Draft Zoning and Subdivision Regulations

Amendments to Article XV of the Richmond Municipal Code

For Public Review

August 18, 2016

Prepared by

DYETT & BHATIA
Urban and Regional Planners
# Acknowledgements

## City Council

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<td>Tom Butt</td>
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<tr>
<td>Eduardo Martinez</td>
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<tr>
<td>Gayle McLaughlin</td>
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<td>Jael Myrick</td>
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## Planning Commission

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<td>Sheryl Lane</td>
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<td>Ben Choi</td>
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<td>Andrew Butt</td>
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<td>Jeffrey Kilbreth</td>
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<td>Jen Loy</td>
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<td>Nancy Baer</td>
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## City Staff

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<td>Richard Mitchell</td>
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<td>Rachel Sommovilla</td>
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<tr>
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Prepared by

DYETT & BHATIA
Urban and Regional Planners
ARTICLE XV ZONING & SUBDIVISION

Chapter 15.04  Zoning & Subdivision Regulations

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APPENDIX A: GUIDELINES FOR ESTABLISHING PEAK HOUR TRIP CREDITS FOR TDM MEASURES A-1

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15.04.101.050  Interpretation – No Civil Liability
15.04.101.060  Zoning Districts Established
15.04.101.070  Official Zoning Map and District Boundaries

15.04.101.010  Title and Authority

Chapter 15.04 of Article XV of the Municipal Code shall be known and cited as the “Zoning and Subdivision Regulations,” “Regulations,” or the “Zoning Article.” (The two main parts also may be referred to as the “Zoning Ordinance” and the “Subdivision Ordinance.”)

The Zoning and Subdivision Regulations are adopted pursuant to the authority contained in Section 65850 of the California Government Code and The Subdivision Map Act (Title 7, Division 2, of the California Government Code, as amended).

15.04.101.020  Purpose

The purpose of the Zoning and Subdivision Regulations is to implement the City’s General Plan. More specifically, these Regulations are adopted to achieve the following objectives:

A. To provide a precise guide for the physical development of the City in a manner as to progressively achieve the arrangement of land uses depicted in the Richmond General Plan, consistent with the goals and policies of the General Plan.

B. To foster harmonious, convenient and workable relationships between land uses and ensure compatible infill development, consistent with the General Plan.

C. To support economic development and job creation and provide for the housing needs of all economic segments of the community.

D. To promote high quality architecture, landscape architecture and urban design, consistent with the General Plan.

E. To promote the stability of existing land uses that conform to the General Plan, protecting them from inharmonious influences and harmful intrusions, and protect and enhance real property values.
F. To facilitate the appropriate location of community facilities, institutions, parks, and recreational areas.

15.04.101.030 Structure of Zoning and Subdivision Regulations

A. Organization of Regulations. The Zoning and Subdivision Regulations consist of eight series:

100 Series – Introductory Provisions

200 Series – Base Zoning Districts

300 Series – Overlay Zoning Districts and Planned Development

400 Series – Form-Based Zoning Districts (reserved for Council-adopted code)

500 Series – Specific Plans (general authority for specific plans; individual plans such as the Richmond Bay Specific Plan will be published in a separate volume)

600 Series – Additional Use and Development Regulations

700 Series – Land Divisions, Dedications and Improvements

800 Series – Administration and Permits

B. Types of Regulations. The Zoning and Subdivision Regulations include four types of regulations that control the use and development of property:

1. Land Use Regulations. These regulations specify the land uses permitted, conditionally permitted, and prohibited in each zoning district. These regulations also provide any special requirements that are applicable to specific uses. Land use regulations for base zoning districts and for overlay districts are located in the 200 and 300 Series. Additional land use regulations that apply citywide or to only some of the zoning districts, such as those pertaining to nonconforming uses and specific uses (e.g., alcoholic beverage sales, emergency shelters, live-work, residential care facilities, and second units), are located in the 600 Series. Performance standards that govern special uses are also located in the 600 Series.

2. Development Regulations. These regulations control the height, bulk, density/intensity, location and appearance of structures on development sites. Development regulations for base zoning districts and for overlay districts are located in the 200 and 300 Series. Design standards for public improvements for subdivisions are located in the 700 Series. Regulations for Form-based Zoning Districts are located in the 400 Series. Development regulations, applicable to some or all zoning districts, are located in the 600 Series; these include regulations for accessory buildings, fences, landscaping, lighting, nonconforming uses and structures, off-street parking and loading,
signs, and wireless communications facilities. Design standards for public improvements in subdivisions are in the 700 Series.

3. **Administrative Regulations.** These regulations contain detailed procedures for the administration of these regulations and include common procedures, processes and standards for discretionary entitlement applications and other permits. Specific procedures for processing maps related to subdivisions, approving improvement agreements, and other approvals related to land divisions are located in the 700 Series. Authority for adopting and implementing Specific Plans is located in the 500 Series. Administrative regulations are located in 800 Series.

4. **General Terms and Use Classifications.** The 100 Series provides a list of terms and definitions of the terms used in the Zoning and Subdivision Regulations.

**15.04.101.040 Applicability**

A. **General Rules for Applicability.**

1. **Applicability to Property.** The Zoning and Subdivision Regulations apply, to the extent permitted by law, to all property within the corporate limits of the City and to property for which applications for annexation and/or subdivisions have been submitted to the City, including all uses, structures and land owned by any private person, firm, corporation or organization, or the City or other local, State or federal agencies. Any governmental agency is exempt from these Regulations only to the extent that such property may not be lawfully regulated by the City.

2. **Compliance with Regulations.** Land must be used, and structures must be constructed, occupied, enlarged, altered, demolished and moved in accordance with the provisions of the Regulations.

B. **Relation to Other Regulations.**

1. **General.** The Zoning and Subdivision Regulations and the requirements or conditions imposed by them do not supersede any other regulations or requirements adopted or imposed by the City Council, the State of California, or any federal agency that has jurisdiction over uses and development authorized by these Regulations. All uses and development authorized by these Regulations shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of these Regulations and any other provision of the Municipal Code, City ordinance, resolution, guideline or regulation, the more restrictive provisions control, unless otherwise specified.

2. **Permit Streamlining Act.** It is the intent of the Zoning and Subdivision Regulations that all solely adjudicatory actions taken by the decision-making body pursuant to these Regulations be within a time frame consistent with the provisions of Government Code Section 65920 et seq. (California Permit
Streamlining Act). These Regulations may not be interpreted as imposing time limits on a decision-making body’s legislative actions or quasi-legislative judgments.

3. **Relation to Private Agreements.** The Zoning and Subdivision Regulations shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where these Regulations impose a greater restriction than imposed by an easement, covenant, or agreement, these Regulations control.

4. **Application During Local Emergency.** The City Council may authorize a deviation from a provision of the Zoning and Subdivision Regulations during a local emergency that has been proclaimed and ratified under the Municipal Code. The City Council may authorize a deviation by resolution without notice or public hearing.

C. **Consistency with the General Plan.** Any permit, license or approval issued pursuant to these Regulations must be consistent with the General Plan and all applicable specific plans. Where there is a conflict between this the Zoning and Subdivision Regulations and the General Plan, the General Plan prevails.

D. **Effect on Previously Approved Projects and Projects in Progress.** Any building or structure for which conditional use permits, variances, or design approval have been granted must be completed in accordance with the zoning, plans, specifications and permits on which these approval were granted within two years of such granting, except if a later expiration date is stated in the approval. Any building or structure for which a Building Permit or its functional equivalent has been issued and where substantial work has been performed and substantial liabilities incurred in good faith reliance thereon, may be completed and used in accordance with the plans, specifications and permits on which these permits or approvals were granted. No extensions of time, except as provided for in the Building Code, shall be granted for commencement of construction, unless the applicant has secured a permit extension from the Department of Planning and Building Services. This provision does not apply to projects with an approved vesting tentative map or development agreement.

**15.04.101.050 Interpretation – No Civil Liability**

None of the provisions in these Zoning and Subdivision Regulations or in any other ordinance or resolution of the City or in any rule or regulation promulgated pursuant thereto, whether pre-existing, existing or in the future, are intended to create or to be construed to create an imposition of civil liability on the City, its Council, commissioners, officers or employees while acting in accordance with such provisions.

**15.04.101.060 Zoning Districts Established**

The City is divided into zoning districts, which are also referred to as zoning districts or districts. The designation and regulation of zoning districts are set forth in these Regulations and as follows.
A. **Base Zoning Districts.** Base zoning districts into which the City is divided and their corresponding General Plan land use designation are shown in Table 15.04.101.060-A, Base Zoning Districts.

<table>
<thead>
<tr>
<th>TABLE 15.04.101.060-A: BASE ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Short Name/Full Name</strong></td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td><strong>Residential Districts</strong></td>
</tr>
<tr>
<td>RH</td>
</tr>
<tr>
<td>RL1</td>
</tr>
<tr>
<td>RL2</td>
</tr>
<tr>
<td>RM1</td>
</tr>
<tr>
<td>RM2</td>
</tr>
<tr>
<td><strong>Mixed-Use Districts</strong></td>
</tr>
<tr>
<td>CM-1</td>
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<tr>
<td>CM-2</td>
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<tr>
<td>CM-3</td>
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<td>CM-4</td>
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<tr>
<td>CM-5</td>
</tr>
<tr>
<td>LW</td>
</tr>
<tr>
<td><strong>Commercial Districts</strong></td>
</tr>
<tr>
<td>CG</td>
</tr>
<tr>
<td>CR</td>
</tr>
<tr>
<td>CC</td>
</tr>
<tr>
<td><strong>Industrial Districts</strong></td>
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<tr>
<td>IB</td>
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<tr>
<td>ILL</td>
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<tr>
<td>IL</td>
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<tr>
<td>IG</td>
</tr>
<tr>
<td>IW</td>
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<tr>
<td><strong>Public and Semi-Public Districts</strong></td>
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<tr>
<td>PCI</td>
</tr>
<tr>
<td>PR</td>
</tr>
<tr>
<td>OS</td>
</tr>
<tr>
<td>AG</td>
</tr>
</tbody>
</table>
B. **Overlay Zoning Districts.** Overlay zoning districts, one or more of which may be combined with a base district, are established as shown in Table 15.04.101.070-B, Overlay Zoning Districts.

