridor, the maximum height of a solid fence, wall or hedge in the RS-VP District shall be no more than three feet above finished grade. The portion of a permitted fence between the heights of three feet to seven feet shall be constructed with glass to allow for continued enjoyment of the view. Transparent materials do not include chain link, mini-mesh, chicken wire, wood

or lattice materials. Non-transparent structural materials necessary for the support of the fence are permitted every four feet.

The views currently enjoyed by neighbors shall be respected. The proposed construction shall not unreasonably block or diminish neighbors' views of distant and scenic features, such as the San Francisco Bay and surrounding open spaces and skylines, while balancing the applicant's ability to improve the subject property in accordance with the applicable restrictions. Fences proposed in side and rear yards where no views as defined above are significantly affected are not subject to this section as determined by the Zoning Enforcement Official.

The Zoning Enforcement Official may modify the standards referenced herein subject to the approval of a Fence Modification Permit.

B. Commercial, Professional and Industrial Districts.

1. Maximum Height. The maximum height of a fence, wall, or hedge shall be eight feet except in required front or corner side yards where the maximum height shall be three feet.
2. Minimum Standards for fences Along Street Frontages. Fences that are adjacent to the required minimum front, corner side and/or rear yard with frontage along a public street frontage shall be constructed of either: (a) tubular steel, or of equally high quality "visually transparent" style; or (b) a solid architectural wall compatible with the building colors and materials.

In addition, all fences, walls, and hedges shall be subject to the driveway visibility requirements of Section 4.08.148 Driveways—Visibility. Walls adjoining residential uses shall be subject to the regulations of Section 4.04.224 Walls Adjoining Residential Use.

C. B-TOD District.

1. Limitation. Fences, walls, and hedges shall not be located between buildings with commercial uses and adjacent streets. However, fences, walls, and hedges may be located between buildings and adjacent streets for schools and daycare facilities or to delineate outdoor dining or display areas.
2. Maximum Height.
 - a. Between Buildings and Streets. Where allowed, fences, walls, and hedges located between buildings and adjacent streets shall not exceed 42 inches in height, except fences for schools or daycare facilities may be up to eight feet in height.
 - b. Other Locations. Fences, walls, and hedges located in areas other than between buildings and adjacent streets shall not exceed eight feet in height.
3. Materials. Fencing and walls shall be constructed using wood, steel, finished concrete, or stucco. Comparable, durable, high quality materials may be used with approval of an Administrative Exception per Section 2.10.408. Chain link fencing and corrugated metal fencing are prohibited.
4. Fence and Wall Transparency. Fencing, walls, gates, and other screening and visual barriers along publicly accessible streets and non-motorized bicycle and pedestrian pathways shall not exceed 75 percent opacity, measured as the total surface area of fence

elements divided by the area covered by the fence (i.e. the product of the length of the fence and the width of the fence).

In addition, all fences, walls, and hedges shall be subject to the driveway visibility requirements of Section 4.08.148 Driveways—Visibility. Walls adjoining residential uses shall be subject to the regulations of Section 4.04.224 Walls Adjoining Residential Use.

D. Fence Modifications. Approval to vary from the standards of this section may be granted with the approval of a fence modification application.

1. The Zoning Enforcement Official May Approve Modifications. The Zoning Enforcement Official in a hearing following informal notice as specified in paragraph 4 below may modify the requirements for the maximum height, minimum setback, and material of construction for fences as established in the Zoning Code.
2. Noticing Requirements. Notice of the time, place, and purpose of the hearing shall be posted at least 10 days prior to the date of the hearing, on or adjacent to the property involved, and mailed at least 10 days prior to the hearing to the owners of adjacent property.
3. Standards for Approval.
 - a. The fence is not detrimental to adjacent property;
 - b. The fence is compatible with the neighborhood in terms of aesthetics;
 - c. The fence does not create a sight distance hazard; and
 - d. The fence is not detrimental to the public health, safety, or welfare.
4. Referrals and Appeals. The Zoning Enforcement Official may refer a fence modification request to the Board of Zoning Adjustments. The Board of Zoning Adjustments shall also review fence modification(s) requests that are made in conjunction with an application for either a conditional use permit or variance. Appeals of the decision of the Zoning Enforcement Official approving or denying a fence modification shall be heard by the Board of Zoning Adjustments, pursuant to the requirements of Chapter 5.20 Appeals.

SECTION 4.04.376 Wireless Telecommunications Facilities

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.

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* |
|-------------------------|--------------------------|-------------------------------------|--|
| R Residential Districts | | | |

| Zoning Districts | New Monopoles and Towers | Architecturally-Integrated Antennas | Co-Locations & Modifications to Existing Tower Structures* |
|--|--------------------------|-------------------------------------|--|
| RD Residential Duplex | NP | AR | AR |
| RM Residential Multi-Family | NP | AR | AR |
| RO Residential Outer | NP | AR | AR |
| RS Residential Single-Family | NP | AR | AR |
| Commercial and Professional Districts | | | |
| B-TOD Bay Fair Transit-Oriented Development | CUP | AR | AR |
| CC Community Commercial | CUP | P | P |
| CN Community Neighborhood | CUP | AR | AR |
| CR Community Recreation | CUP | P | P |
| | | | |
| CS Community Services | CUP | P | P |
| DA-1 Downtown Area 1 | CUP | AR | AR |
| DA-2 Downtown Area 2 | CUP | AR | AR |
| DA-3 Downtown Area 3 | NP | AR | AR |
| DA-4 Downtown Area 4 | NP | AR | AR |
| DA-6 Downtown Area 6 | NP | AR | AR |
| NA-1 North Area 1 | CUP | AR | AR |
| NA-2 North Area 2 | CUP | AR | AR |
| P Professional | 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 |
| I Industrial Districts | | | |
| IG Industrial General | AR | P | P |
| IG(AU) District | AR | P | P |
| IL Industrial Limited | AR | P | P |
| IL(AU) District | AR | P | P |
| IP Industrial Park | AR | P | P |
| IP(AU) District | AR | P | P |

