



City of San Leandro

Meeting Date: January 4, 2021

Staff Report

File Number: 20-625

Agenda Section: ACTION ITEMS

Agenda Number: 10.A.

TO: City Council

FROM: Fran Robustelli
Interim City Manager

BY: Tom Liao
Community Development Director

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for the Second Reading of the City of San Leandro City Council Ordinance No. 2020-012 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 (Introduced on December 7, 2020).

SUMMARY AND RECOMMENDATION

On December 7, 2020, the City Council reviewed, accepted public comments, and approved the first reading of the City of San Leandro 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, and Municipal Code.

On December 7, the Council also adopted a related Resolution (No. 2020-149) amending the Bay Fair Transit-Oriented Development (TOD) Specific Plan and General Plan for consistency with the Zoning Amendments and determining 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).

BACKGROUND AND ANALYSIS

The proposed Zoning and Municipal Code amendments are the culmination of a multi-year, public planning effort to lay the groundwork to transform the 154-acre area surrounding the Bay Fair BART Station into a vibrant transit village with a diversity of land uses serving residents, workers, and visitors. In 2018, the Council adopted the Bay Fair TOD Specific Plan (Specific Plan), which promotes the long-term sustainability and vibrancy of the Bay Fair BART Station area and helped 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.

The Zoning Code, Zoning Map, and Municipal Code amendments are a critical next step in implementing the Specific Plan. The amendments implement the community's vision as articulated in the 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.

The Zoning and Municipal Code Amendments are consistent with the purposes of the Zoning Code contained in Section 1.04.108 as well as 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.

At the December 7 public hearing, concerns were raised about displacement for two mobile home parks within the Specific Plan Area (Hesperian Trailer Park and Golden State Trailer Park). The Council directed staff to report to the City Council Rules Committee in six to eight months to ensure supplemental protections for mobile home park residents citywide.

The Council voted 6-1 to approve the first reading of the Ordinance with minor modifications including: 1) the Planning Commission's recommendation to refer to "protected" rather than "buffered" bike lanes; 2) staff's recommended language related to the applicability of new open space requirements; and 3) language encouraging the use of renewable energy sources. These modifications are reflected in the updated Exhibit A to the attached Ordinance.

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.

Pursuant to CEQA and the CEQA Guidelines, the City of San Leandro completed an Addendum 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.

On December 7, 2020, the City Council adopted Resolution No. 2020-149 adopting the Addendum to the Bay Fair TOD Specific Plan Environmental Impact Report SCH#2017032016 for the Project.

FISCAL IMPACT

There is no direct fiscal impact from adopting the proposed Zoning and Municipal Code amendments; however, future development of the Bay Fair TOD area is anticipated to generate substantial development impact fees and property tax revenues.

RECOMMENDATION

Staff recommends that the City Council make necessary findings and determinations and approve the second reading of 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 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



City of San Leandro

Meeting Date: January 4, 2021

Ordinance

File Number: 20-527

Agenda Section: ACTION ITEMS

Agenda Number:

TO: City Council

FROM: Fran Robustelli
Interim 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. 2020-149 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. 2020-149 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.