<table>
<thead>
<tr>
<th>Short Name/Map Symbol</th>
<th>Full Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>CP</td>
<td>Creek Protection</td>
</tr>
<tr>
<td>H; L</td>
<td>Historic Districts and Landmarks</td>
</tr>
<tr>
<td>NC</td>
<td>Neighborhood Conservation</td>
</tr>
<tr>
<td>S</td>
<td>Shoreline</td>
</tr>
</tbody>
</table>

C. **References to Classes of Base Zoning Districts.** Throughout the Zoning and Subdivision Regulations, the following references apply:

1. “RL district” or “Residential-Single Family district” means one or more of the following districts: Single Family, Very Low Density Residential (RL1); and Single Family Low Density Residential (RL2).
2. “RM district” or “Multifamily Residential district” means one or both of the following districts: Multifamily Residential (RM1) and Multifamily High Density Residential (RM2).
3. “R district” or “Residential district” means one or more of the following districts: Hillside Residential (HR); Single Family, Very Low Density Residential (RL1); Single Family Low Density Residential (RL2); Multifamily Residential (RM1); and Multifamily High Density Residential (RM2).
4. “Non-residential district” means any base zoning district that is not a Residential district.
5. “CM district” or “Commercial Mixed-Use district” means one or more of the following districts: Commercial Mixed-Use, Residential (CM-1); Commercial Mixed-Use, Neighborhood (CM-2); Commercial Mixed-Use, Commercial Emphasis (CM-3); Commercial Mixed-Use, Gateway/Node (CM-4); and Commercial Mixed-Use, Activity Center (CM-5); and Live-Work (LW).
6. “C district” or “Commercial district” means one or more of the following districts: General Commercial (CG); Regional Commercial (CR); and Coastal Commercial (CC).
7. “I district” or “Industrial district” means one or more of the following: Industrial, Business (IB); Industrial, Limited Light (ILL); Industrial, Light (IL); Industrial, General (IG); and Industrial, Water-Related (IW).
8. “OS district” means the Open Space (OS) district, and “AG district” means the Agricultural district.
9. “P district” means one or both of the following: Public, Cultural, and Institutional (PCI) and Parks and Recreation (PR).
15.04.101.070 Official Zoning Map and District Boundaries

The boundaries of the zoning districts established by these are shown on the Official Zoning Map maintained by the City Clerk. The Official Zoning Map, together with all legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the maps, have been adopted by the Council and are hereby incorporated into the Zoning and Subdivision Regulations by reference, together with any amendments previously or hereafter adopted, as though they were fully included here.

A. Application of Pre-Annexation Zoning. The City may apply pre-annexation zoning to unincorporated property located within the Planning Area Boundary shown in the General Plan. The pre-annexation zoning process shall comply with the Pre-zoning and Annexation Procedures in the 800 Series. The zoning provisions and requirements so established shall become applicable at the same time that the annexation of such territory becomes effective.

B. Uncertainty of Boundaries. If in the context of a development application, permit revocation, or enforcement action, an uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of alleys, lanes, streets, highways, streams or railroads shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries.

3. In the case of unsubdivided property or where a district boundary divides a lot and no dimensions are indicated, the following shall apply.
   a. Lots Greater than One Acre. The location of such boundary shall be determined by the use of the scale appearing on the Official Zoning Map.
   b. Lots Less than One Acre. The lot shall be deemed to be included within the more restrictive zoning district.

4. In the case of any remaining uncertainty, the Director shall determine the location of boundaries and shall notify the property owners of his/her determination. The Director's determination may be appealed under the provisions of Section 15.04.803.130.

5. Where any public street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added to the parcel by virtue of the street or alley being vacated or abandoned.

6. Where any private right-of-way or easement of any railroad, railway, transportation, or public utility company is vacated or abandoned, pursuant to federal or state law, if that property is not shown with a zoning designation on the Zoning Map, then that property shall be automatically classified as being in the Public, Cultural, and Institutional (PCI) District.
Article 15.04.102  Rules for Construction of Language

Sections:
15.04.102.010  Purpose
15.04.102.020  Rules for Construction of Language
15.04.102.030  Rules of Interpretation

15.04.102.010  Purpose
The purpose of this Article is to provide precision in the interpretation of the Zoning and Subdivision Regulations. The meaning and construction of words and phrases defined in this article apply throughout the Zoning and Subdivision Regulations, except where the context indicates a different meaning.

15.04.102.020  Rules for Construction of Language
In interpreting the various provisions of the Zoning and Subdivision Regulations, the following rules of construction apply:

A. The ordinary meaning of terms applies.

B. In case of conflict between the text and a diagram or graphic, the text controls.

C. All references to public officials are to those of the City, and include designated deputies of such officials, unless otherwise indicated.

D. All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when City offices are closed, the deadline will be extended to the next working day. The end of a time period is the close of business on the last day of the time period.

E. The words “shall,” “will,” “must,” “has to,” “is required to,” and “is to” are always mandatory and not discretionary. The words “should” or “may” are permissive.

15.04.102.030  Rules of Interpretation
The Director will interpret any definition not expressly identified in these Regulations and provide clarification and determinations, which shall be compiled, made available at City offices and the library, and be posted on the City’s website for easy public access.
Article 15.04.103  Rules of Measurement

Sections:

15.04.103.010  Purpose
15.04.103.020  General Provisions
15.04.103.030  Fractions
15.04.103.040  Measuring Distances
15.04.103.050  Measuring Height
15.04.103.060  Determining Grade
15.04.103.070  Measuring Lot Width and Depth
15.04.103.080  Determining Average Slope
15.04.103.090  Determining Floor Area
15.04.103.100  Determining Floor Area Ratio
15.04.103.110  Determining Lot Coverage
15.04.103.120  Determining Lot Frontage
15.04.103.130  Determining Setbacks
15.04.103.140  Measuring Signs
15.04.103.150  Measuring Parking Lot Landscaping
15.04.103.160  Measuring Pedestrian Clearance

15.04.103.010  Purpose

The purpose of this Article is to explain how various measurements referred to in these Regulations are to be calculated.

15.04.103.020  General Provisions

For all calculations, the applicant is responsible for supplying drawings illustrating the measurements that apply to a project. These drawings must be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Zoning Administrator.

15.04.103.030  Fractions

Whenever the Zoning and Subdivision Regulations requires consideration of distances, parking spaces, dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

A.  **General Rounding.** Fractions of one-half (0.5) or greater must be rounded up to the nearest whole number, and fractions of less than one-half (0.5) must be rounded down to the nearest whole number, except as otherwise provided.

B.  **Exception for State Affordable Housing Density Bonus.** The calculation of fractions related to permitted bonus density units for projects eligible for bonus density pursuant to Government Code Section 65915 or any successor statute shall be done as provided by state law.
15.04.103.040  Measuring Distances

A. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

B. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

C. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest support element of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.

D. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.

E. **Measuring a Buffer or Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

**FIGURE 15.04.103.040: MEASURING DISTANCES**

![Diagram showing shortest distances and horizontal measurements.](image-url)
15.04.103.050 Measuring Height

A. Measuring Building Height. Building height shall be defined as the distance from finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building along the finished grade directly below. For structures projecting over water, height will be measured from highest grade at front (landward) property line. On lots with a grade change of 10 percent or more between the front and rear property lines, building height is measured from the “grade plane” as determined in the following subsection, and height shall be measured from the measure point at the top of the building, as determined above, to the grade plane.

FIGURE 15.04.103.050-A(1): MEASURING BUILDING HEIGHT

FIGURE 15.04.103.050-A(2): MEASURING BUILDING HEIGHT OF A TERRACED OR STEPPED BUILDING

* or roof mid-point
1. **Measuring Building Height on Sloped Lots.** On lots with a grade change of 10 percent or more between the front and rear lot lines, or between the front lot line and its most distant point when there is no rear lot line, building height is measured from the adjacent natural or finished grade, whichever is lower, 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.

2. **Exceptions.** Antennas, belfries, chimneys, cooling towers, cupolas, domes, elevator bulkheads, flagpoles, ornamental towers, penthouses, solar collectors, spires and standpipes and necessary mechanical equipment may exceed the height limits pursuant to Section 15.04.601.050 (Exceptions to Height Limits).

B. **Measuring the Number of Stories in a Building.** In measuring the height of a building in stories, the following measurement rules apply:

1. A balcony or mezzanine shall be counted as a full story if its floor area exceeds one-third of the total area of the nearest full floor directly below it or if it is enclosed on more than two sides.

2. A basement shall be counted as a full story if the finished surface of the floor above the basement is:
   a. More than six feet above grade plane; or
   b. More than 12 feet above the finished grade at any point.

   **FIGURE 15.04.103.050-B: DETERMINING IF A BASEMENT IS A STORY**

3. A story may not exceed 25 feet in height from the upper surface of the floor to the ceiling above.

C. **Measuring Height of Fences or Walls.** The height of any fence or wall shall be determined by measuring the vertical distance from the highest finished grade within a three-foot radius of any point on the fence or wall to the highest point of any portion of the fence or wall. In the case of fences or walls between the setback line and lot line, height shall be measured from highest finished grade adjacent to the fence or wall to the top of the fence or wall.
1. **Measuring Height of Fences on Retaining Walls.** The height of a fence that is on top of a retaining wall is measured from the highest finished grade point within a three-foot radius of any point on such fence to the highest point of the fence on the highest side of the wall. Any fence or railing required to comply with minimum height in applicable Building Code requirements is permitted.

![Figure 15.04.103.050-C: Measuring Height of Fences and Walls](image)

D. **Measuring the Height of Decks.** Deck height is the vertical distance from finished grade directly below the deck to the top of the floor of the deck.

![Figure 15.04.103.050-D: Measuring Height of Decks](image)
15.04.103.060 Determining Grade

A. **Determining Grade.** Grade is the location of the ground surface. For purposes of this Article, the grade of a building used to determine building height shall be determined by one or more of the following:

1. **Average Grade.** A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of a building. Average grade is calculated separately for each building.

2. **Existing Grade.** The existing elevation of the ground at any point on a lot. Existing grade also may be referred to as natural grade.

3. **Finished Grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a line five feet from the building.

4. **Grade Plane.** A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than five feet from the building, between the building and a point five feet from the building.

![Figure 15.04.103.060-B: Grade Plane](image)

15.04.103.070 Measuring Lot Width and Depth

A. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

B. **Lot Depth.** Lot depth is measured along a straight line drawn 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.
15.04.103.080  Determining Average Slope

The average slope of a parcel is calculated using the following formula: \( S = 100(I)(L)/A, \)
where:

- \( S \) = Average slope (in percent)
- \( I \) = Contour interval (in feet)
- \( L \) = Total length of all contour lines on the parcel (in feet)
- \( A \) = Area of subject parcel (in square feet)

15.04.103.090  Determining Floor Area

The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structure, measured from the outside perimeter of the exterior walls and/or the centerline of interior walls.
A. **Included in Floor Area.** Floor area includes, but is not limited to, all habitable space (as defined in the Building Code) that is below the roof and within the outer surface of the main walls of principal or accessory buildings, the centerlines of party walls separating such buildings or portions thereof, or lines drawn parallel to and two feet within the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells, or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent. The area of mezzanines and sleeping lofts shall not be counted if the space is between two floors.

B. **Excluded from Floor Area.** Floor area does not include the following: mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building’s gross floor area; bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater; areas that qualify as usable open space; and, in non-residential buildings, areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finish grade of the property.

C. **Non-Residential Uses.** For non-residential uses, gross floor area includes interior walkways, interior courtyards, walkways, paseos, and corridors covered by a roof or skylight. Non-residential gross floor area does not include arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.

### 15.04.103.100 Determining Floor Area Ratio

The floor area ratio (FAR) is the ratio of the floor area, excluding the areas described below, of all principal and accessory buildings on a site to the site area. To calculate the FAR, floor area is divided by site area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0.

A. **Excluded from Floor Area in Calculating FAR.** The following are excluded from the floor area when calculating FAR.

1. **Underground Areas.** Floor area located below finished grade.

2. **Parking.** Parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is five feet or less. Structured parking areas located above finished grade where the vertical distance between finished grade and the floor of the parking level is five feet or less.