| Zoning Districts | New Monopoles and Towers | Architecturally-Integrated Antennas | Co-Locations & Modifications to Existing Tower Structures* |
|--|--------------------------|-------------------------------------|--|
| IT Industrial Transition | AR | P | P |
| OS Open Space District and PS Public and Semipublic Districts | | | |
| OS Open Space | CUP | AR | AR |
| 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, IL, IL(AU), IG, IG(AU), IP, and IP(AU) Districts. These permitted wireless telecommunications facilities are to be architecturally-integrated or 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.

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 B-TOD, CC, CN, CR, CS, DA-1, DA-2, NA-1, NA-2, P, SA-1, SA-3, OS and PS 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.11 to J.13, as well as building permit requirements.

CHAPTER 4.08 OFF-STREET PARKING AND LOADING REGULATIONS

SECTION 4.08.104 Basic Requirements for Off-Street Parking and Loading

K. TOD Strategy Parking Requirements. New residential uses adjacent to the Downtown San Leandro BART station 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 Chapter 5.12 Site Plan Approval.

SECTION 4.08.108 Off-Street Parking and Loading Spaces Required

A. Off-street parking and loading spaces shall be provided in accord with the following list. For off-street loading, references are to Table A, which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of gross floor area, unless otherwise specified, and shall include

allocations of shared restroom, halls, and lobby area, and mechanical equipment or maintenance areas, but shall exclude area for vertical circulation, stairs, or elevators.

- B. Where the use is undetermined, or not specified herein, the Zoning Enforcement Official shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Zoning Enforcement Official may require the submission of survey or other data from the applicant or have data collected at the applicant's expense.

OFF-STREET PARKING AND LOADING SPACES REQUIRED

| Use Classification | Off-Street Parking Spaces | | | Off-Street Loading Spaces Per Group Classification (See Table A) |
|--|--|---|---|--|
| 1. RESIDENTIAL | | | | |
| Article I. Residential, Single-Family and Two-Family | | | | |
| Single-Family Dwelling | 2 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. | | | |
| Two-Family Dwelling | 2, including 1 covered, per unit | (SA Only) 2, including 1 covered, per unit (tandem allowed) | (DA Only) 1 covered per unit for areas adjacent to BART 1.5, including 1 covered, per unit for all other areas | |
| Article II. Residential, Mixed Use & Multi-Family (3 or more units) | | | | |
| Studio or One-Bedroom Unit | 1.0 covered space, plus 0.5 uncovered spaces per unit; 0.25 space per unit must be designated guest parking | (SA Only) 1.0 covered space, plus 0.5 guest space, per unit (tandem may be considered) | (DA Only) ≤ 0.25 mile to BART: 1.0 space per unit (plus allowance of unbundled flex parking of 0.25 to 0.50 spaces/unit at | (B-TOD Only) Sub-Area 1: maximum 1.0 space per unit B-TOD Sub-Areas 2 and 3: minimum 0.5 spaces per unit, maximum 1.0 space per unit |

| | | | | |
|--|---|--|--|---|
| Two-Bedroom Unit | 2.0 covered spaces, plus 0.25 uncovered spaces per unit; 0.25 space per unit must be designated guest parking | (SA Only) 1.0 covered space, plus 0.75 guest space, per unit (tandem may be considered) | developer's option) > 0.25 mile to BART: 1.5 spaces per unit (0.25 to 0.50 spaces/unit may be unbundled flex parking) | (B-TOD Only) Sub-Area 1: maximum 1.0 space per unit B-TOD Sub-Areas 2 and 3: minimum 0.75 space per unit, maximum 1.5 spaces per unit |
| Three-Bedroom or Larger Unit | 2.0 covered spaces, plus 0.5 uncovered spaces per unit; 0.25 space per unit must be designated guest parking | (SA Only) 1.0 covered space, plus 1.0 guest space, per unit (tandem may be considered) | | |
| Article III. Residential, General | | | | |
| Live-Work | N/A | (SA Only) 2.0 per unit, including 1 covered, plus 0.75 space for guest/employee not residing in unit (tandem may be considered) | N/A | |
| Senior Citizen | 1.2 per unit, including 1 covered space and one space per employee | (SA Only) 0.6 per unit, plus 1.0 space per employee. All resident spaces to be covered | (DA Districts ≤ 0.25 mile to BART) 0.4 per unit, plus 1.0 space per employee. All resident spaces to be covered | |
| Cottage Food Operation | 1 uncovered space per employee | | | |

| | | | |
|-----------------------------|---|--|---|
| 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 |
| Supportive Housing | Subject to parking standards for the applicable residential type in the applicable residential zone | | |
| Transitional Housing | Subject to parking standards for the applicable residential type in the applicable residential zone | | |
| Residential Congregate Care | This classification is <u>not</u> a mixed or multi-family use. Parking requirement to be based on the unit's regular residential parking requirement. | | |
| Type of Parking Facilities | Shared parking arrangements, parking structures and parking lift systems, subject to review and approval of the City are encouraged. | | |