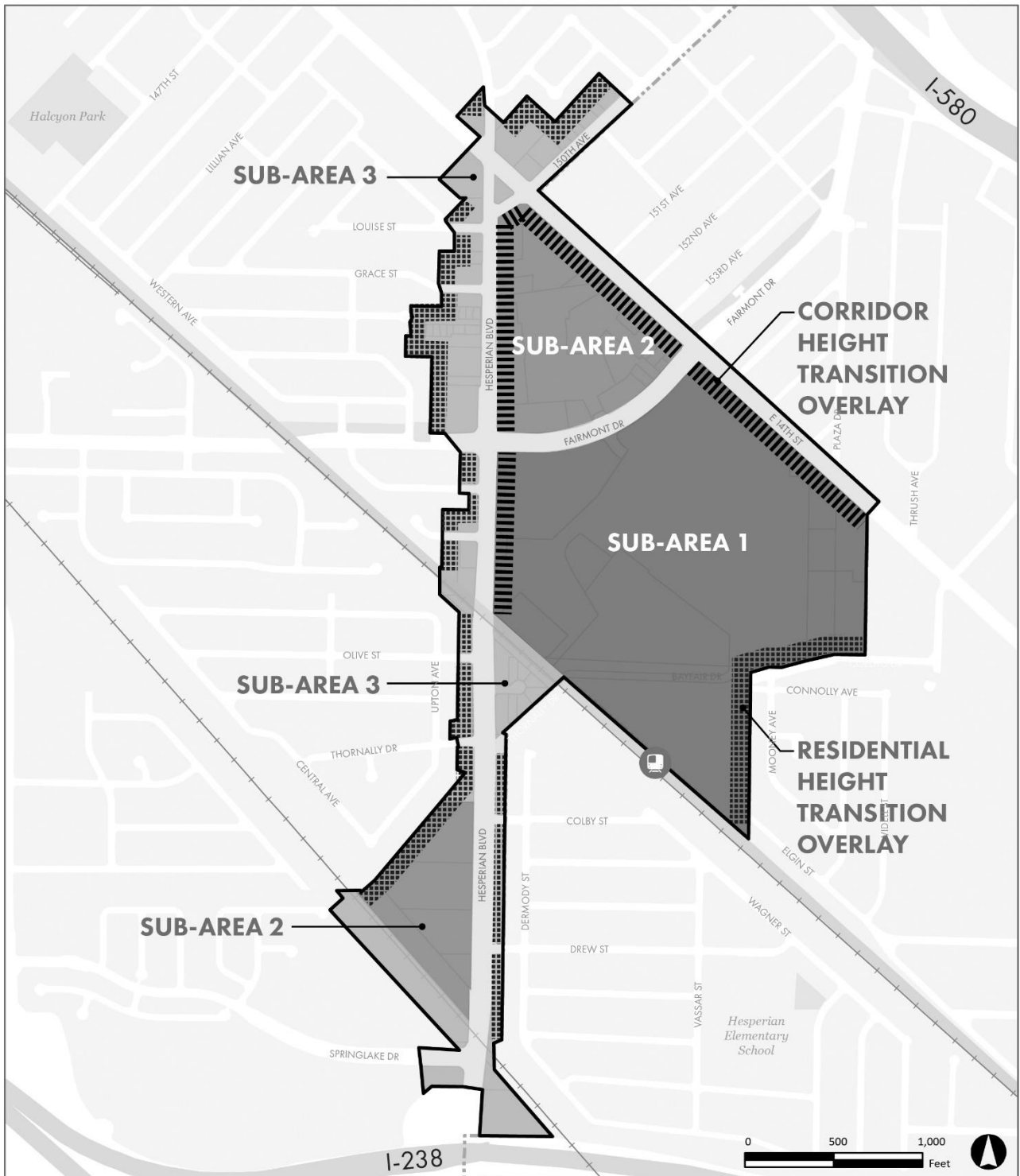
Title 2 – Base District Regulations

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

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

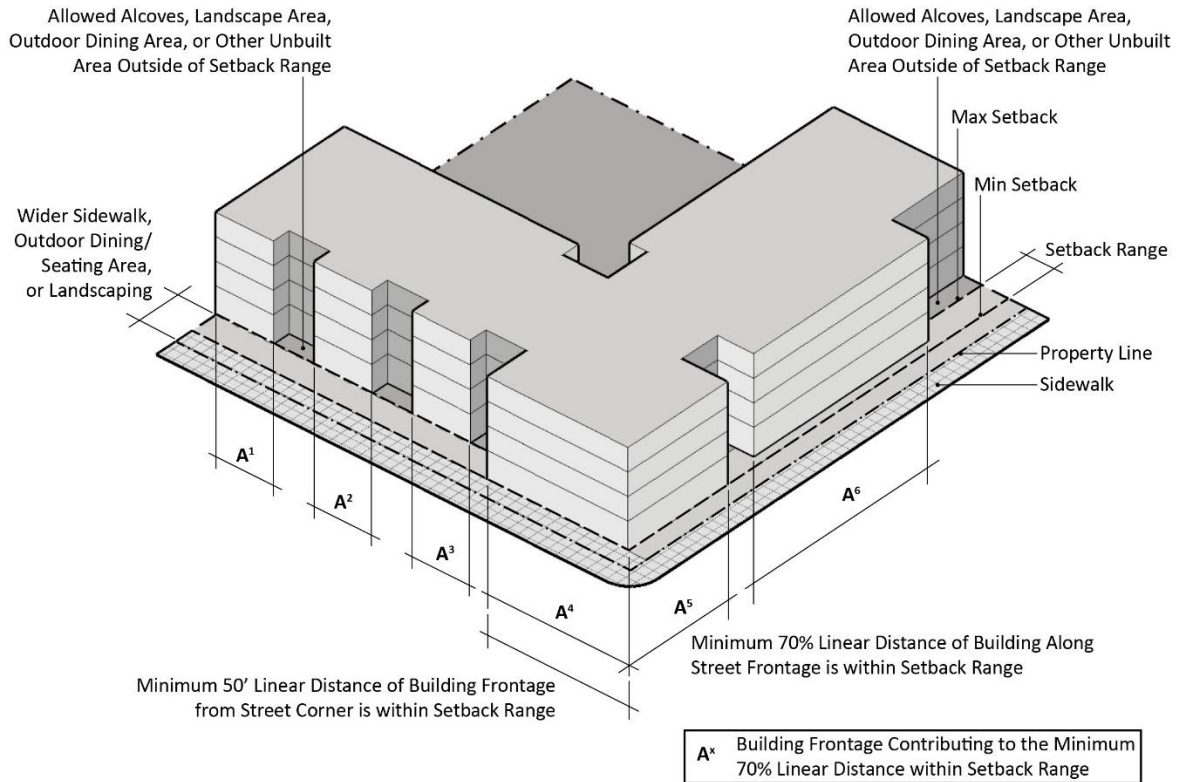
- B. Required Building Location. The following building location requirements apply:
 1. Corner Build Area. Buildings shall be located within the required setback range within 50 feet of the street corner.
 2. Frontage Improvements. The area between buildings and the property line shall be improved as 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

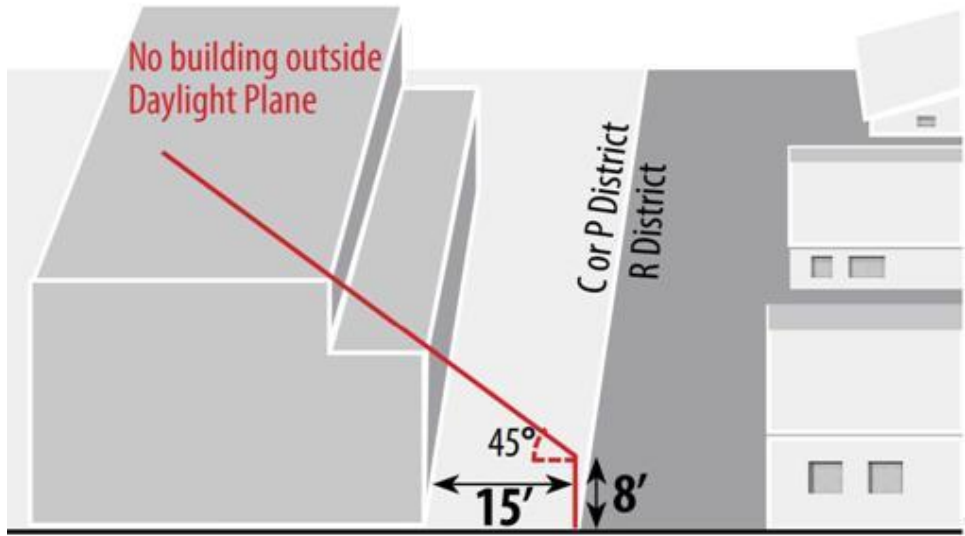
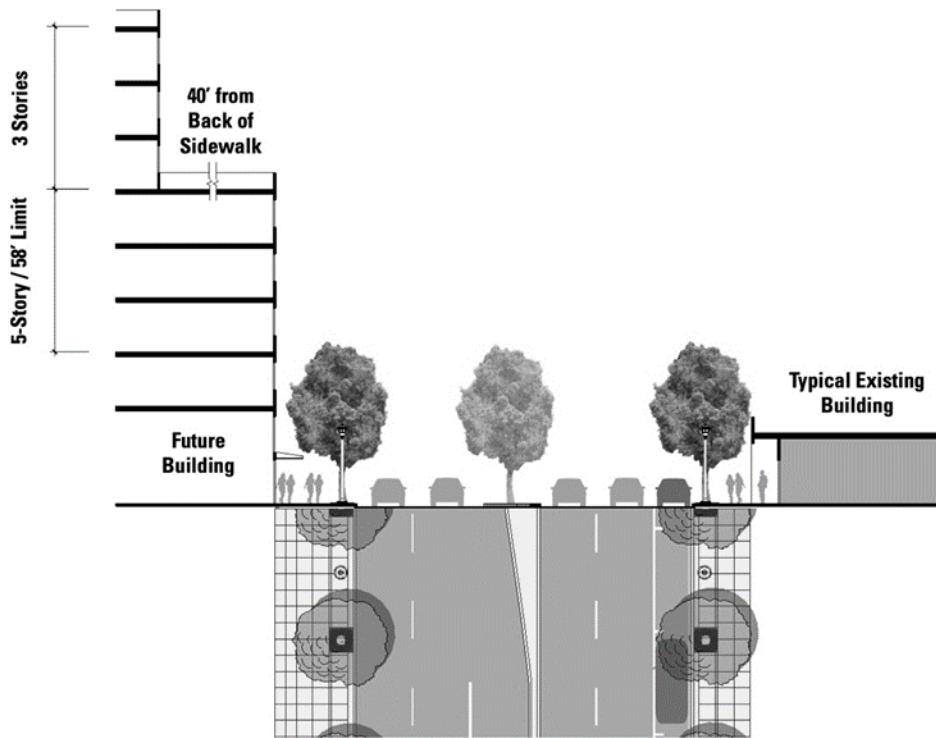