3. **Sideloaded or Detached Garages.** Sideloaded or detached garages not exceeding 400 square feet, located to the rear of residential structures, a minimum of 40 feet away from the front lot line, and accessed by a driveway.
15.04.103.100 Determining Lot Coverage

Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and roofed porches, shall be summed in order to calculate lot coverage. The following structures shall be excluded from the calculation:

A. Unenclosed and unroofed decks, uncovered patio slabs, porches, landings, balconies, and stairways less than 18 inches in height at surface of deck (and less than six feet above grade including railings);

B. Eaves and roof overhangs projecting up to two feet from a wall;

C. Trellises and similar structures that have roofs that are at least 50 percent open to the sky with uniformly distributed openings;

D. Swimming pools and hot tubs that are not enclosed in roofed structures or decks; and

E. One small, non-habitable accessory structure under 120 square feet. If there is more than one such structure on the lot, only one structure shall be excluded in the calculation of lot coverage.
FIGURE 15.04.103.110: DETERMINING LOT COVERAGE

- Include footprints of all principal and accessory structures, including garages and carports.
- Exclude trellises that do not have solid roofs.
- Exclude eaves and roof overhangs projecting up to 3 feet from a wall.
- Exclude unenclosed, unroofed decks, porches, landings, balconies, and stairways, the portions of which are less than 6 feet in height.

15.04.103.120 Determining Lot Frontage

A. **Corner Lot.** The front of a lot is the narrowest dimension of the lot with street frontage.

B. **Through Lot.** The front yard of a through lot abuts the street that adjoining lots use to provide primary access into the dwelling.

15.04.103.130 Determining Setbacks

A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear lot line. The following regulations for determining yards apply when a lot abuts a proposed street or alley.

A. **Yards Abutting Planned Street Expansions.** If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the right-of-way ultimately required for the street, the required setback shall be established from the future right-of-way rather than the property line.

B. **Yards on Alleys.**
   1. If a side lot line abuts an alley, the yard shall be considered an interior side yard rather than a corner side yard.
   2. In computing the minimum yard for any lot where such yard abuts an alley, no part of the width of the alley may be considered as part of the required yard.

C. **Measuring Setbacks.** Setbacks shall be measured as the distance between the nearest lot line and the closest point on the exterior of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to
the sky except where allowed pursuant to Section 15.04.601.020 (Building Projections into Yards), subject to compliance with the Building Code.

**FIGURE 15.04.103.130: DETERMINING SETBACKS (YARDS)**

**15.04.103.140  Measuring Signs**

The calculations of measurements related to signs are described in Article 15.04.610 (Signs).

**15.04.103.150  Measuring Parking Lot Landscaping**

For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. Parking lot area does not include enclosed vehicle storage areas.

**15.04.103.160  Measuring Pedestrian Clearance**

The minimum distance shall be measured from the edge of any table, chair, bench, planter, or other appurtenance used as part of an outdoor dining area to any obstruction within the sidewalk area.

**FIGURE 15.04.103.160: MEASURING PEDESTRIAN CLEARANCE**
Article 15.04.104   Key Terms and Definitions

15.04.104.010  Key Terms

Abutting or Adjoining
Access
Active Play Area
Adjacent
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Adult Businesses
Affordable-Housing Related Terms
   Accessible
   Affordable Housing Units
   Affordable Housing Cost
   Density Bonus
   Housing Unit
   Inclusionary Unit
   Initial Subsidy
   In-lieu Fee
   Proportionate Share of Appreciation
   Resale Control
   Senior Citizen
   Senior Citizen Housing Development
Agent
Agricultural Production and Services
Alley
Allowed Use
Alteration
Amendment
Animals, Domestic (Household Pets)
Animal Husbandry
Animal Keeping
Animal Sales and Services
   Boarding Kennel
   Clinic/Hospital
   Grooming
   Retail Sales (Pet Shops)
   Riding Schools and Stables
   Veterinary Services
Applicant
Approval Authority
Area
Architectural Feature
Arterial Street

Artisan/Small-Scale Manufacturing
Artist’s Studio
   Studio-Light
   Studio-Heavy
Auto/Vehicle Sales and Services
   Alternative Fuels and Recharging Facility
   Automobile Rental
   Automobile Storage Parcel
   Automobile/Vehicle Sales and Leasing,
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   Automobile/Vehicle Repair, Major
   Automobile/Vehicle Service and Repair,
      Minor
   Automobile/Vehicle Washing
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      and Rental
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Banks and Financial Institutions
   Bank and Savings and Loan
   Nontraditional Financial Institutions
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   Abandoned Bicycle
   Bicycle
   Bicycle Locker
   Bicycle Parking Space
   Bicycle Path
   Class 1 Bicycle Parking Space(s)
   Class 2 Bicycle Parking Space(s)
   Fixed
   Long-Term Bicycle Parking
   Publicly Accessible
   Rack Element
   Secured Bicycle Parking


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Drug Paraphernalia
Duplex
Dwelling Unit
Easement
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   Bars/Night Clubs/Lounges
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Garage
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   Average Grade
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  Manufacturer
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Antenna, Amateur Radio
Antenna, Ground-Mounted
Antenna, Panel
Antenna, Satellite Earth Station
Antenna Array
Antenna Structure
Antenna Structure, Freestanding
Approved Radio Frequency Expert
Base Station
Camouflaged Facility
Co-Location
Eligible Support Structure
Equipment Shelter
FAA
FCC
Feasible
Mast
Microcell Facility
Monopole
PUC
Readily Visible
Radio Frequency
Related Equipment
Satellite Dish
Service Provider
Shot Clock
Substantial Change
Tolling
Tower
Wireless Communications Facility

Yard
Front Yard
Interior Side Yard
Street Side Yard
Rear Yard
Zoning Administrator
Zoning Map
Zoning Ordinance; Zoning Regulations

15.04.104.020 Definitions

Abutting or Adjoining. Having a common boundary.

Access. The place or way through which pedestrians and/or vehicles must have safe, adequate, and usable ingress and egress to a property or use.

Active Play Area. An indoor or outdoor space in a school that is designed or adapted to active recreational activity and student play during recess. Excluded from this definition are areas for “mental games” such as a computer lab or library reading room.

Adjacent. Directly abutting, having a boundary or lot property line(s) in common or bordering directly, or contiguous to.

Administrative Review. The process for permit/project review and design approval or disapproval by the Director or Zoning Administrator.

Adult Businesses. Any commercial activity, whether conducted intermittently or full time, which primarily involves the sale, display, exhibition or viewing of books, magazines, films, videos, photographs or other materials, distinguished or characterized by an emphasis on matter depicting, describing or relating to human sex acts, or by an emphasis on male or female genitals, buttocks or female breasts. Such activity includes adult book stores, adult
arcades, adult movie theaters, sexual encounter establishments, adult cabarets, massage parlors (excluding those in compliance with Chapter 9.38 of the Municipal Code), and adult theaters, which exclude minors by virtue of age.

**Affordable-Housing Related Terms.**

*Accessible.* Usable by persons with disabilities and compliant with the building standards published in the California Building Standards Code relating to access for persons with disabilities and the other regulations adopted pursuant to Government Code Section 4450 that are in effect on the date of application for a building permit.

*Affordable Housing Units.* Housing units affordable to moderate, low, very or extremely low income persons.

*Affordable Housing Cost.* Affordable housing cost means the cost defined in California Health and Safety Code Section 50052.5 for owner-occupied housing and Section 50053 for rental housing.

*Density Bonus.* A density increase over the otherwise maximum allowable residential density under the applicable zoning district.

*Housing Unit.* A dwelling unit.

*Inclusionary Unit.* A housing unit intended for sale or rental, with a purchase price or rent that is affordable for a specified household income group.

*Initial Subsidy.* The initial subsidy is equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance.

*In-lieu Fee.* A fee paid as an alternative to the provision of inclusionary units.

*Proportionate Share of Appreciation.* The proportionate share of appreciation is equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

*Resale Control.* A mechanism by which affordable housing units will be retained in the extremely low, very low, low or moderate-income housing stock for a specified term.

*Senior Citizen.* A qualifying resident 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

*Senior Citizen Housing Development.* A residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units.
Agent. A person who has been given written authorization by the property owner to represent and act for a property owner in contacts with the City.

Agricultural Production and Services. Any establishment primarily engaged in either the keeping, grazing, feeding of livestock and for sale of livestock or livestock products; production of crops, plants, vines, and trees (excluding forestry operations); or performing services; crop services; veterinary services; other animal services; and landscape and horticultural services; for another on a contract or fee basis.

Alley. A public way permanently reserved primarily for secondary vehicular service access to the rear or side of properties otherwise abutting on a street.

Allowed Use. A use of land as a permitted or conditional use that may be established with zoning compliance review (for an “as-of-right” or permitted use) or a use permit for a conditionally permitted use and, where applicable, design review and/or building permit approval, subject to compliance with all applicable provisions of Article XV and the Municipal Code.

Alteration. Any change, addition, or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

Amendment. A change in the wording, context or substance of the zoning ordinance, or a change in the district boundaries on the Zoning Map.

Animals, Domestic (Household Pets). Small pets such as cats, dogs, and birds. This definition excludes large animals, such as horses, goats, swine and similar size animals, and farm animals, such as chickens, ducks, and rabbits.

Animal Husbandry. Breeding and raising of small domesticated animals for sale, or in order to use or sell products such as meat, honey, milk, eggs, and fibers.

Animal Keeping. The keeping of animals, such as household pets, for personal use and enjoyment.

Animal Sales and Services. Sales and service activities related to the care and treatment of domestic animals.

Boarding Kennel. An establishment licensed to operate a facility providing shelter and care for domestic animals (e.g. cats and dogs) on a commercial basis for a period in excess of 48 hours. This classification includes activities such as feeding, exercising, grooming, and incidental medical care for domestic animals.

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

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

**Retail Sales (Pet Shops).** Retail sales and boarding of domestic animals, provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use.

**Riding Schools and Stables.** A stable is a place where horses are kept in individual box stalls or in groups in large rooms. The interior of a stable usually consists of two rows of box stalls, tie stalls, and large rooms along the outer walls and a central passage running lengthwise. A horse stable may also contain other facilities, such as a riding school, a feed room, a dressing room, a harness room, a staff area, watering place, and a room for animal care services. A riding school generally operates on the basis of hiring out horses or ponies on a pay per hour basis. Typically students go out together on a ride accompanied by a member of staff, and range from small establishments in converted farm buildings, to much larger premises with purpose-built stables, indoor or outdoor schools and, sometimes, cross-country courses.

**Veterinary Services.** Medical and health services for animals. Typical uses include veterinary offices, pet clinics and animal hospitals. This use type excludes kennels.

**Applicant.** Any entity or person who applies for a discretionary permit, certificate, zoning approval or other entitlement.

**Approval Authority.** The decision-making body or official responsible for approving, approving with conditions or denying application. As an illustration, the Planning Commission is the Approval Authority over an application for a conditional use permit, and the Zoning Administrator is the Approval Authority over an application for an administrative use permit.

**Area.** Any geographical area, for example a portion of a block, a block, or a larger district.

**Architectural Feature.** An exterior building feature, including a roof, walls, windows, doors, porches, posts, pillars, recesses or projections, and exterior articulation or walls, and other building surfaces.

**Arterial Street.** A street classified as a Major Arterial or Minor Arterial in the Transportation Element of the General Plan.

**Artisan/Small-Scale Manufacturing.** The artisan/small-scale manufacturing use type refers to establishments primarily engaged in on-site production of goods by hand.
manufacturing or artistic endeavor, which involves only the use of hands tools or domestic mechanical equipment not exceeding two (2) horsepower or kilns not exceeding eight (8) kilowatts, and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle making shops, and custom jewelry manufacturers.