| 2. COMMERCIAL | | | | | |
|--|--|--|---|---|---|
| Adult Oriented Businesses | As specified by zoning permit | | | | A |
| Ambulance Services | 1 per 500 sq. ft., plus 1 space for each emergency vehicle based at the site | | | | A |
| Animal Boarding | 1 space per 400 sq. ft. | | | | A |
| Animal Grooming | 1 space per 400 sq. ft. | | (B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | | A |
| Animal Hospitals | 1 space per 400 sq. ft. | | | | A |
| Animals, Retail Sales | 1 space per 200 sq. ft. | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | | | A |
| Artists' Studios | 1 space per 1,000 sq. ft. | | | | |
| Automobile Washing | 1 space per 200 sq. ft. of sales, office, or waiting area, plus queue for 5 cars per washing station | | | | |
| Bars, Cafés, and Restaurants | | | | | |
| Having less than 4,000 sq. ft. of floor area | 1 space per 100 sq. ft. of gross floor area | (SA Only) 1 space per 200 sq. ft. of gross floor area | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | (B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | A |
| Having 4,000 sq. ft. or more | 40 spaces, + one for each 50 sq. ft. of seating area over 4,000 sq. ft. | (SA Only) 1 space per 100 sq. ft. of gross floor area | | | A |
| With Entertainment Activities | 1 space per 35 sq. ft. seating area; plus 1 space per 35 sq. ft. dance floor | | | | |
| Bed and Breakfast Inns | 1 space per guest room, plus 1 | | | | |
| Building Materials and Services | 1 space per 1,000 sq. ft. for lot area | | | | A |

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|---|---|--|--|---|---|
| Business Services | 1 space per 400 sq. ft. | | (DA Only) 1 space per 500 sq. ft. | (B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | |
| Catering Services | 1 space per 400 sq. ft. | | | | A |
| Commercial Recreation | | | | | |
| Bowling Alleys | 4 spaces per alley, plus 1 per 250 sq. ft. of public assembly and retail areas | | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | (B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | A |
| Electronic Game Centers | 1 space per 400 sq. ft. | | | | |
| Skating Rinks | 1 space per 5 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats; plus 1 space per 250 sq. ft. floor area not used for seating | | | | A |
| Other Commercial Recreation | As specified by the Zoning Enforcement Official | | | | |
| Communications Facilities | 1 space per 500 sq. ft. | | | | B |
| Convenience Stores | 1 space per 200 sq. ft. | | | | A |
| Drive-up Facility | Queue space for 5 cars per window | | | | |
| Fast Food Establishments, Large Scale and Small Scale | 1 space per 100 sq. ft. | | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | (B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | A |
| Financial Institutions; Retail and Check Cashing/Personal Loan Services | 1 space per 300 sq. ft., plus one space for each 200 sq. ft. of | (SA Only) 1 space per 400 sq. ft., plus 1 space | (DA Only) < 5,000 sq. ft.: Exempt | | B |

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|--|--|--|--|---|---|
| | lobby and customer-waiting areas, and 3 spaces for each walk-up teller window and automatic teller machine | for each 200 sq. ft. of lobby and customer-waiting areas, and 3 spaces for each walk-up teller window and automatic teller machine | ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | | |
| Food Processing | 1 space per 750 sq. ft. | | | | |
| Furniture and Appliance Stores | 1 space per 600 sq. ft. | | (DA Only) < 5,000 sq. ft.: Exempt | (B-TOD Only) < 5,000 sq. ft.: Exempt | |
| Hardware Stores | 1 space per 600 sq. ft. | | | | |
| Health and Fitness Centers | 1 space per 200 sq. ft. | (SA Only) 1 space per 333 sq. ft. | ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | |
| Horticulture, Limited | 1 space per 2 acres | | | | |
| Hotels, Motels and Time Share Facilities | 1.1 spaces per guest room; plus 1 space per 50 sq. ft. banquet seating area plus parking for other uses and facilities as required by this schedule. | | | | A |
| Instruction and Improvement Services | 1 space per 250 sq. ft. | (SA Only) 1 space per 333 sq. ft. | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | (B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | |
| Laboratories | 1 space per 500 sq. ft. | | | | A |

| | | | | | |
|-------------------------------------|--|---|--|---|---|
| Maintenance and Repair Services | 1 space per 500 sq. ft. | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | 1 space per 500 sq. ft. | A | |
| Marine Sales and Services | 1 space per 350 sq. ft. | | | | |
| Cannabis Dispensary | 1 space per 200 sq. ft. | | | | |
| Mortuaries | 1 space per 50 sq. ft. seating area | | | A | |
| Music Studio | 1 space per 600 sq. ft. | | | | |
| Neighborhood/Specialty Food Markets | 1 space per 200 sq. ft. | (SA Only) 1 space per 333 sq. ft. | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | (B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | A |
| Nurseries | 1 space per 1,000 sq. ft. lot area for first 10,000 sq. ft.; 1 space per 5,000 sq. ft. thereafter, plus 1 space per 250 sq. ft. sales floor area | (SA Only) 1 space per 1,000 sq. ft. lot area for first 10,000 sq. ft.; 1 space per 5,000 sq. ft. thereafter, plus 1 space per 333 sq. ft. sales floor area | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | | |
| Offices, Business and Professional | 1 space per 300 sq. ft. | (SA Only) 1 space per 333 sq. ft. for ground floor; 1 space per | (DA Only) 1 space per 500 sq. ft. | (B-TOD Only) Sub-Area 1: maximum 1 space per 400 sq. ft. | B |