Figure 4 Required Daylight Plane for Parcels in Corridor Height Transition Overlay



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 for all new construction, establishment of new residential uses, and additions of 10,000 square feet or more of gross floor area 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

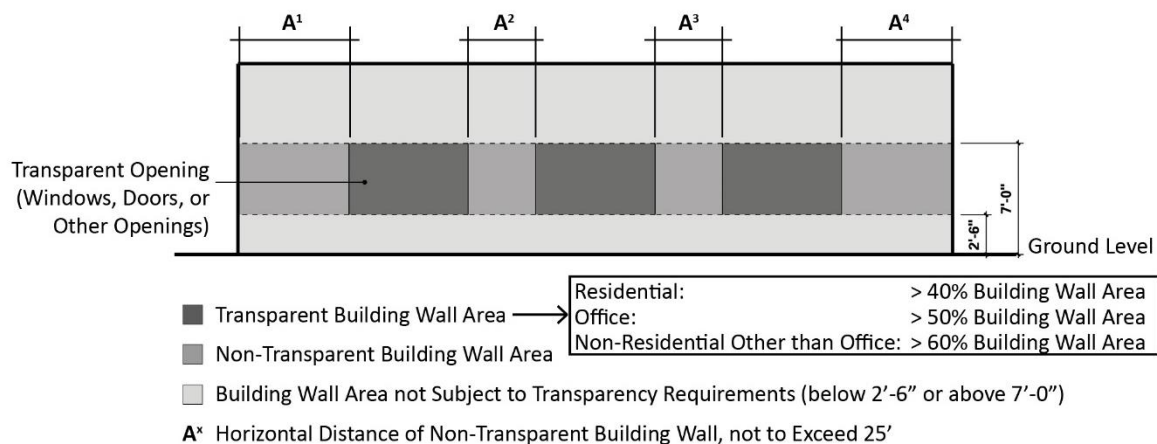
gathering, enjoyment, and active use by a broad range of the community, consistent with the Bay Fair TOD Specific Plan, to the maximum extent feasible and the design, location, and amenities compliment the area-wide open space network. At no time shall the Publicly Accessible Open Space requirement be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

J. Renewable Energy Resources. On-site renewable energy systems are encouraged.

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.

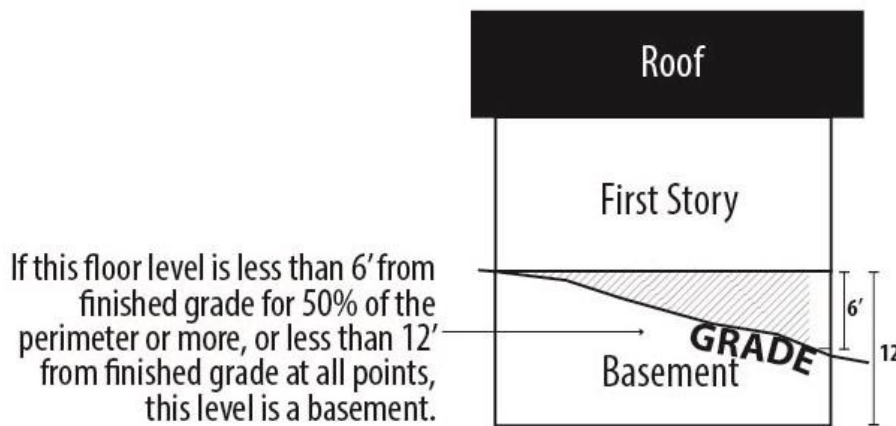
Balcony. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

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.

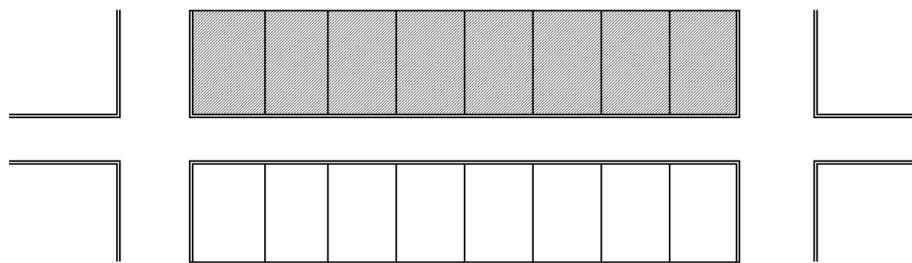
Beer and Wine Stores. A retail store principally involved in the business of selling alcoholic beverages, excluding sales of “hard liquor,” “fortified wine,” or distilled spirits for consumption off the premises where sold. Stores shall be managed by a certified wine expert (sommelier or oenologist) 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.