**Artist's Studio.** Work space for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of students. It does not include joint living and working units (See Live-Work).

* Studio-Light. Small-scale art production that is generally of a low impact. Typical uses include painting, photography, jewelry, glass, textile, and pottery studios.

* Studio-Heavy. Art production on a medium or large scale generally using heavy equipment. Typical uses include large-scale metal and woodworking studios.

**Auto/Vehicle Sales and Services.** Retail or wholesale businesses that sell, rent, and/or repair automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles, including the following:

* Alternative Fuels and Recharging Facility. A facility offering motor vehicle fuels not customarily offered by commercial refueling stations (e.g., LPG) as well as equipment to recharge electric-powered vehicles.

* Automobile Rental. Rental of automobiles. Typical uses include car rental agencies.

* Automobile Storage Parcel. Any property used for short- or long-term parking of vehicles for sale or lease at an automobile dealership or rental agency on a separate parcel from such agency or dealership.

* Automobile/Vehicle Sales and Leasing. Sale or lease, retail or wholesale, of new or used automobiles, light trucks, motorcycles, motor homes, and trailers, together with associated minor repair services and parts sales for vehicles sold or leased by the dealership. This classification includes on-site facilities for maintaining an inventory of vehicles for sale or lease but excludes buildings and property on a separate site that are used for storing vehicles.

  * New. Sales and leasing of new cars, recreational vehicles, and trucks by new car dealers, including sales of previously-owned automobiles and trucks, and sales of parts and accessories, storage, and incidental maintenance and repair.

  * Used. Sales and leasing of previously owned automobiles, recreational vehicles and trucks by car dealers not affiliated with a new car manufacturer.
**Automobile/Vehicle Repair, Major.** Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, vehicle painting, tire sales and installation, and installation of car alarms, sound, telecommunications, and navigation systems, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

**Automobile/Vehicle Service and Repair, Minor.** The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, as well as smog check quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight.

**Automobile/Vehicle Washing.** Washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities that are the principal use of a building, structure, or site.

**Large Vehicle and Equipment Sales, Service and Rental.** Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, moving, agricultural, or landscape gardening activities. Includes large vehicle operation training facilities.

**Service Station.** Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; conducting state inspections (e.g. “smog checks”), selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services.

**Towing and Impound.** Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services.

**Awning.** An architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework which projects from and is supported by the exterior wall of a building.

**Balcony.** A platform that projects from the wall of a building 30 inches or more above grade that is accessible from the building’s interior, is not accessible from the ground, and is not enclosed by walls on more than two sides (see also Deck).
Banks and Financial Institutions.

**Bank and Savings and Loan.** A financial institution, including a credit union office, that provides retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money.

**Nontraditional Financial Institutions.** Establishments engaged in short-term lending and buy-back activities in which customers typically take part in one-time or infrequent transactions and do not open long-term accounts or deposit funds. Typical uses include check cashing services, payday lenders (also known as deferred deposit originators), pawnbrokers, cash for gold dealers, and similar activities.

**Basement.** A non-habitable space beneath the first or ground floor of a building, the ceiling of which does not extend more than four feet above finished grade.

**Bathroom.** A room containing toilet, sink, and bathing facilities.

**Bay Window.** A window or a series of windows forming a bay in a room and projecting outward from the exterior wall.

**Bedroom.** Any room having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room.

Bicycle-Parking Related Terms.

**Abandoned Bicycle.** A bicycle that has been parked continuously in one place for at least two weeks in short-term parking or at least one month in long-term parking, excluding seasonal bicycle storage as agreed upon between the property owner and the bicycle owner.

**Bicycle.** A device propelled by human power upon which a person may ride, having two wheels one behind the other, at least one wheel being at least 13 inches in diameter.

**Bicycle Locker.** An enclosure that can be locked for the safe keeping of a bicycle, made of theft-resistant material, with a lockable door that opens the full width and height of the locker, with no exposed fittings or connectors.

**Bicycle Parking Space.** A paved, level, drained, lighted area for the parking of one bicycle.

**Bicycle Path.** A way designed for primary use by bicycles and excluding motorized vehicles.
**Class 1 Bicycle Parking Space(s).** Spaces in secure, weather protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, non-residential occupants, and Employees.

**Class 2 Bicycle Parking Space(s).** Bicycle racks located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use.

**Fixed.** Mounted so the rack element cannot be stolen; anchored in the pavement or a structure with vandal-resistant fasteners such as, but not limited to, embedded mounting in poured-in-place concrete, recessed bolt heads or grouted-in anchoring.

**Long-Term Bicycle Parking.** Bicycle parking intended for the primary use of residents, employees and others who park bicycles for four hours or more.

**Publicly Accessible.** In an area that is visible from a right-of-way and open to the general public.

**Rack Element.** A fixed object that supports one or two bicycles upright by their frames in a stable position and enables the frame and at least one wheel to be locked.

**Secured Bicycle Parking.** An enclosed, covered, locked area, surrounded by a fence or wall, restricted to bicycle parking users.

**Short-Term Bicycle Parking.** Bicycle parking intended for the primary use of customers, messengers, guests and others who park bicycles for less than four hours.

**Tandem.** Arranged so a bicycle must be removed to access another bicycle parking space.

**Bikeway.** A right-of-way either on or off a street that is used as a travel route for bicycles either independently or jointly with other means of transportation, and as identified in the City’s Bicycle Master Plan.

**Block.** Property bounded on all sides by a public right-of-way.

**Block Face.** All property between two intersections that fronts upon a street or abuts a public right-of-way.

**Bluff.** A scarp or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, folding, or excavation of the land mass, having a vertical relief of 10 or more feet measured from the top edge to the toe of the steep face, and located along or adjacent to the ocean. The bluff may be a simple planar or curved surface, or it may be step-like in section.

**Breweries.** Facilities that produce beer and similar beverage onsite.
**Brewery, Production.** An establishment that produces annually 15,000 barrels or more of ales, beers, meads, hard ciders and/or similar beverages onsite. Production breweries may also serve beverages onsite, and sell beverages for offsite consumption pursuant to the regulations of the California Department of Alcohol Beverage Control and the federal Bureau of Alcohol, Tobacco, and Firearms.

**Brewery, Brew-on-Premises.** A do-it-yourself brewery where customers produce craft style beer or wine on the premises of a brewery or microbrewery. Customers also may purchase the ingredients, rent the equipment, time and space, and be provided assistance by an on-site brewmasters.

**Micro-brewery.** An establishment that produces annually less than 15,000 barrels of ales, beers, meads, hard ciders and/or similar beverages onsite. Micro-breweries may also serve beverages onsite, and sell beverages for offsite consumption pursuant to the regulations of the California Department of Alcohol Beverage Control and the federal Bureau of Alcohol, Tobacco, and Firearms.

**Buffer.** An open area or barrier used to separate potentially incompatible activities and/or development features; for example, a required setback to separate an area of development from environmentally sensitive habitat, to reduce or eliminate the effects of the development on the habitat.

**Build-to Line.** A line parallel to the lot line where the façade of the building is required to be located.

**Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials.

**Building, Accessory.** A detached building located on the same parcel as the principal building, which is incidental and subordinate to the principal building in terms of both size and use. A building will be considered part of the principal building if connected to it by common roof line or fully enclosed space.

**Building, Principal.** A building in which the principal use of the parcel on which it is located is conducted.

**Building Code.** Any regulations of the City governing the type and method of construction of buildings and structures, including sign structures.

**Building Face.** The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars is considered to be the face of the building.
**Building Site.** A lot or parcel of land occupied or to be occupied by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway, or waterway.

**Business Services.** The business services use type refers to establishments primarily engaged in the provisions of services of a clerical, employment, protective or minor processing nature to firms, rather than individuals, and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, quick-printing services, and blueprint services.

**Canopy.** A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

**Carport.** An accessible and usable covered space enclosed on not more than two sides, designed, constructed, and maintained for the parking or storage of one or more motor vehicles.

**Catering Service.** A business that prepares food for consumption on the premises of a client or at any other location separate from where the food was prepared.

**Centerline of Street.** The geographic center of a public or private road right-of-way.

**Change of Use.** The replacement of an existing use on a site, or any portion of a site, by a new use, or a change in the type of an existing use; does not include a change of ownership, tenancy, or management associated with a use for which the previous type of use will remain substantially unchanged.

**Civil Code.** The Civil Code of the State of California.

**Class I Bikeway.** An improved right-of-way for the exclusive use of bicycles and pedestrians.

**College and Trade School.** Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes junior colleges, business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons.

**Commercial Entertainment and Recreation.** Provision of participant or spectator entertainment to the general public. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

**Cinema.** Facilities for indoor display of films and motion pictures.
**Theater.** Facilities designed and used for entertainment, including plays, comedy, and music, which typically contain a stage upon which movable scenery and theatrical appliances or musical instruments and equipment are used.

**Large-scale Facility.** This classification includes large outdoor facilities such as amusement and theme parks, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses. It also includes indoor and facilities with more than 5,000 square feet in building area such as fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; and riding stables.

**Small-scale Facility.** This classification includes small, generally indoor facilities that occupy less than 5,000 square feet of building area, such as billiard parlors, card rooms, game arcades, health clubs, yoga studios, dance halls, small tennis club facilities, poolrooms, and amusement arcades.

**Commercial Kitchen.** Kitchens used for the preparation of food to be delivered and consumed off-site. Typical uses include catering facilities. This classification does not include businesses involved in the processing or manufacturing of wholesale food products (See Industry, Limited).

**Commissary.** A food establishment in which food, containers, equipment, or supplies are stored or handled for use in mobile food facilities, mobile food preparation units, stationary mobile food preparation units, or vending machines.

**Communications Facilities.** Broadcasting and other information relay services.

**Antennas and Transmission Towers.** Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support reception or transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, and cellular telephone transmission/personal communications systems towers.

**Equipment within Buildings.** Indoor facilities containing primarily communication equipment and storage devices such as computer servers.

**Community Assembly.** A facility for public or private meetings, including community centers, banquet centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs, and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage. It does not include gymnasiums or other sports facilities uses that represent more than 20 percent of overall square footage, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.
Community Garden. An area of land managed and maintained by a public or non-profit organization or a group of individuals to grow and harvest food or medicinal crops, excluding marijuana, and/or ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. This use type includes the accessory sale of goods produced on-site, but excludes marijuana cultivation.

Condition of Approval. A performance standard, required change in a project, environmental mitigation measure, or other requirement imposed by the decision-making body to alter or modify a project in any manner from the description in the application originally submitted for City approval.

Conditional Use. A use that is generally compatible with other uses permitted in a zoning district, but that requires individual review of its location, design, configuration, and intensity and density of use and structures, and may require the imposition of conditions pertinent thereto to ensure the appropriateness of the use at that particular location.

Condominium-related Terms. The following terms are related to residential condominium conversions and new condominium construction.

Association. An organization composed of persons who own a condominium unit(s) or right of exclusive occupancy in a community apartment, and who are organized to operate and maintain common areas for condominiums.

Common Area. The area that is available to the common use of unit owners in an entire project, excepting the individual units therein.

Community Apartment. One residential unit within a community apartment project. For the purposes of this Ordinance, "community apartment" shall mean the same thing and shall be treated in the same manner as a “unit,” as defined herein.