| | | | | | |
|-----------------------------------|--|--|--|---|---|
| | | 500 sq. ft. for upper stories | | Sub-Areas 2 and 3: minimum 1 space per 1,000 sq. ft.; maximum 1 space per 400 sq. ft. | |
| Offices, Medical and Dental | 1 space per 200 sq. ft. | (SA Only) 1 space per 333 sq. ft. | (DA Only) 1 space per 500 sq. ft. | | B |
| Pawn Shops | 1 space per 250 sq. ft. | | | | A |
| | | | | | |
| Research and Development Services | 1 space per 400 sq. ft. | | | (B-TOD Only) Sub-Area 1: maximum 1 space per 400 sq. ft. Sub-Areas 2 and 3: minimum 1 space per 1,000 sq. ft.; maximum 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. | (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. | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | (B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 sq. ft. | A |
| Retail Services | 1 space per 300 sq. ft. | (SA Only) 1 space per 400 sq. ft. | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 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. | (SA Only) 1 space per 333 sq. ft. | (DA Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: 1 space per 500 sq. ft. | (B-TOD Only) < 5,000 sq. ft.: Exempt ≥ 5,000 sq. ft.: minimum 1 space per 500 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. | | (DA Only) 1 space per 500 sq. ft. | | |
| Vehicle/Equipment Repair | 1 space per 400 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 | | | | |
| 3. INDUSTRIAL | | | | | |
| Industry, Custom and General | 1 space per 1,000 sq. ft. | | | | C |
| Industry, Limited | 1 space per 750 sq. ft. | | | | C |
| Industry, Research and Development | 1 space per 400 sq. ft. | | | | C |
| Parcel Processing and Shipping Centers | 1 space per 1,500 sq. ft. or as required by administrative approval | | | | A |
| Public Storage | 1 space for the exclusive use of a resident manager plus 4 spaces for up to 150 storage units; 6 spaces for 151 to 500 storage units; 10 spaces for 501 to 1,000 storage units, and one additional space for each 500 storage units (or portion thereof) in excess of 1,000 | | | | |

| | | | | |
|---|--|--|--------------------------------------|---|
| Trucking Terminals | As specified by use permit | | | |
| Warehousing, Distributions and Storage Facilities | 1 space per 1,500 sq. ft. | | | A |
| 4. PUBLIC AND SEMIPUBLIC | | | | |
| Assembly Uses | 1 space per 50 sq. ft. used for assembly purposes | | | C |
| Convalescent Facilities | As specified by use permit | | | C |
| Cultural Institution | 1 space per 300 sq. ft. | | | C |
| Day Care, General | 1 space per 6 children or fraction thereof; maximum enrollment based on maximum occupancy load | | | |
| Detention Facilities | As specified by use permit | | | |
| Emergency Health Care | As specified by use permit | | | |
| Government Offices | 1 space per 300 sq. ft. | (SA Only) 1 space per 333 sq. ft. for ground floor space, and 1 space per 500 sq. ft. for upper story space | (DA Only) 1 space per 500 sq. ft. | B |
| Hospitals | 1 space per 1.5 licensed beds | | | C |
| Maintenance and Service Facilities | 1 space per 500 sq. ft. | | | A |
| Marinas | As specified by use permit | | | |
| Park and Recreation Facilities | As specified by use permit (for private facilities) | | | |
| Public Safety Facilities | As specified by use permit | | | C |
| Schools, Public or Private | As specified by use permit | | | A |
| Utilities, Major | As specified by use permit | | | A |

SECTION 4.08.128, Bicycle Parking

- A. Where Required. Bicycle parking may be required as part of Site Development or Use Permit approval and may, if so specified by the Site Development Sub-Committee or Board of Zoning Adjustments, be used as a substitute to automobile parking spaces.
- B. Number Required.
 1. Public and Semipublic Use Classifications. As specified by use permit.

2. Commercial Use Classifications. Five percent of the requirement for automobile parking spaces, except for the following classifications, which are exempt:

- a. Ambulance Services
- b. Animal Boarding
- c. Animal Grooming
- d. Catering Services
- e. Commercial Filming
- f. Horticulture, Limited
- g. Funeral and Interment Services
- h. Vehicle/Equipment Sales and Services (all classifications)

- C. Design Requirements. All required bicycle parking spaces shall permit the locking of the bicycle frame and one wheel with a u-type lock and support the bicycle in a stable position without damage to wheels, frame or components. Bicycle parking facilities shall be securely anchored so that they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.
- D. B-TOD Requirements. Bicycle parking shall be provided for new development or changes of use in the B-TOD District in accord with the following specifications.