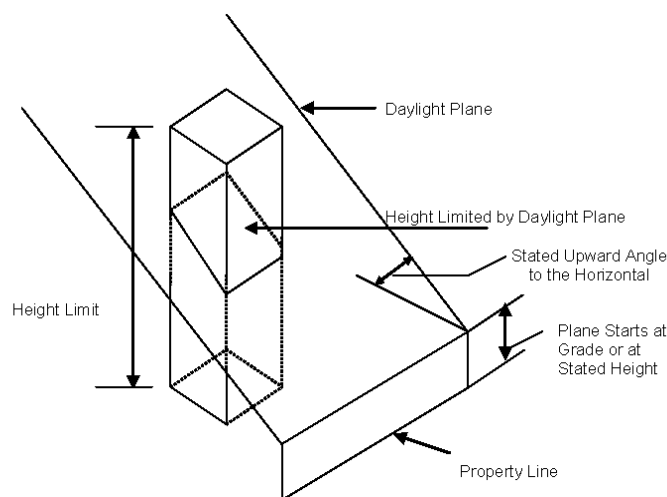
Cultural Institutions. Non-profit institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes libraries, museums, and art galleries.

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.

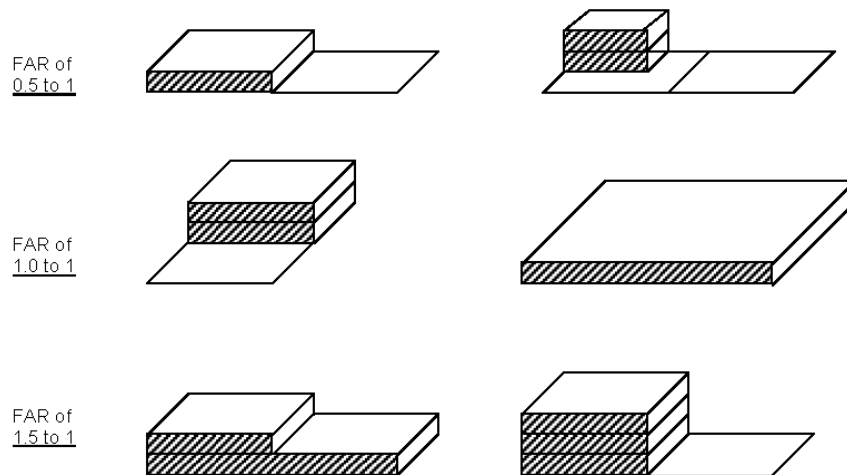
Financial Institutions, Check Cashing and Personal Loan Services. Businesses whose primary purpose is to provide limited financial services to individuals, such as check cashing, deferred deposit loans and loans on vehicle titles. This includes, but is not limited to, check cashers, payday advance businesses 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.

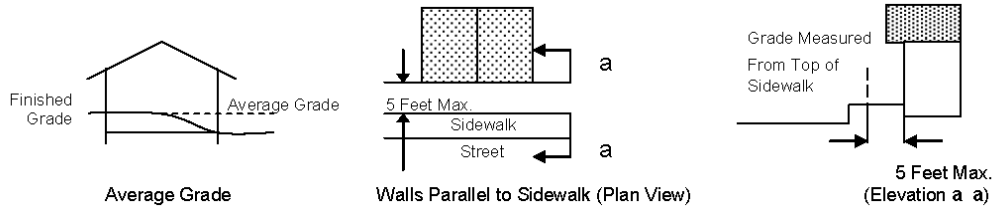
General Plan. The City of San Leandro General Plan, as amended.

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).

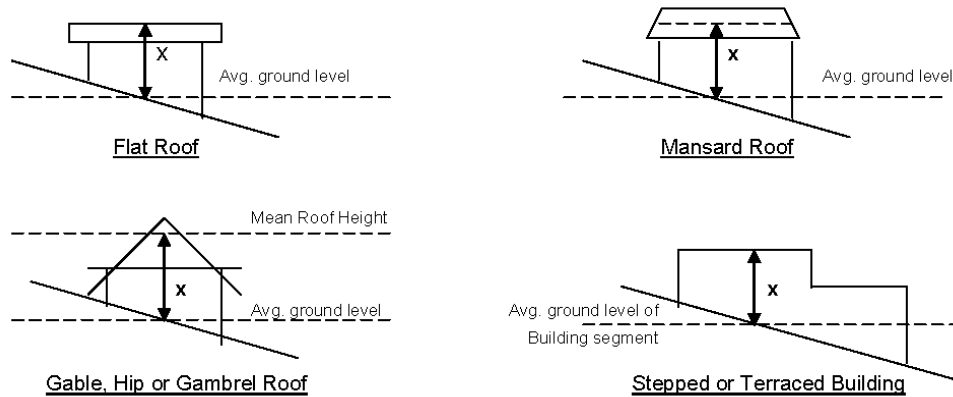
Hazardous Substances. Includes all substances on the comprehensive master list of hazardous substances compiled and maintained by the California Department of Health Services pursuant to Section 25282 of the California Health and Safety Code or the California Occupational Safety and Health Agency’s Hazardous 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).

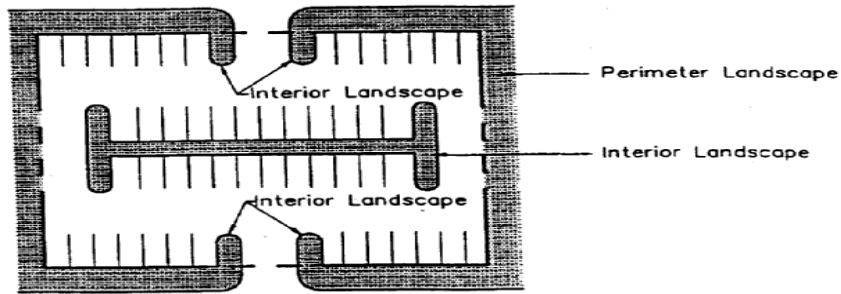
Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as “Industry, Research and Development” or “Laboratories, Cannabis Testing Facilities.”