Community Apartment Project. A development of real property in which an undivided interest in the land is coupled with the right of exclusive occupancy of a designated residential unit located thereon or therein as defined in Section 4105 of the Civil Code. For the purposes of this Ordinance, "community apartment project" shall mean the same thing and shall be treated in the same way as a residential condominium.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential building such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property. For purposes of this Ordinance, the term "condominium" shall be deemed to include a “stock cooperative” or “planned development.”
Consumer Price Index, Rental Component. A statistical measure of change over time in the price of residential rent, as reported periodically by the U.S. Department of Labor. For purposes of this Ordinance, the index for the San Francisco-Oakland area, for the 12-month period most recently reported, shall be applicable.

Conversion. A change in the type of ownership of a parcel or parcels of real property, together with the existing attached structures, to that defined as a condominium project or a community apartment project, regardless of the present or prior use of such land and structures and whether substantial improvements have been made or are to be made to such structures.

Cooperative, Stock. A corporation holding title to improved real property in which shareholders receive rights to exclusive occupancy of portions of the real property, which rights of occupancy are transferable concurrently with transfer of the shares. The term "stock cooperative" does not include a limited equity housing cooperative.

Developer. The applicant, owner or subdivider of real property with a controlling proprietary interest in the proposed condominium conversion project.

Open Space—Common. Landscaped area within the project that is designed for leisure use by all residents. Accessory structures within Common Open Space may include but are not limited to benches, tables and BBQ structures.

Open Space—Private. Area within the project that is available only for use by an individual homeowner, and is separate and distinct from common open space. Private open space may include but not necessarily be limited to decks, balconies, porches, patios and enclosed yards.

Open Space—Recreational. Area within the project that is designed for active use by all residents, and may include but is not limited to game courts, recreational rooms, swimming pools, garden roofs, sauna baths, putting greens, and play lots.

Owner. The person(s) named on a Deed of Trust of a residential condominium unit.

Residential Condominium. A condominium for residential purposes.

Tenant. The person(s) in actual possession, or entitled to immediate possession, of the unit pursuant to a written or oral rental agreement, lease, or sublease. A person who sublets a unit to another, who does not live in the unit himself, is not a tenant.

Unit. The element of a residential condominium project which is not owned in common with the owners of other condominiums in the project or is an apartment in a community apartment project to which an owner of an undivided interest in common in a community apartment project has a right of exclusive occupancy.
Construction. Construction, erection, enlargement, alteration, conversion, or movement of any building, structures, or land, together with any scientific surveys associated therewith.

Construction and Material Yard. Storage of construction materials or equipment on a site other than a construction site.

Corner Build Area. A triangular area within a specified distance of a street corner where certain development standards for a zoning district may apply.

CPUC or PUC. California Public Utilities Commission.

Creek-Related Terms.

Brush Layering. The use of live branches or cuttings which are inserted into the streambanks perpendicular to the slope so that the rooting occurs back into the slope.

Brush Matting. The use of dead or live cuttings from riparian vegetation stacked and secured against streambanks to check erosion and revegetate banks.

Creek. A watercourse that carries water from either a permanent or natural source, either intermittently or continuously, in a defined channel, continuous swale or depression, or in a culvert that was placed in the general historic location and the water either merges with a larger watercourse or body of water or is diverted into an engineered structure that does not follow the general historic course of a creek. A "creek" does not include any part of an engineered structure developed for collection of storm or flood waters (e.g. a storm drainpipe) that does not follow the general historic course of a creek.

Cribwalls. A rectangular framework of logs which is filled with soil and/or rocks and planted with cuttings.

Culverted. The placement or construction of a pipe or box-shaped conduit in a creek bed allowing water to be conducted.

Daylighting. The unearthing of a culverted creek or natural watercourse and the design of a new open channel to re-create the original stream channel and environment.

Fascines. Bundles of cuttings from riparian plants used to revegetate banks; also known as “wattles”.

Gabions. Wire baskets filled with rocks and soil and planted with seeds, cuttings and rooted plants. Gabions can be used to rebuild streambanks.
**Restoration.** The rehabilitation and improvement of a culverted or engineered creek to re-create a natural system by the use of erosion control technology, revegetation, vegetation management, and/or selective channel clearing.

**Retention Basins.** Open spaces that hold overbank stream flows and can be used as parks and other open space uses in drier seasons.

**Riprap.** Cobbles, rock, concrete pieces, or other non-vegetative debris used to protect streambanks from erosion.

**Cul De Sac.** A street or system of streets that connects to other streets only at one end. A means for turning around is generally provided at each dead end.

**Cultural Facility.** Facilities engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens. It does not include schools or institutions of higher education providing curricula of a general nature.

**Day Care.** Establishments providing non-medical care for persons on a less-than-24-hour basis other than Family Day Care (Small and Large). This classification includes commercial and nonprofit nursery schools, preschools, day care facilities for children or adults, and any other day care facility licensed by the State of California.

**Day Care Home, Large.** A home which is authorized, certified or licensed by the State of California which regularly provides care, protection and supervision between seven and 14 children in the provider’s own home, for periods of less than 24 hours per day. The number of children shall include children under the age of 10 who reside at the provider’s home.

**Days.** Calendar days, unless indicated otherwise.

**De novo.** A legal term meaning starting over, as in an appeal hearing that is de novo and can consider the whole project application and all relevant materials, not just the specific issue appealed. The appeal body is hearing the matter again, de novo.

**Decision-making Body.** See Approval Authority.

**Deck.** A platform, either freestanding or attached to a building that is supported by pillars or posts. See also Balcony.

**Demolition.** The intentional destruction and removal of 50 percent or more of the enclosing exterior walls and 50 percent of the roof of any structure.

**Density.** The number of dwelling units per acre of land.
Design. Design means:

1. Street alignments, grades and widths;
2. Drainage and sanitary facilities and utilities, including alignments and grades thereof;
3. Location and size of all required easements and rights-of-way;
4. Fire roads and firebreaks;
5. Lot size and configuration;
6. Traffic access;
7. Grading;
8. Land to be dedicated for park and recreational purposes; and
9. Such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan.

Design Review Board. The Design Review Board of the City of Richmond.

Detached Structure. A structure, no part of which is attached by any means to any other structure.

Development. The placement or erection of any solid material or structure on land, in, or under water; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, without limitation, subdivision pursuant to the Government Code 66410, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreation use; and change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation.

Development Agreement. An agreement between the City and any person having a legal or equitable interest in real property for the development of such property and which complies with the applicable provisions of the Government Code for such development agreements.

Director. The Director of Planning and Building Services of the City of Richmond or his/her designee.

Drive-Through Facilities. Facilities designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating and drinking establishments, pharmacies, and other commercial uses.

Driveway. An accessway that provides vehicular access between a street and the parking or loading facilities located on an adjacent property.
**Drug Paraphernalia.** All equipment, products and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act (commencing with California Health and Safety Code Section 11000).

**Duplex.** A single building that contains two dwelling units or two single unit dwellings on a single parcel. This use is distinguished from a Second Dwelling Unit, which is an accessory residential unit as defined by State law.

**Dwelling Unit.** One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with or without full cooking, sleeping, and bathroom facilities for the exclusive use of a single household.

**Easement.** A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege, or interest which one party has in the land of another.

**Eating and Drinking Establishments.** Businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

- **Bars/Night Clubs/Lounges.** Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks. This use includes karaoke bars and micro-breweries where alcoholic beverages are sold and consumed on site and any food service is subordinate to the sale of alcoholic beverages.

- **Brewpub.** A full-service or limited-service restaurant with a micro-brewery as an accessory use. A brewpub may sell other supplier's beer, including other hand-crafted or micro-brewed beers as well as wine to patrons for consumption on its premises.

- **Restaurant, Full Service.** Restaurants providing food and beverage services to patrons who order and are served while seated and pay after eating. Take-out service may also be provided.

- **Restaurant, Limited Service.** Establishments where food and beverages are consumed on the premises, taken out, or delivered, but where limited table service is provided. This classification includes cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This classification includes bakeries that have tables for on-site consumption of products.

- **Restaurant with Drive Through.** A restaurant where food or coffee-type beverages are purchased by motorists who remain in their vehicles during the sales transaction.
Effective Date. The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Efficiency Unit. A dwelling unit in a multi-family building with less than 500 square feet of space, meeting all Building Code requirements for such units.

Elderly and Long-Term Care. Establishments that provide 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of California, including but not limited to, rest homes, nursing homes, and convalescent hospitals, but not Residential Care, Hospitals, or Clinics.

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Emergency Shelter. A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided.

Environmental Impact Report (EIR). An Environmental Impact Report is a report that may be required under the California Environmental Quality Act.

Environmental Review. An evaluation process conducted pursuant to the California Environmental Quality Act to determine whether a proposed project may have a significant impact on the environment.

Erect. To build, construct, attach, hang, place, suspend or affix to or upon any surface. Such term shall also include the painting of wall signs.

Et seq. An abbreviation for the Latin phrase et sequentes, meaning “and the following.”

Exterior Storage. The outdoor placement or keeping of materials in an area not fully enclosed by a storage structure.

FAA. Federal Aviation Administration.

Façade. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

Family. One or more persons, related or unrelated, living together as a single housekeeping unit.
Family Day Care. A day-care facility licensed by the State of California that is located in a dwelling unit where a resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

Small. A facility that provides care for up to six children or eight children including children who reside at the home and are under the age of 10.

Large. A facility that provides care for seven to 14 children, including children who reside at the home and are under the age of 10.

Farmers Market. An event that occurs on a regular basis in the same location and the majority of vendors are farmers, ranchers and other agricultural producers selling food, plants, flowers, and added-value products.

FCC. Federal Communications Commission.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fence-Related Terms.

Fence. A horizontal or vertical barrier that functions as a means of protection or confinement or obscures sight to provide privacy, including a wall, hedge, or structure made of metal, wood or similar material.

Opacity. The proportion of a fence construction that is opaque, including pilasters and pickets.

Final Map. A map showing a subdivision for which a tentative and final map are required by the Subdivision Map Act or this Ordinance, prepared in accordance with the provisions of this Ordinance and the Subdivision Map Act and designed to be recorded in the Contra Costa County Clerk-Recorder’s Office, County Recorder Division.

Finance, Insurance and Real Estate Services. The finance, insurance and real estate service use type refers to establishments primarily engaged in the provision of financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies or real estate firms.

Fire Chief. The Fire Chief of the City of Richmond.

Floor Area. The total horizontal enclosed area of all the floors below the roof and within the outer surface of the walls of a building or structure, including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building unless otherwise stipulated.
Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, groceries, and liquor stores.

Convenience Market. Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption. These establishments typically have long or late hours of operation and occupy a relatively small building. This classification includes small retail stores located on the same parcel as or operated in conjunction with a Service Station but does not include delicatessens or specialty food shops.

Farmers Market. A location where the primary activity is the sale of agricultural products by producers and certified producers. Sales of ancillary products may occur at the location. An open air farmers market may only be operated by a local government agency.

General Market. Retail food markets of food and grocery items primarily for offsite preparation and consumption. Typical uses include supermarkets and specialty food stores such as retail bakeries; candy, nuts and confectionary stores; meat or produce markets; vitamin and health food stores; cheese stores; and delicatessens. This classification may include small-scale specialty food production with retail sales.