| Use Classification | Minimum Bicycle Parking Required |
|---|--|
| Residential | <p>B-TOD Sub-Area 1: Minimum of 1.0 space per bedroom provided in a covered, secure, lockable bicycle storage facility intended for long-term use and storage, plus a minimum of 0.05 spaces per bedroom for guest bicycle parking</p> <p>B-TOD Sub-Areas 2 and 3: Minimum of 0.5 space per bedroom provided in a covered, secure, lockable bicycle storage facility intended for long-term use and storage, plus a minimum of 0.05 spaces per bedroom for guest bicycle parking</p> |
| Offices, Business and Professional; Offices, Medical and Dental | <p>< 5,000 sq. ft.: Exempt</p> <p>≥ 5,000 sq. ft.: Minimum of 1 space per 5,000 square feet provided in a covered, secure, access-controlled bicycle storage facility intended for long-term use and storage, plus a minimum of 1 space per 20,000 square feet for guest bicycle parking</p> |
| Non-Residential Use Other than Office | <p>< 5,000 sq. ft.: Exempt</p> <p>≥ 5,000 sq. ft.: Minimum of 1 space per 10,000 square feet provided in a covered, secure, access-controlled bicycle storage facility intended for long-term use and storage, plus a minimum of 1 space per 2,500 square feet for guest bicycle parking</p> |

CHAPTER 4.12 SIGNS

SECTION 4.12.112 Regulations for On-Premises Signs

- A. Maximum Total Sign Area. The maximum total sign area per tenant occupancy, excluding temporary signs and exempt signs, shall be as follows:

| Zoning District | Maximum Total Sign Area |
|---|--|
| RD, RO, and RS Districts | 24 square feet for permitted nonresidential uses, subject to prior approval of the Zoning Enforcement Official. |
| RM District | <ul style="list-style-type: none"> • Residential use: 8 square feet per frontage. • Exception for Residential sites over 2 acres: A greater area not to exceed 32 square feet may be approved as a condition of a use permit, as reasonable and necessary for identification of a development or use. • Permitted Nonresidential Uses: 12 square feet subject to prior approval of the Zoning Enforcement Official. |
| B-TOD, CC, CN, CS, DA-1, DA-2, DA-3, DA-4, DA-6, NA-1, NA-2, SA-1, SA-2, SA-3, IL, IG, IP, IT Districts | <ul style="list-style-type: none"> • Up to 55 feet of frontage: 2 square feet per lineal foot of frontage. • Sites with more than 55 feet of frontage: 15 times square root of frontage. |
| CR, OS, PD, and PS Districts | As prescribed by use permit. |
| P District | 40 square feet per frontage. |

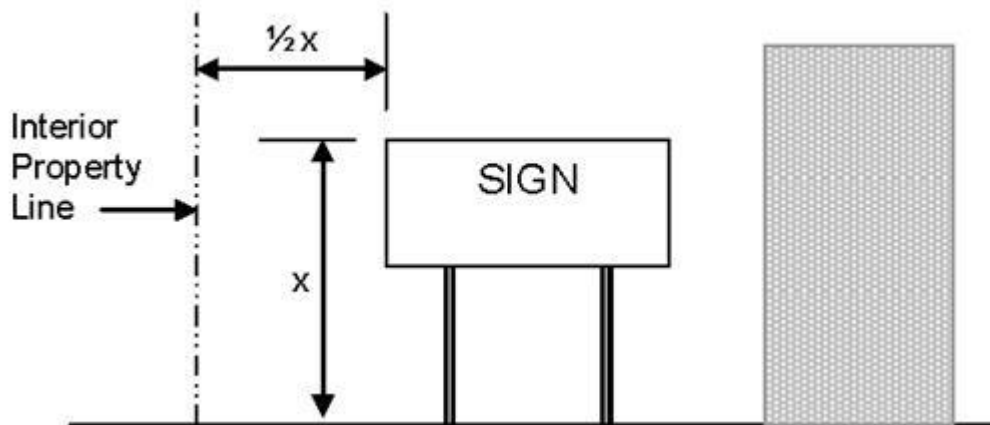
1. Only the frontage that is developed or will be developed with an approved building permit shall be counted for purposes of determining the maximum allowable sign area; vacant land reserved for future development may not be used in determining the maximum allowable sign area.
2. The sign area may be allocated between wall signs, freestanding signs, and projecting signs, provided that each sign conforms to the applicable regulations of this section.
3. No sign or sign area permitted on one frontage shall be transferred to another frontage except in accord with a Master Sign Plan prepared pursuant to Section 4.12.120 Master Sign Programs and Sign Exceptions.

D. Freestanding Signs.

1. For multi-family and nonresidential uses permitted in R districts, one freestanding sign not exceeding five feet in height is permitted on a lot.
2. In the P district, one freestanding sign not exceeding 25 square feet in area or five feet in height.
3. In B-TOD, C, NA, SA, DA, and I districts, one freestanding sign not exceeding 64 square feet is permitted on each frontage. For large lots, a freestanding sign, not exceeding 64 square

feet, shall be allowed for each 250 feet of frontage. The maximum height of freestanding signs shall not exceed six feet in the B-TOD District; eight feet in the CC, CN, DA-1, DA-2, DA-3, DA-4, DA-6, NA-1, NA-2, SA-1, SA-2, and SA-3 districts; and 12 feet in other C and I districts, except when reviewed and approved as part of a Master Sign Plan.