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).

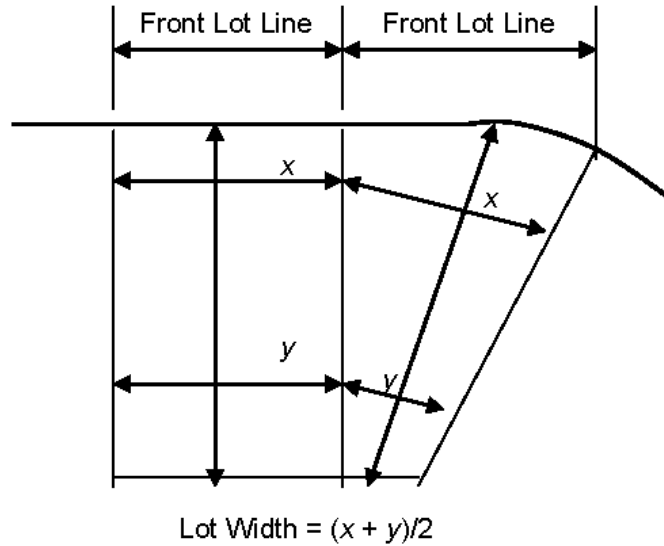
Live-Work. A structure or complex of structures that integrates space for both residential and nonresidential uses within individual units. Nonresidential uses shall operate to allow the “quiet enjoyment” expectations of neighbors. Such uses should operate with limited noise, odor and other similar impacts, 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.

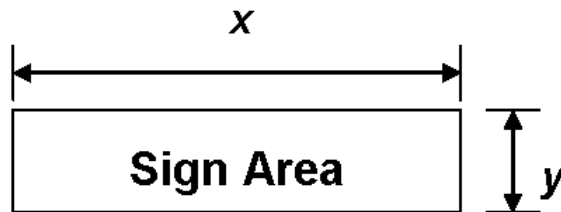
Sign. A visual communications device used to convey a message to its viewers. A sign shall mean and include every advertising message, announcement, declaration, insignia, surface or space erected or maintained for identification, advertisement or promotion of the interests of any person, entity, product 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.

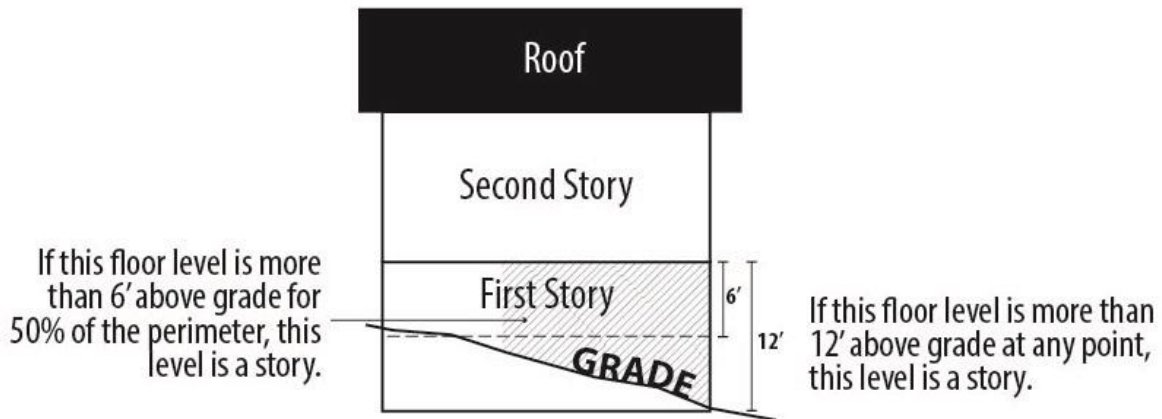
Specified Sexual Activities. As used herein, "specified sexual activities" shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:

- 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.

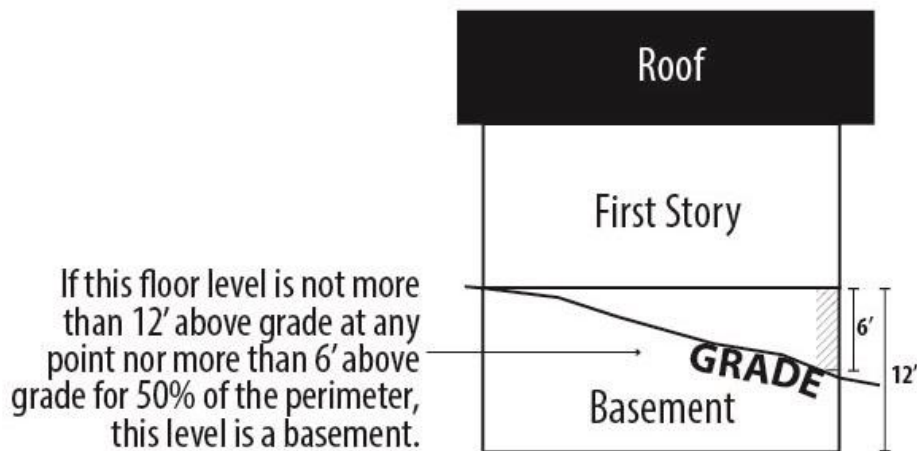
Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it. If there is no floor above the uppermost floor, the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly 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).