Liquor Store. Establishments primarily engaged in selling packaged alcoholic beverages for off-site consumption.

Food Membership Distribution Site. A site where pre-ordered food is delivered and picked up as part of a food buying club or community supported agriculture organization.

Footprint. The horizontal area, as seen in plain view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves.

Freight/Truck Terminal and Warehouse. Facilities for freight, courier, and postal services by truck or rail. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services).

Frontage, Street. That portion of a lot or parcel of land that borders a public street. "Street frontage" will be measured along the common lot line separating said lot or parcel of land from the public street, highway, or parkway.

Funeral and Interment Service. Establishment primarily engaged in services involving the care, preparation or disposition of human dead other than in a cemetery. Typical uses include crematory, columbarium, or mortuary.

Garage. A building or portion thereof, containing accessible and usable enclosed space designed, constructed, and maintained for the parking or storage of one or more motor vehicles.
Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.


Government Buildings. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see Utilities, Major).

Grade. The location of the ground surface.

Adjacent Grade. The lowest elevation of ground surface within five feet of the building exterior wall.

Average Grade. A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of a building. Average grade is calculated separately for each building.

Existing Grade. On vacant parcels before any land development activities are undertaken, the elevation of the ground at any point on a lot as shown on the required survey submitted in conjunction with an application for a building permit or grading permit. Existing grade also may be referred to as natural grade.

Finished Grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a line five feet from the building.

Group Residential. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, dormitories, fraternities, convents, monasteries, and other types of organizational housing, and private residential clubs, but excludes extended stay hotels intended for long-term occupancy (see Hotel and Motel) and Residential Facilities.

Congregate Housing. A residential facility with shared kitchen facilities, deed-restricted or restricted by an agreement approved by the City for occupancy by low- or moderate-income households, designed for occupancy for periods of six months or longer, providing services that may include meals, housekeeping and personal care assistance as well as common areas for residents of the facility.
**Senior Group Residential.** A residential facility that provides residence for a group of senior citizens (persons 62 years of age or older) with a central kitchen and dining facilities and a separate bedroom or private living quarters.

**Habitable Room.** A space intended for living, sleeping, eating, or cooking, including living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches suitable for year-round use. Specifically excluded are balconies, bathrooms, foyers, garages, hallways, laundries, open porches, pantries, storage closets, utility rooms, unfinished attics and basements, other unfinished spaces used for storage, and water closets.

**Hazardous Waste Terms.**

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Hazardous Waste Facility.** All contiguous land and structures, other appurtenances, and improvements on the land used for the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste. A hazardous waste facility may consist of one or more treatment, transfer, storage, resource recovery, disposal, or recycling hazardous waste recycling management units, or combinations of these units.


**Heat.** Thermal energy of a radioactive, conductive, or convective nature.

**Height.** The vertical distance from a point on the ground below a structure to a point directly above.

**Home Occupation.** A business enterprise conducted in a dwelling unit, garage or accessory building in a residential district that is incidental to the principal residential use and which is consistent with the criteria below.

**Hospitals and Clinics.** State-licensed public, private, and non-profit facilities providing medical, surgical, mental health, or emergency medical services. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care, Sales, and Services).

**Hospital.** A facility providing medical, surgical, mental health, or services primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency
treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

**Clinic.** A facility providing medical, mental health, or surgical services exclusively on an out-patient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks, plasma, dialysis centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale.

**Skilled Nursing Facility.** A facility or a distinct part of a hospital that provides continuous skilled nursing care and supportive care to patients whose primary need is for the availability of skilled nursing care on an extended basis. It provides 24-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

**Hours of Operation.** Refers to the time from when a business opens and serves customers or patrons to the time when it closes and the last customer or patron departs.

**Household.** See Family.

**Household Income Types.**

- **Extremely Low Income Household.** A household of extremely low income as defined in Section 50106 of the Health and Safety Code.

- **Low Income Household.** Households of lower income as defined in Section 50079.5 of the Health and Safety Code.

- **Moderate Income Household.** Households of moderate income as defined in Section 50093 of the Health and Safety Code.

- **Very Low Income Household.** Households of very low income as defined in Section 50105 of the Health and Safety Code.

**Household Pets.** Animals that are customarily kept within a dwelling or a yard for the personal use or enjoyment of the residents.

**Housing Authority.** The Housing Authority of the City of Richmond.
Illegal use. Any use of land or building that does not have the currently required permits, and was originally constructed and/or established without permits or approvals required for the use at the time it was brought into existence.

Improvement. Improvement refers to:

1. Any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map; and

2. Any other specific infrastructure, such as streets and sidewalks, trails, drainage, utilizes, or other types of physical improvements, the installation of which, either by the subdivider, public agencies, private utilities, any other entity approved by the City, or a combination thereof, is necessary to ensure consistency with or implementation of the General Plan or any applicable specific plan.

Improvement Agreement. A legal document defining responsibilities for installation and maintenance of improvements in a subdivision and guaranteeing construction of these improvements.

Improvement Plan. One or more city standard engineered drawings, done according to the city's standard, that show in detail the improvements that are to be installed in any particular development, including but not limited to plan and profile views of streets, sewers, storm drains, and associated facilities.

Indoor Agriculture. Indoor areas used for the cultivation of plants, excluding marijuana. This use type includes the accessory sale of goods produced on-site, but excludes marijuana cultivation.

Industrial, General. The general industrial use type refers to industrial plants primarily engaged in the manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials and products. This classification includes operations such as agriculture processing; biomass energy conversion; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and automotive and heavy equipment manufacturing.

Industrial, Limited. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes the manufacturing of finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; monument works; printing, engraving, and publishing; sign painting shops; machine and electrical shops;
computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services. It also includes the preparation, manufacturing, and/or packaging of food for off-site consumption. Typical food manufacturing uses include canners, roasters, production breweries, wholesale bakeries, and frozen food manufacturers.

**Instructional Services.** Services for the purpose of personal enrichment. Typical uses include classes or instruction in music, health, athletics, art, or academics. Instructional Services includes rehearsal studios as an accessory use.

**Intensity of Use.** The extent to which a particular use or the use in combination with other uses affects the natural and built environment in which it is located, the demand for services, and persons who live, work, and visit the area. Measures of intensity include but are not limited to requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light or glare generated; the number of persons attracted to the site, or, in eating establishments, the number of seats.

**Intersection, Street.** The area common to two or more intersecting streets.

**Kitchen.** Any room or space within a building intended to be used for the cooking or preparation of food.

**Land Use.** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

**Landscape-Related Terms.**

*Applied Water.* The portion of water supplied by the irrigation system to the landscape.

*Automatic Irrigation Controller.* An automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

*Backflow Prevention Device.* A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

*Certified Irrigation Designer.* A person certified to design irrigation systems by an accredited academic institution, a professional trade organization, or other certification program.
Check Valve or Anti-Drain Valve. A valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

Compost. The safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

Drip Irrigation. Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Drip irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Effective Precipitation or “Usable Rainfall” (Eppt). The portion of total precipitation which becomes available for plant growth.

Emitter. A drip irrigation emission device that delivers water slowly from the system to the soil.

Established Landscape. The point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

Establishment Period. The first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment.

Estimated Total Water Use (ETWU). The total water used for the landscape.

ET Adjustment Factor. A factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.

Evapotranspiration Rate. The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

Flow Rate. The rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

Flow Sensor. An inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate.

Graywater. Untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wasters. “Graywater” includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing
machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

**Hydrozone.** A portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

**Infiltration Rate.** The rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

**Invasive Plant Species.** Species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources.

**Irrigation Efficiency.** The measurement of the amount of water beneficially used divided by the amount of water applied.

**Irrigation Survey.** An evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

**Irrigation Water Use Analysis.** An analysis of water use data based on meter readings and billing data.

**Landscape Area.** All the planting areas, turf areas, and water features in a landscape design plan. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

**Landscape Contractor.** A person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

**Landscape Water Meter.** An inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

**Landscaping.** The planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences and hedges), earth patterning and bedding materials, and other like site improvements, for an aesthetic or functional purpose.

**Lateral Line.** The water delivery pipeline that supplies water to the emitters or sprinklers from the valve.
**Low Volume Irrigation.** The application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers.

**Maximum Applied Water Allowance.** The upper limit of annual applied water for the established landscaped area.

**Microclimate.** The climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

**Mulch.** Any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

**Operating Pressure.** The pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

**Overhead Sprinkler Irrigation Systems.** Systems that deliver water through the air (e.g., spray heads and rotors).

**Pervious.** Any surface or material that allows the passage of water through the material and into the underlying soil.

**Plant Factor or “Plant Water Use Factor”.** A factor that estimates the amount of water needed by plants. Plant factors are derived from the University of California publication “Water Use Classification of Landscape Species” known as (WUCOLS). Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations.

**Precipitation Rate.** The rate of application of water measured in inches per hour.

**Rain Sensor.** A component of an irrigation system that automatically suspends an irrigation event when it rains.

**Recycled Water.** Treated or recycled waste water of a quality suitable for nonpotable uses such as landscape irrigation and water features.

**Reference Evapotranspiration (ETo).** A standard measurement of environmental parameters that affect the water use of plants. ETo is expressed in inches per day, month, or year, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered.

**Runoff.** Water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is
applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

**Soil Moisture Sensing Device.** A device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

**Special Landscape Area.** An area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.

**Sprinkler Head.** A device that delivers water through a nozzle.

**Station.** An area served by one valve or by a set of valves that operate simultaneously.

**Swing Joint.** An irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

**Turf.** A ground cover surface of mowed grass.

**Valve.** A device used to control the flow of water in the irrigation system.

**Water Conserving Plant Species.** A plant species identified as having a very low or low plant factor.

**Water Feature.** A design element where open water performs an aesthetic or recreational function. Water features include ponds, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). Constructed wetlands used for on-site wastewater treatment or stormwater retention that are not irrigated are not water features.

**Watering Window.** The time of day irrigation is allowed.

**WUCOLS.** The Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

**Light Fleet-Based Service.** Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (see Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with two or fewer fleet vehicles on-site.
Lighting-Related Terms.

**Color Rendition.** Ability of a light source to show true colors as seen outdoors in sunlight.

**Display Lot or Area.** Outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. Includes display areas for automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, and swap meets.

**Flood Lamp.** A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a diffusing glass envelope.

**Fully Shielded Light Fixture.** A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

**Glare.** The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light.

**Illuminance.** The amount of light falling onto a unit area of surface - measured in lumens per square foot (footcandles).

**Light Trespass.** Light falling where it is not wanted or needed, typically across property boundaries.

**Lumen.** Unit used to measure the amount of light emitted by lamps.

**Luminaire.** The complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket); a light fixture.

**Lux.** A unit of illuminance. One lux equals approximately 0.1 footcandles.

**Opaque.** Opaque means that a material does not transmit light from an internal illumination source.

**Outdoor Light Fixture.** An outdoor illuminating device, outdoor lighting or reflective surface, luminous tube, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement.

**Searchlight.** A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the
lamp, and with a swiveled or gimbaled mount to allow the assembly to be easily redirected.

**Spot Lamp.** A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a clear or nearly clear glass envelope.

**Live-Work.** A unit that combines a work space and incidental residential occupancy occupied and used by a single household in a structure that has been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with the Building Code. The working space is reserved for and regularly used by one or more occupants of the unit.