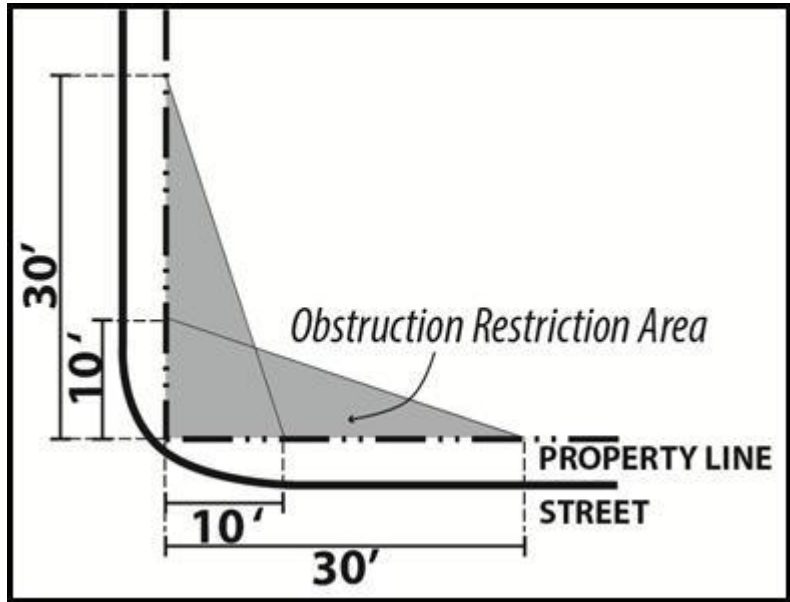
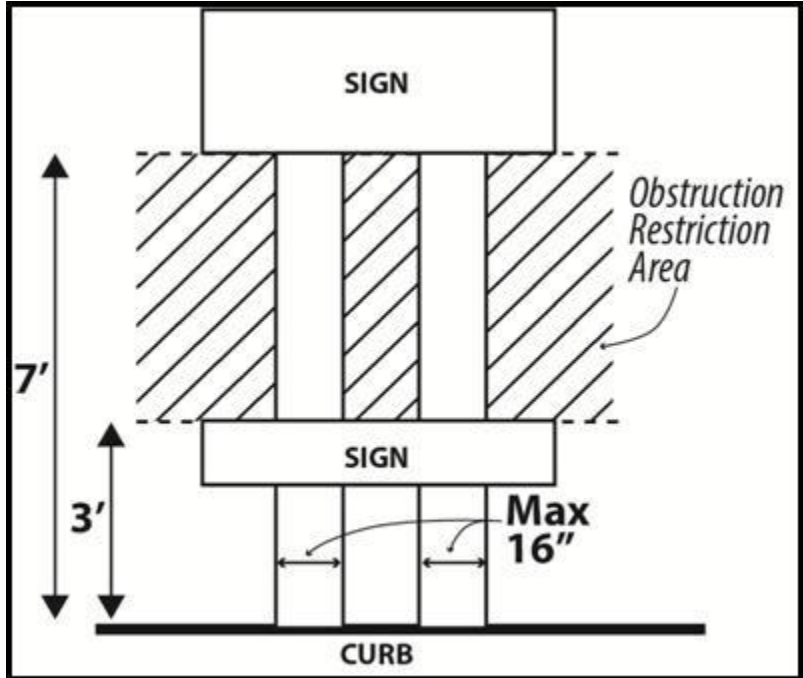
4. In OS, PD, and PS districts, the number and size of freestanding signs shall be as prescribed by the use permit for the principal use.
5. A freestanding sign shall not be closer to any property line than one-half its height.
6. A freestanding sign shall not be closer than 15 feet to another freestanding sign or projecting sign on the same site. A freestanding sign shall not be closer than 30 feet to another freestanding sign on an adjacent site or closer than 30 feet to a projecting sign on an adjacent site.
7. A freestanding sign shall not extend over a public right-of-way and shall not be located on the same frontage as a projecting sign extending over a public right-of-way.
8. All freestanding signs shall be no closer than 10 feet to the curb and placed within a landscaped area of not less than 75 square feet in CC districts and 50 square feet in other districts.



Freestanding Sign: Interior Property Line Minimum Setback

(The diagram is illustrative)

9. A freestanding sign in a required yard adjoining a street property line shall comply with the requirements of Section 4.08.148 Driveways—Visibility. At intersections, no freestanding sign shall create a visual obstruction within a vertical space between three feet and seven feet above the curb. Two vertical supports with no horizontal dimensions greater than 16 inches are permitted. The obstruction restriction area includes all the land in a triangular area measured 30 feet from the intersection along each street property line.



Freestanding Sign: Obstruction Restriction Areas

(The diagram is illustrative)

L. Prohibited Signs. The following signs are prohibited:

1. Canvas signs, banners, pennants, streamers, balloons or other temporary or wind signs except as provided in Subsection K.1 or E.8.

2. Mobile, A-frame, and portable signs except as provided in Subsection K.3.
3. Roof or canopy signs extending to a height more than four feet above the roofline.
4. Signs which resemble any official marker erected by the City, State, or any governmental agency, or which, by reason of position, shape, color or illumination would conflict with the proper functioning of any traffic sign or signal or would be a hazard to vehicular or pedestrian traffic.
5. Signs which produce odor, sound, smoke, fire, or other such emissions.
6. Window or contiguous window panes covered by paper, painted or other signs which exceed 25 percent of the total area of that window at any time.
7. A vehicle or equipment stored with mast arms in an elevated position with intent to advertise.
8. Abandoned signs.
9. Cabinet Signs.
10. Signs with exposed raceways.

Title 5 – Administration

Chapter 5.14 Development Plan Approval

5.14.100 Purpose

The purpose of this chapter is to provide a process for Development Plan Review, assuring that large-scale development will achieve the goals and policies of the General Plan and other applicable plans; that circulation components will interconnect with the overall circulation network; and that the overall site, building, landscaping, circulation and architectural design of the buildings will make a positive contribution to the City.