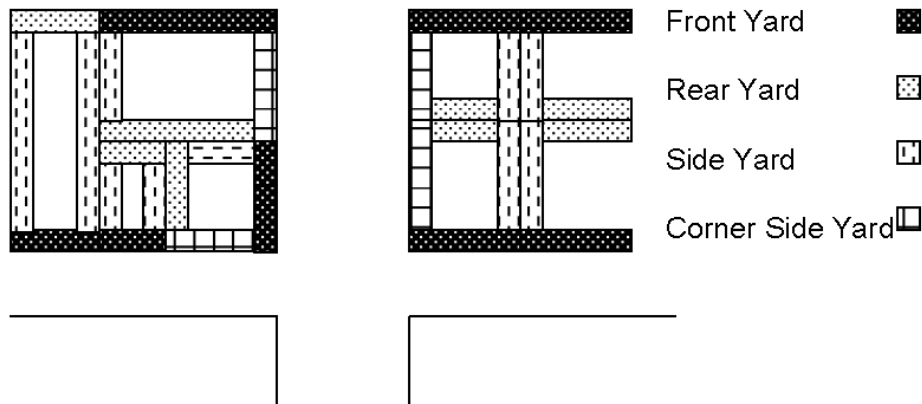
Wireless Telecommunications Facility. An unstaffed communications facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves, including antennas and all ancillary equipment. It does not include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

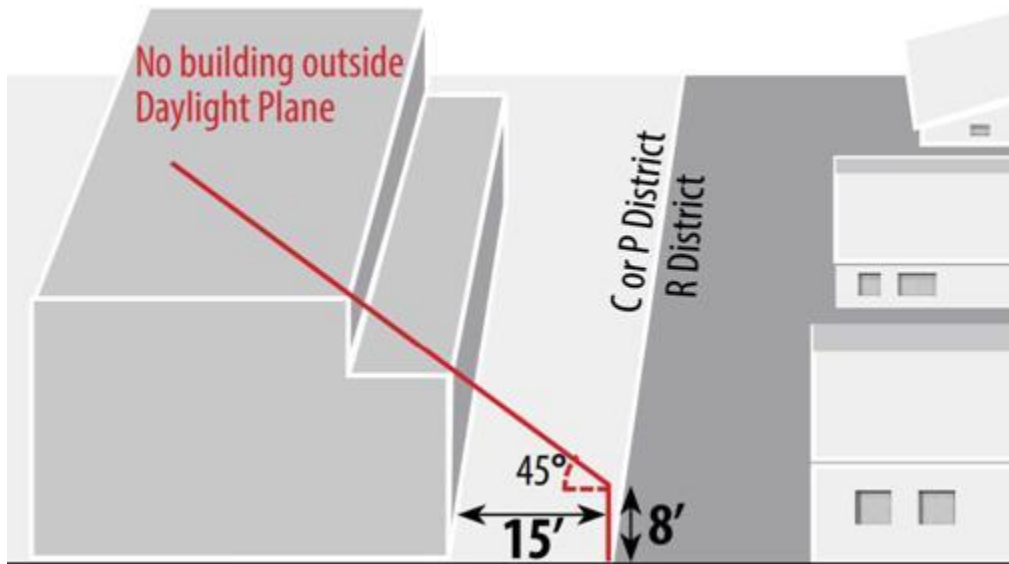
1. Front setbacks shall be consistent with the prevailing condition on each block.
2. Rear yards shall be consistent with the prevailing condition on each block.
3. Along the San Leandro Creek, the Zoning Enforcement Official shall determine the applicable building setback for a creek trail and open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

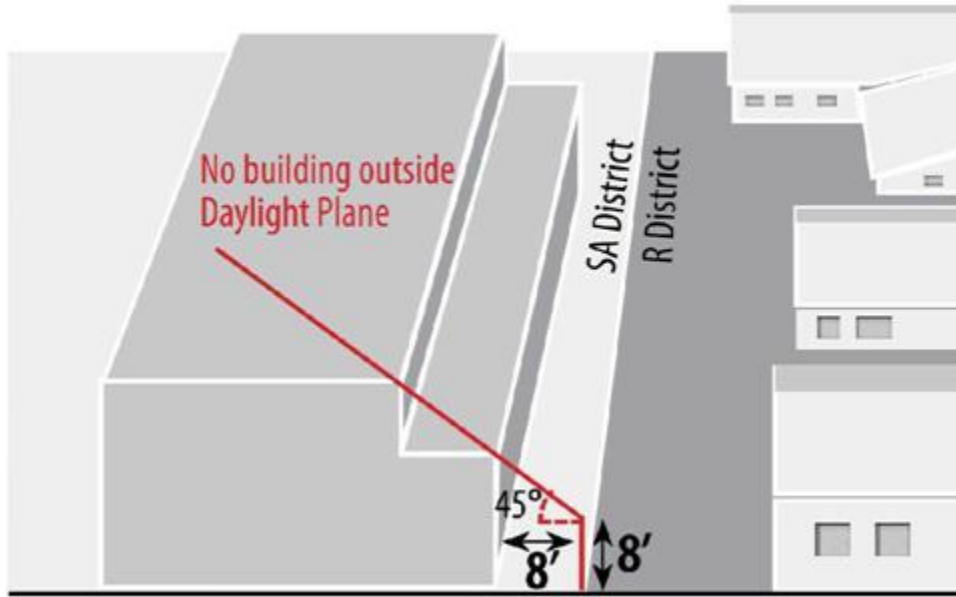
2. Side setbacks in the NA-2 District shall be 15 feet or one-half the building height, whichever is greater.
 3. Corner side setbacks in the NA-2 District shall be 20 feet, or one-half the building height, whichever is greater.
 4. Rear yard requirements in the NA-2 District, when adjoining RS Districts, 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)