**Living Accommodations.** Shared living quarters with or without separate kitchen or bathroom facilities for each room or unit.

**Living Room.** The principal room in a dwelling unit designed for general living purposes rather than for sleeping.

**Lot.** A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with Contra Costa County, and is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. Lot types include the following:

- **Abutting Lot.** A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

- **Corner Lot.** A lot or parcel bounded on two or more sides by street lines that have an angle intersection that is not more than 135 degrees.

- **Flag Lot.** A lot so shaped that the main portion of the lot area does not have access to a street other than by means of a corridor having less than 20 feet of width. Also called a “panhandle” lot.

- **Interior Lot.** A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots, or that is bounded by more than one street with an intersection greater than 135 degrees.

- **Through Lot.** A lot having frontage on two parallel or approximately parallel streets.
**Lot Area.** The area of a lot measured horizontally between bounding lot lines.

**Lot Area, Net.** The lot area minus any public rights-of-way, public easements, floodplains, environmentally sensitive areas, and areas with archaeological or cultural resources.

**Lot Coverage.** The portion of a lot that is covered by structures, including principal and accessory buildings, garages, carports, patios with covers that are 50 percent or less open to the sky, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies.

**Lot Line.** The boundary between a lot and other property or the public right-of-way.

**Lot Line Adjustment.** A shift or rotation of an existing lot line of four or fewer existing, adjoining parcels, where the land is taken from one parcel and added to an adjoining parcel, and where a greater number of parcels than originally existed is not created.

**Lot Line Types.**

*Front Lot Line.* On an interior lot, that portion abutting a public or private street. On a flag or panhandle lot, the interior lot line most parallel to and nearest the street or lane from which access is obtained.
**Front Lot Line, Corner Lot.** The narrowest lot line abutting a public or private street or lane.

**Interior Lot Line.** Any lot line that is not adjacent to a street.

**Rear Lot Line.** The lot line that is opposite and most distant from 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, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

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

**Street Side Lot Line.** A side lot line of a corner lot that is adjacent to a street.

**Maintenance and Repair.** The repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing that restores the character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition.

**Maintenance and Repair Service.** Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of motor vehicles or boats (see Automotive/Vehicle Sales and Services) and personal apparel (see Personal Services).

**Major Subdivision.** A subdivision of five or more parcels, five or more condominiums as defined in Section 783 of the State Civil Code, or a community apartment project containing five or more parcels. Also, the conversion of a dwelling to a stock cooperative containing five or more dwelling units.

**Major Transit Stop.** A site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

**Mansard.** A wall which has a slope equal to or greater than two vertical feet for each horizontal foot and has been designed to look like a roof.

**Marijuana-Related Terms**

**Attending Physician.** An individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient's medical record the physician's assessment of whether the patient has a serious medical condition and whether the medical use of cannabis is appropriate.
**Bureau of Medical Marijuana Regulations.** The bureau with the California Department of Consumer Affairs created to develop, administer and enforce comprehensive rules for the marijuana industry in California, from licensing marijuana growers to crafting environmental protections.

**Cannabis.** See Marijuana.

**Collective.** See Dispensary.

**Commercial Cannabis Activity.** Includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of medical cannabis or a medical cannabis product, except as set forth in Section 19319 of the Business and Professions Code, related to qualifying patients and primary caregivers.

**Cultivation.** Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of medical cannabis.

**Delivery.** The commercial transfer of medical marijuana or medical marijuana products from a dispensary, up to an amount determined by the Bureau to a primary caregiver or qualified patient as defined in Section 11362.7 of the California Health and Safety Code. Delivery also includes the use by a dispensary or any technology platform owned by and controlled by a dispensary or independently licensed under State law whereby qualified patients or primary caregivers arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.

**Dispensary.** A premises where medical cannabis, medical cannabis products, edible cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to Section 19340 of the California Business and Professions Code, medical cannabis and medical cannabis products as part of a retail sale.

**Distributor.** A person licensed by the City to engage in the business of purchasing medical cannabis from a licensed cultivator, or medical cannabis products from a licensed manufacturer, for sale to a licensed dispensary.

**Edible Marijuana Product.** Manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the California Food and Agricultural Code.

**Management Member.** A person with responsibility for the establishment, organization, registration, supervision, or oversight of the operation of a medical marijuana business, including but not limited to persons who perform the functions
of president, vice president, director, operating officer, financial officer, secretary, treasurer, or manager of the business. Any person or entity having a financial interest in the medical marijuana business.

Manufactured. A person that conducts the production, preparation, propagation, or compounding of manufactured medical cannabis, or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container.

Marijuana. All parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the crude or purified 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 seed of the plant which is incapable of germination. See also "marijuana."

Marijuana Cultivation Facility. Any building in which medical cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or that does all or any combination of these activities using artificial lighting in whole or in part.

Marijuana Product Manufacturer. A manufacturer of a medical marijuana product.

Medical Marijuana. A product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health and Safety Code. For the purposes of these zoning regulations, "medical cannabis" does not include "industrial hemp" as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

Medical Marijuana Business. Establishments, properties, parcels, and/or structures involved in any commercial cannabis activity.

Medical Marijuana Regulation and Safety Act (MMRSA). Article 6 (commencing with Section 19331) Chapter 3.5 of Division 8 of the California Business and Professions Code, as amended.

Person. An individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit and includes the plural as well as the singular number.
Primary Caregiver. The individual, designated by a qualified patient or by a person with an identification card issued pursuant to California Health and Safety Code Section 11362.7, who has consistently assumed responsibility for the housing, health, or safety of that patient or person. The primary caregiver may be a licensed clinic, residential care facility, hospice, or home health agency.

Qualified Patient. A person who is entitled to the protections of California Health and Safety Code Section 11362.5 for patients who obtain and use cannabis for medical purposes upon the recommendation of an attending physician, whether or not that person applied for and received a valid identification card issued pursuant to State Law.

Testing Laboratory. The premises where tests are performed on medical cannabis or medical cannabis products and that holds a valid certificate of accreditation.

Transporter. A person who holds a license by the Bureau to transport medical cannabis or medical cannabis products in an amount above a threshold determined by the Bureau between licensees that have been issued a license pursuant to the MMRSA.

Marinas. Facilities for the docking of boats and related accessory uses, including boat rentals, boat repairs, boat fueling facilities, retail sales and rentals of marine supplies and equipment, and a harbor masters office.

Master Fee Schedule. The schedule of fees and service charges established by the City manager pursuant to Section 2.34.040 to recover a portion or all of the costs reasonably necessary to provide the listed regulation, products or services.

Media Production. Facilities for motion picture, television, video, sound, computer, and other communications media production.

Merger. The joining of two or more contiguous parcels of land under one ownership and into one parcel.

Mezzanine. An intermediate floor within a building interior without complete enclosing interior walls or partitions that is not separated from the floor or level below by a wall, and has a floor area that is no greater than one third of the total floor area of the floor below.

Mixed-Use Development. A development that combines both residential and non-residential uses on the same lot.

Mobile Vending Unit. A vehicle (e.g., truck, trailer, wagon) or structure not permanently fixed to a permanent foundation that may be moved under its own power, moved by hand, towed by a motor vehicle or carried upon or in a motor vehicle or trailer. A mobile vending
unit does not include news racks or vending machines but does include mobile vending food preparation units and vehicles, such as “taco trucks”.

**Multiple-Unit Dwelling.** Three or more dwelling units within a single building or within two or more buildings on a site or parcel. Types of multiple-unit dwellings include garden apartments, senior housing developments, and multi-story apartment buildings. This classification includes transitional housing in a multiple-unit format and Single-Room Occupancy (SRO) housing units that may have kitchen and/or bathroom facilities and are guest rooms or efficiency apartments as defined by the State Health and Safety Code. The classification is distinguished from Group Residential.


**Neighborhood Council.** A neighborhood organization identified by the City Council, which represents the interests of local residents.

**Noise-Related Terms.**

*Ambient Noise Level.* The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

*Cumulative Period.* An additive period of time composed of individual time segments which may be continuous or interrupted.

*Decibel (dB).* A unit of noise measurement indicating the loudness of sound, based on logarithmic (base 10) scale.

*Noise Level.* The "A" weighted sound pressure level in decibels obtained by using a sound level meter. The "A" weighted discriminates against the lower and higher frequencies according to a relationship with the sensitivity of the human ear. The unit of measurement is designated as dB(A).

**Nonconforming Lot.** A legally created parcel of land having less area, frontage, or dimensions than the zoning regulations require for the zoning district in which it is located.

**Nonconforming Structure.** A nonconforming structure is a structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the Zoning Regulations, no longer conforms to the specific regulations applicable to the zoning district where the structure is located.

**Nonconforming Use.** The use of a building, structure, or site, or portion thereof, that was lawfully established and maintained, but, because of subsequent changes in the Zoning Regulations, no longer conforms to the specific regulations applicable to the zoning district where the use is located.
Nursery and Garden Center. Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. Fertilizer and soil products are stored and sold in packaged form only.

NPDES. The National Pollutant Discharge Elimination System created by the 1972 federal Clean Water Act.

Off-Site Use. An activity or accessory use that is related to a specific primary use, but is not located on the same lot as the primary use.

Offices. Offices of firms, organizations, or public agencies providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings, but excludes clinics or independent research laboratory facilities (see Research and Development) and hospitals.

Medical and Dental. Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal-treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use.

Walk-In Clientele. Offices providing direct services to patrons or clients without prior appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (see Banks and Financial Institutions).

On-Site Use. An activity or accessory use that is related to a specific primary use which is located on the same lot as the primary use.

Open Space Types.

Open Space, Common. Areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit. Common areas typically consist of landscaped areas, walks, patios, swimming pools, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development.
Open Space, Private. Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. Private areas typically consist of courtyards, balconies, decks, patios, fenced yards, and other similar areas.

Open Space, Useable. Outdoor areas that provide for outdoor living and/or recreation for the use of residents.

Opposite. Across from or across the street from.

Ordinary Maintenance. Repair and maintenance activities that are periodic and that do not involve a change to the architectural or historic value, style or general design of the building, structure, or object. In-kind replacement or repair is included in this definition of ordinary maintenance.

Outdoor Agriculture. Outdoor areas used for the cultivation of plants, excluding marijuana. This use type includes the accessory sale of goods produced on-site, but excludes marijuana cultivation.

Outdoor Storage. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours, except for the keeping of building materials reasonably required for construction work.

Outdoor Vendor. A person who sells or displays for sale any type of goods or services on private property, but not within a structure constructed on a permanent foundation. Persons engaged in a business conducted from a structure constructed on a permanent foundation that involves outdoor display, sale, or storage of the same type of goods sold as part of the primary business activity on those premises shall not be considered outdoor vendors.

Overlay District. A zoning designation specifically delineated on the Zoning Map establishing land use requirements that govern in addition to the standards set forth in the underlying base district.

Owner. A person or persons holding single or unified beneficial title to the property, including but not limited to the settlor of a grantor trust, a general partner, firm or corporation.

Parapet Wall. That part of a wall that extends above the roof line.

Parcel. A legally subdivided plot of land shown on a map of record. Also referred to as “lot.”

Parcel Map. A map showing a division of land of four or fewer parcels as required by this Ordinance, prepared in accordance with the provisions of this Ordinance and the Subdivision Map Act.
**Park and Recreation Facility.** Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, which are open to the general public. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, botanical gardens, as well as related food concessions or community centers within the facilities and restrooms within a primary structure or in an accessory structure on the same site.