5.14.104 Applicability

Development plan approval is required for development on sites of five or more acres in the B-TOD District prior to obtaining any subdivision, site plan review, or other zoning permit approval.

5.14.108 Review and Approval Authority

The Board of Zoning Adjustments shall review and approve, conditionally approve, or disapprove applications for development plans based on consideration of the requirements of this chapter.

5.14.112 Application Requirements

Applications seeking Development Plan approval shall submit an application with the following information:

- A. A completed application form, signed by the property owner or authorized agent, accompanied by the required fee, copies of deeds, any required powers of attorney, plans and mapping documentation, or other information required on the application or deemed necessary by the Zoning Enforcement Official to assume the completion of the application, in the form prescribed by the Zoning Enforcement Official;
- B. A vicinity map showing the location and street address of the development site.

5.14.116 Notice and Public Hearing

- A. Public Hearing Required. The Board of Zoning Adjustments shall hold a public hearing on an application for a development plan.
- B. Notice. Notice of the hearing shall be given in the following manner:
 - 1. Mailed or Delivered Notice. At least 10 days prior to the hearing, notice shall be: (1) mailed to the owner of the subject real property or the owner's duly authorized agent, and the applicant; (2) all owners of property within 500 feet of the boundaries of the site, as shown on the last equalized property tax assessment roll or the records of the County Assessor or Tax Collector, which contain

more recent information than the assessment roll; and (3) any agency as required by Government Code Section 65091.

2. Published Notice. Notice shall be published once in a newspaper of general circulation in San Leandro at least 10 days prior to the hearing.
 3. Proceeding Valid. No proceeding in connection with the hearing shall be invalidated by failure to send notice where the address of the owner is not a matter of public record or by failure to post public notices or by failure to receive any notice.
 4. Supplemental On-Site Notice. For development plans that the Zoning Enforcement Official determines may have a significant impact on adjacent uses or may generate significant public concerns, the Director may require that the applicant and/or property owner erect an on-site public notice sign, minimum three feet by five feet in size and six feet in height that provides a description of the proposed development, the date, time, and place of scheduled public hearing(s), the name of the proponent, and other information as required to clarify the proposal. Such sign shall be subject to review and approval of the Community Development Director and shall be installed at a prominent location on the site a minimum of 10 days prior to the scheduled public hearing.
- C. Contents of Notice. The notice of public hearing shall contain:
1. A description of the location of the development site and the purpose of the application;
 2. A statement of the time, place, and purpose of the public hearing;
 3. A reference to application materials on file for detailed information; and
 4. A statement that any interested person or an authorized agent may appear and be heard.

5.14.120 Duties of Board of Zoning Adjustments

- A. Public Hearing. The Board of Zoning Adjustments shall conduct the public hearing, which may be continued from time to time, and hear testimony for and against the application.
- B. Decision and Notice. After the close of the public hearing, the Board shall approve, conditionally approve, or deny the application. Notice of the decision shall be mailed to the applicant and any other party requesting such notice within seven days of the date of the action ratifying the decision.

5.14.124 Required Findings

An application for a development plan as it was applied for or in modified form as required by the Board, shall be approved if, on the basis of the application, plans, materials, and testimony submitted, the Board finds:

- A. The proposed development plan is allowed within the applicable district and complies with all other applicable provisions of this Code and the San Leandro Municipal Code;
- B. The proposed development plan is consistent with the General Plan and any applicable specific plan;
- C. The proposed development plan will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
- D. The design, location, size, and operating characteristics of the proposed development plan are compatible with the existing and reasonably foreseeable future land uses and circulation in the vicinity; and
- E. The site is physically suitable for the type of use(s) being proposed, including access, utilities, and the absence of physical constraints.

5.14.128 Conditions of Approval

In approving a development plan, reasonable conditions may be imposed as necessary to:

- A. Achieve the general purposes of this Code or the specific purposes of the zoning district in which the site is located or to make it consistent with the General Plan and any applicable specific plan;
- B. Protect the public health, safety, and general welfare;
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area; or
- D. Prevent or mitigate potential adverse effects on the environment.

5.14.132 Effective Date; Appeals

A development plan shall become effective 15 days after action by the Board of Zoning Adjustments, unless appealed to the City Council in accord with Chapter 5.20 Appeals.

5.14.136 Lapse of Approval; Transferability; Discontinuance; Revocation; Extension

- A. Lapse of Approval. A development plan shall lapse after two years, or at an alternative time specified as a condition of approval, after its date of approval unless:
 - 1. A building permit has been issued, coupled with diligent progress evidencing a good faith intent to commence the intended use; or
 - 2. A certificate of occupancy has been issued; or
 - 3. The approval is renewed, as provided for below.