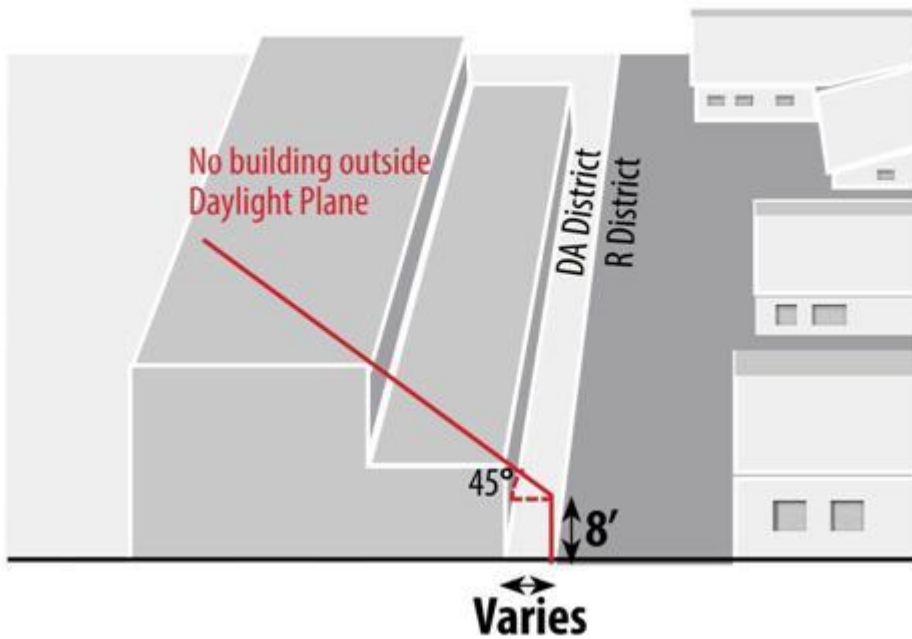
2. For SA districts, structures shall not intercept a one-to-one (1:1) or 45 degree daylight plane inclined inward from a height of eight feet above existing grade at the R District boundary line. (Please refer to illustration “Required Daylight Plane at Adjoining Districts—SA Districts.”)



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)
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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.

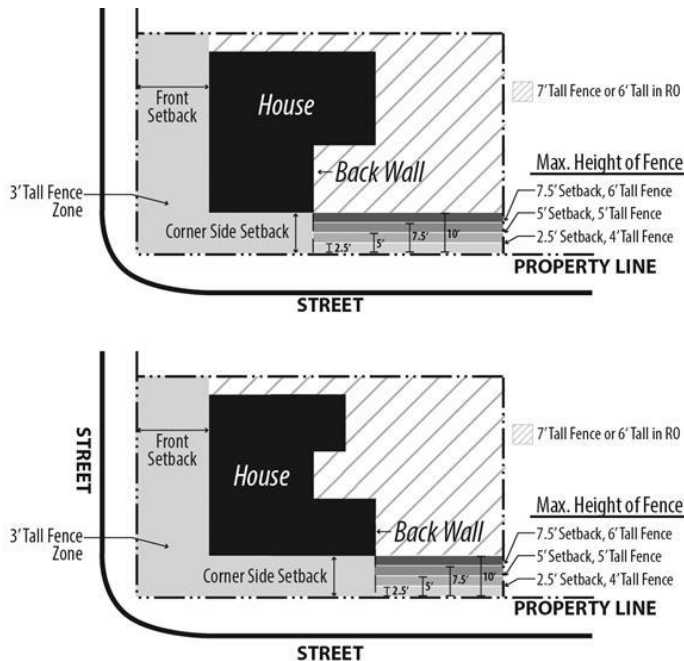
1. IG District—Permit Not Required. Outdoor storage of materials or equipment is allowed in the IG district, subject to the screening requirements prescribed in Subsection C Outdoor Storage and Loading Facilities—Screening Required below. Outdoor storage of materials or equipment shall be strictly related 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

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

	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.

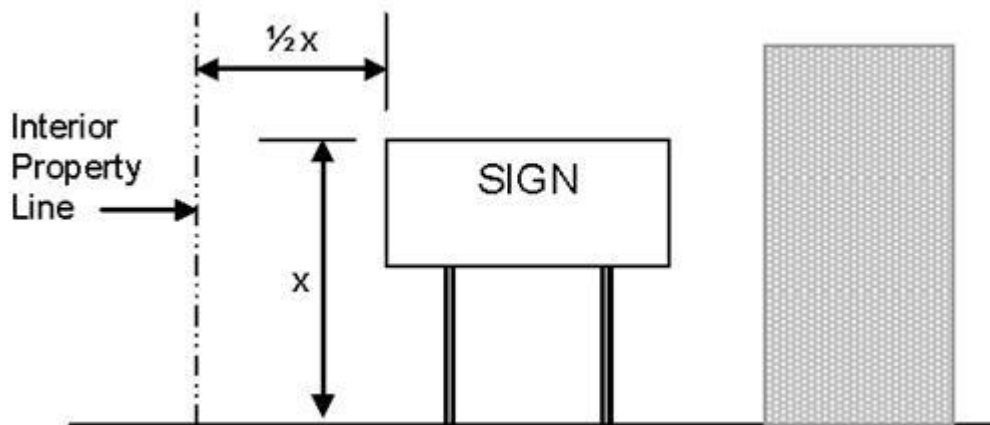
1. Only the frontage that is developed or will be developed with an approved building permit shall be counted for purposes of determining the maximum allowable sign area; vacant land reserved for future development may not be used in determining the maximum allowable sign area.
2. The sign area may be 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.

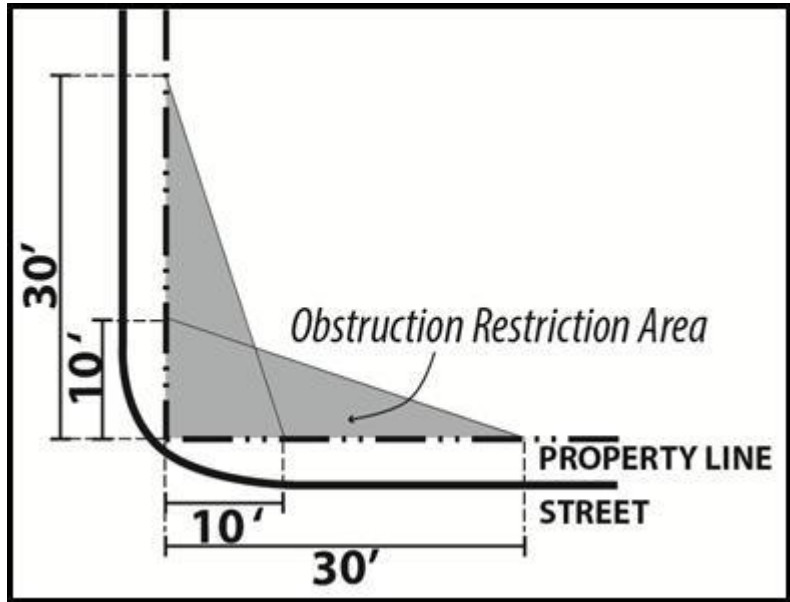
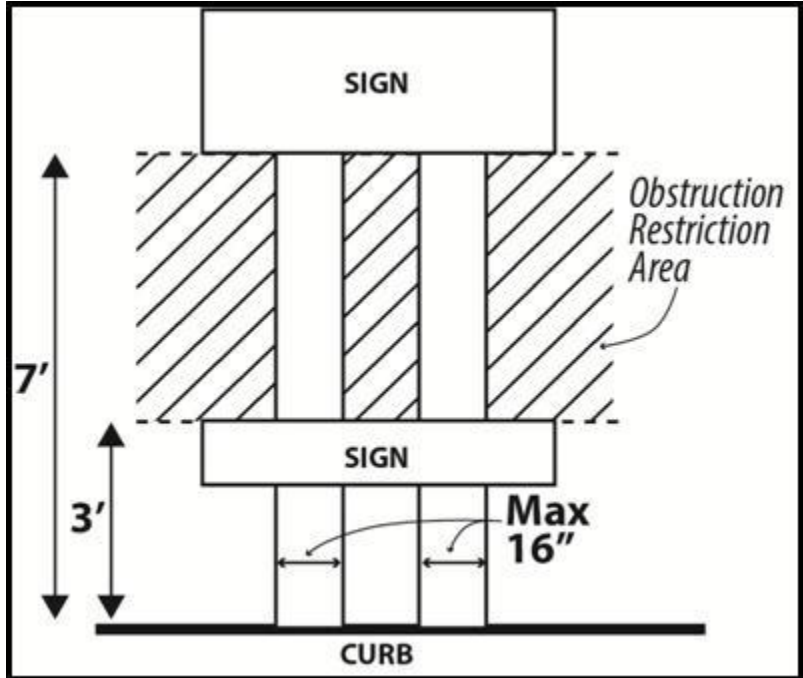
4. In OS, PD, and PS districts, the number and size of freestanding signs shall be as prescribed by the use permit for the principal use.
5. A freestanding sign shall not be closer to any property line than one-half its height.
6. A freestanding sign shall not be closer than 15 feet to another freestanding 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.

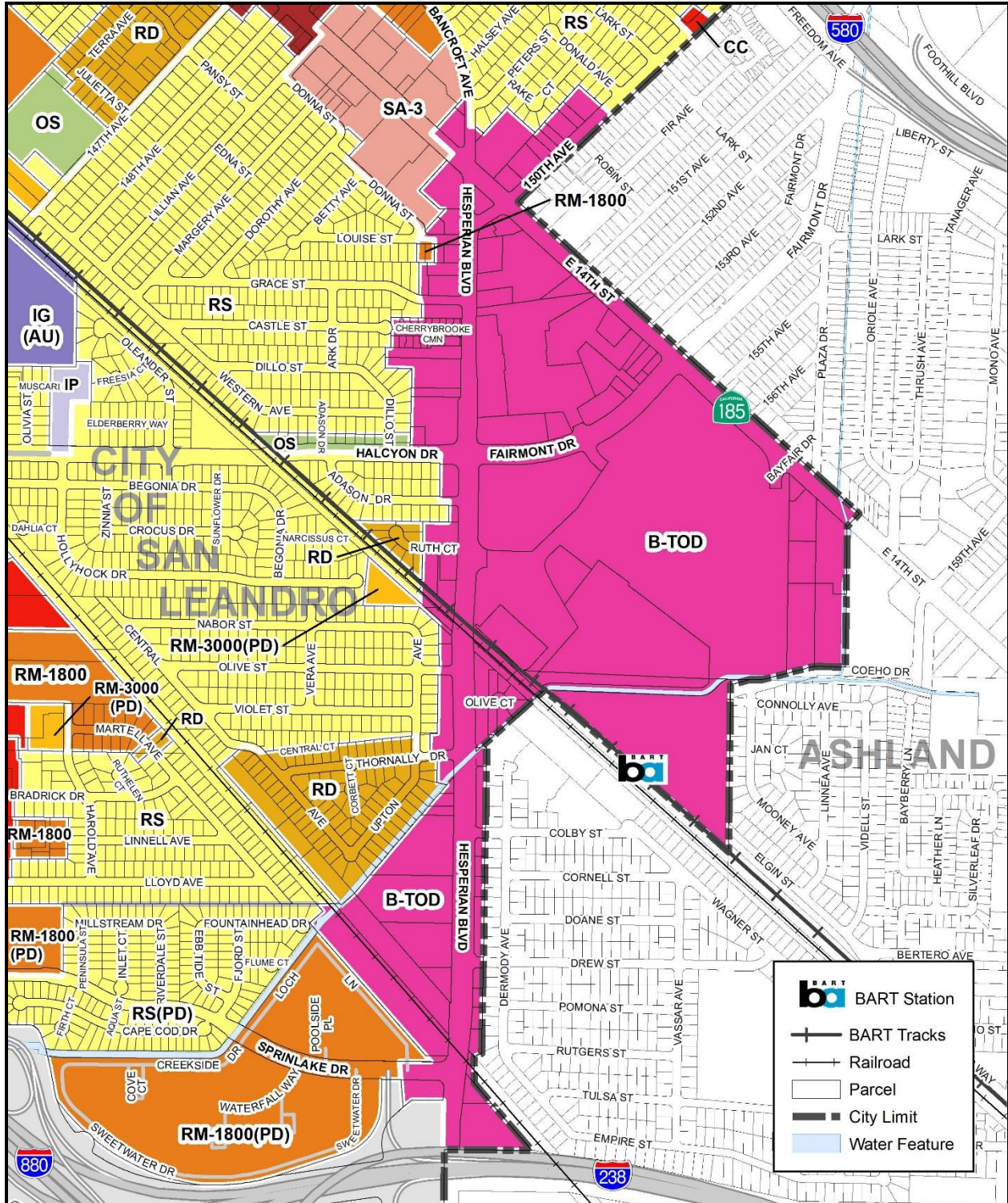
- B. Transferability. The validity of a development plan shall not be affected by changes in ownership or proprietorship.
- C. Revocation. A development plan that is exercised in violation of a condition of approval or a provision of this Code may be revoked, as provided in Section 5.24.108 Revocation.
- 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



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.

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