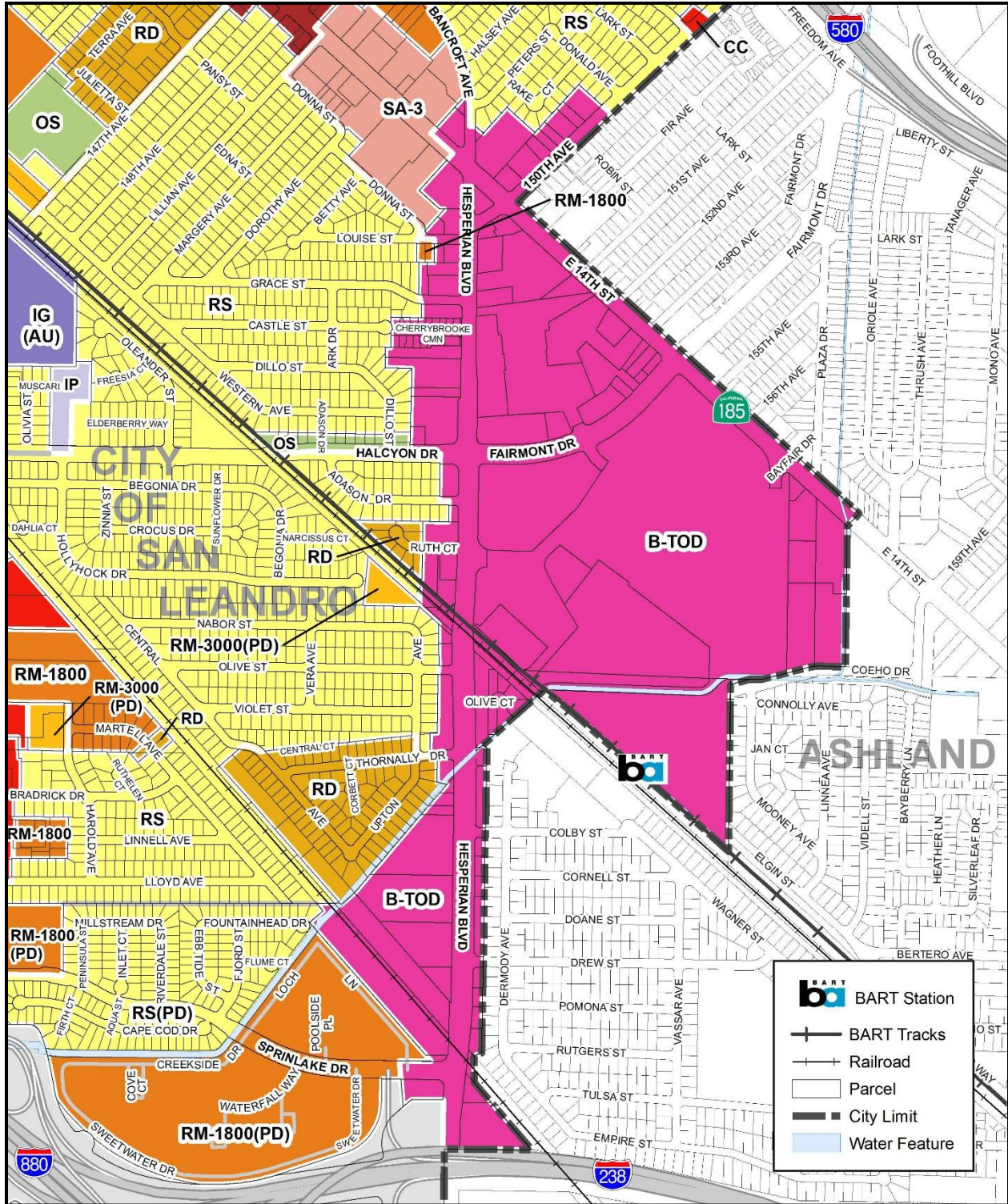
- B. Transferability. The validity of a development plan shall not be affected by changes in ownership or proprietorship.
- C. Revocation. A development plan that is exercised in violation of a condition of approval or a provision of this Code may be revoked, as provided in Section 5.24.108 Revocation.
- D. Extensions. Upon written request by the applicant, the Zoning Enforcement Official may extend a development plan without notice or public hearing for a period of not to exceed two years if it is found that:
 - 1. The requested extension and development plan are consistent with the General Plan and any applicable specific plans;
 - 2. The findings required by Section 5.14.124 remain valid; and
 - 3. There are adequate provisions for public services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.) to ensure that the requested extension would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.

5.14.140 Changed Plans; New Applications

- A. Changed Plans. The Zoning Enforcement Official may approve changes to approved plans or in conditions of approval without a public hearing upon determining that the changes in conditions are minor and consistent with the intent of the original approval. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications.
- B. New Application. If an application for a development plan is disapproved, no new application for the same or substantially the same, development plan shall be filed within one year of the date of denial of the initial application, unless the denial is made without prejudice.

EXHIBIT B

Zoning Map Amendments



Bay Fair TOD Amendments

Title 7 – MAPS, BUILDINGS, AND SUBDIVISIONS

CHAPTER 7-1 SUBDIVISION ORDINANCE

ARTICLE 8. DEDICATIONS AND RESERVATIONS

7-1-875 Non-Applicable Subdivision.

The provisions of Sections 7-1-805 through 7-1-865 do not apply to commercial or industrial subdivisions, or to condominium projects and stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five (5) years old when no new dwelling units are added. Notwithstanding the forgoing, such subdivisions may still be required to provide publicly accessible open space as required elsewhere in this Code, including the Zoning Code.

CHAPTER 7-13 PARK FACILITIES DEVELOPMENT IMPACT FEE

ARTICLE I. PARK FACILITIES DEVELOPMENT IMPACT FEE

7-13-120 CREDIT FOR PUBLICLY ACCESSIBLE OPEN SPACE

If a developer is required by this Code, including the Zoning Code, to provide publicly accessible open space for the development of residential units, a credit against the fee otherwise levied by this Article on the development project shall be offered by the City. The amount of the credit shall be based on the value of the property being provided as publicly accessible open space, using the per acre value for park facilities established by the City Council when adopting the park impact fee pursuant to Section 7-13-100, as adjusted from time to time.