**Parking Area.** An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

**Parking Facilities, Commercial.** Surface lots and structures offering parking to the public for a fee when such use is not incidental to another activity. These facilities may be publicly or privately-owned.

**Path.** A way designed for use by pedestrians, animals, and bicyclists and that is not for use by motor vehicles.

**Peak Hour.** The hour when the greatest daily traffic volume occurs; this generally occurs during morning and afternoon commute times. Traffic counts are obtained during AM and PM peak periods, and the volume from the heaviest hour of AM or PM traffic is used to define the peak hour for those time periods.

**Pedestrian Way.** A right-of-way designed for use by pedestrians and bicyclists that is not designed for or used by automotive vehicles and is not located within a street right-of-way.

**Permit.** Any Zoning Clearance, conditional use permit, administrative use permit, temporary use permit, Building Permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

**Permitted Use.** Any use or structure that is allowed in a zoning district without a requirement for approval of a use permit, but subject to any restrictions applicable to that zoning district.

**Person.** Any individual, firm, association, organization, partnership, business trust, company, or corporation.

**Personal Services.**

*General Personal Services.* Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, and travel agencies mainly intended for the consumer. It does not include gyms, exercise clubs, or studios offering performing arts, martial arts, physical exercise, or yoga training and similar types of instruction.
**Massage Establishment.** Any establishment having a fixed place of business where any individual, firm, association, partnership, corporation, joint venture or combination of individuals conducts, carries on or permits to be engaged in, conducted or carried on, for consideration or compensation, massages, baths or health treatments involving therapeutic massages or baths as regular functions. Exempted from this definition are massage therapists operating in conjunction with and on the same premises as a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist (State-licensed professions or vocations) who are duly State-licensed to practice their respective professions in the State of California.

**Health/Fitness Facility.** A fitness center, gym, exercise club, health and athletic club, or studio offering martial arts, physical exercise, yoga training and similar types of instruction to classes and groups of more than five persons. The facility may include exercise machines, weight training equipment, group exercise rooms, sauna, spa or hot tub facilities, indoor tennis, handball, racquetball, and other indoor sports activities, indoor or outdoor pools.

**Tattoo or Body Modification Parlor.** An establishment whose principal business activity is one or more of the following: 1) using ink or other substances that result in the permanent coloration of the skin through the use of needles or other instruments designed to contact or puncture the skin; or 2) piercing of the body of a person for the purpose of inserting jewelry or other decoration.

**Persons with Disabilities.** Persons who have a medical, physical, or mental condition, disorder or disability as defined in Government Code Section 12926 or the Americans With Disabilities Act, that limits one or more major life activities.

**Petroleum Refining.** An industrial use facility that refines crude oil into petroleum products, such as diesel, gasoline and heating oils. This uses includes the accessory facilities need for management, testing, transport and storage Petroleum refineries (oil refineries) essentially serve as the second stage in the production process following the actual extraction by oil rigs.

**Planned Development.** A development that has common areas owned by an association or owners and has the power to enforce obligations of owners by imposing assessments as more particularly defined in Civil Code Section 4175.

**Planned Residential Group.** Two or more grouped dwellings that may deviate from standard area, yard, height, parking or fencing requirements whose design and site layout have been approved through a conditional use permit process by the Planning Commission under pursuant to the Zoning Ordinance.

**Planning Division.** The Planning Division of the Planning and Building Services Department of the City of Richmond.
**Planting Strip.** The area between the curb, or in the case where there is no curb the edge of the roadway, and the abutting property line, that is not improved by surfacing intended for the use of pedestrians, is designed to separate the sidewalk from the roadway or to prevent access to abutting properties, and is intended to be planted with trees or otherwise landscaped. Grates or other coverings of said areas shall not be considered as surfacing intended for the use of pedestrians.

**Pre-existing.** In existence before the effective date of the ordinance updating Article XV.

**Principal Structure.** A structure in which the principal use of its lot is conducted. In any residential or agricultural zoning district, a dwelling is deemed to be the principal structure on the lot on which it is situated.

**Printing & Publishing.** An establishment engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. Quick printing services are included in the Business Services use type.

**Project.** Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this ordinance. This term includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act.

**Property Line.** The recorded boundary of a lot or parcel of land.


**Public Safety Facility.** Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training and maintenance facilities.

**Qualified Applicant.** The property owner, the owner’s agent, or any person, corporation, partnership or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.

**Reasonable Accommodation.** Any deviation requested and/or granted from the strict application of the City’s zoning and land use laws, rules, policies, practices and/or procedures under provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

**Research and Development.** The research and development use type refers to 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 which in the opinion of the planning commission, may be objectionable by
reason of production of offensive odor, dust, noise, bright lights, vibration or the storage of
hazardous material or products, or uses which in the opinion of the commission threaten
public safety. Typical uses include biotechnology firms.

**Residential Care, General.** Facilities that are licensed by the State of California to provide
living accommodations and 24-hour, primarily non-medical care and supervision for more
than six persons in need of personal services, supervision, protection, or assistance for
sustaining the activities of daily living.

**Residential Facility.** Facilities that provide permanent living accommodations and 24-hour
primarily non-medical care and supervision for persons in need of personal services,
supervision, protection, or assistance for sustaining the activities of daily living. Living
accommodations are shared living quarters with or without separate kitchen or bathroom
facilities for each room or unit. This classification includes facilities that are operated for
profit as well as those operated by public or not-for-profit institutions, including group
homes for minors, persons with disabilities, people in recovery from alcohol or drug
addictions, and hospice facilities.

- **Residential Care, General.** A Residential Facility licensed by the State of California
  and providing care for more than six persons.

- **Residential Care, Limited.** A Residential Facility licensed by the State of California
  providing care for six or fewer persons.

- **Residential Care, Senior.** A housing arrangement chosen voluntarily by the resident,
  the resident's guardian, conservator or other responsible person, where residents are
  60 years of age or older and where varying levels of care and supervision are
  provided as agreed to at the time of admission or as determined necessary at
  subsequent times of reappraisal. This classification includes continuing care
  retirement communities and life care communities licensed for residential care by the
  State of California.

- **Hospice, General.** A facility that provides residential living quarters for more than
  six terminally ill persons.

- **Hospice, Limited.** A facility that provides residential living quarters for up to six
  terminally ill persons.

**Retail Sales.**

- **Building Materials and Services.** Retail sales or rental of building supplies or
equipment. This classification includes lumberyards, tool and equipment sales or
rental establishments, and includes establishments devoted principally to taxable
retail sales to individuals for their own use. This definition does not include
Construction and Material Yards, hardware stores less than 10,000 square feet or establishments engaged in the business of selling, leasing, or otherwise transferring any firearm or ammunitions.

**General Retail Sales, Small-Scale.** The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 25,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, small hardware and garden supply/nurseries stores (with 10,000 square feet or less of floor area), and businesses retailing goods including, but not limited to, the following: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

**General Retail Sales, Large-Scale.** Retail establishments with over 25,000 square feet of sales area that sell merchandise and bulk goods for individual consumption, including membership warehouse clubs, where sales of grocery items do not occupy more than 25 percent of the floor area.

**Pawn Shop; Secondhand Store.** Establishments engaged in the buying, selling, trading, accepting for consignment, accepting for auctioning, or auctioning of new or secondhand merchandise and offering loans in exchange for personal property. This classification includes stores that buy and sell second hand articles, as defined and regulated in Chapter 7.60 of the Municipal Code, but excludes close-out sales as defined and regulated by Chapter 7.34 of the Municipal Code. It also does not include any business owned and operated by a charitable, nonprofit entity.

**With Drive-Through.** A retail establishment with drive-through facilities

**Reversion to Acreage Map.** A map filed for the purpose of reverting to acreage land previously placed on record with the County Recorder by means of a subdivision or parcel map.

**Right-of-Way.** A strip of land acquired by reservation, dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar use.

**Salvage and Wrecking.** Storage, dismantling and recycling of vehicles, equipment, metals, tires, or other used materials for sale as parts or raw materials, including but not limited to, the collection, storage, exchange or sale of goods, used building materials, used containers or drums, and similar articles or property.
Sanitary Waste and Recycling Facilities. Collection or processing or recyclable materials or items.

*Recycling Collection Facilities.* A drop-off/collection and sorting point for recyclable materials such as paper, metal, plastic, and glass.

*Recycling Processing Facilities.* An industrial facility where recycled materials are processed into new materials or products.

*Waste Hauling and Transfer Facilities.* Facilities operated by private companies doing waste hauling and transfer, including storing, sorting and/or processing of solid and liquid waste and recyclable materials.

**School.** Facilities for primary or secondary education, including public schools, charter schools, and private and parochial schools.

**Screening.** Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street.

**Seaport.** Facilities for freight service and operations by ship. This classification includes piers, marine terminals, container and break-bulk storage areas, related inter-modal facilities, and support services such as port and harbor operations and navigational services.

**Second Dwelling Unit.** An attached or detached accessory dwelling unit, as defined by State law providing complete independent living facilities for one or more persons that is located on a parcel with another primary, single-unit dwelling. A second unit may be within the same structure as the primary unit, in an attached structure, or in a separate structure on the same parcel. This use is distinguished from a duplex.

**Setback.** The area between a property line and a building or structure that must be kept clear or open.

**Shoreline.** In open water areas, the shoreline is the mean high tide line (often called the mean high water line), and in marshes, the shoreline is the higher of the mean high tide line or a line five feet above mean sea level.

**Sidewalk.** A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

**Sight Distance Triangle.** A minimum area of unobstructed view that occurs at street intersections.

**Sight Triangle.** The area enclosed by a triangle formed by the intersecting property lines of a corner lot at a street intersection that defines a driver's view of approaching, merging or intersecting traffic.
Single Unit Dwelling, Attached. A dwelling unit that is designed for occupancy by one household located on a single parcel that does not contain any other unit (except a second dwelling unit, where permitted), and is attached through common vertical walls to one or more dwellings on abutting parcel. An attached single-unit dwelling is sometimes called a “townhouse” or “zero-parcel line” development.

Single Unit Dwelling, Detached. A dwelling unit that is designed for occupancy by one household, located on a single parcel that does not contain any other dwelling unit (except a second dwelling unit, where permitted), and not attached to another dwelling unit on an abutting parcel. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Site. A lot, or group of contiguous lots, that is proposed for development and is in a single ownership or under unified control.

Social Service Center. Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less-than-24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (See Day Care Center), clinics (see Clinic), and emergency shelters providing 24-hour or overnight care (See Emergency Shelter).

Solar Reflective Index. A measure of a surface’s ability to reflect solar heat, combining reflectance and emittance into one number. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is zero and a standard white (reflectance 0.80, emittance 0.90) is one hundred.

Specific Plan. A plan for all or part of the area covered by the General Plan that is prepared to be consistent with and to implement the General Plan pursuant to the provisions of Government Code, Section 65450 et seq.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story is that portion of a building included between the upper surface of the topmost floor and the upper surface of the roof above.

Street. A public or private thoroughfare, which affords the principal means of access to a block and to abutting property. “Street” includes avenue, court, circle, crescent, place, way, drive, boulevard, highway, road, and any other thoroughfare, except an alley or walkway.

Street Line. The boundary between a street and a lot or parcel of land.

Structural Alterations. Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders, including the
creation, enlargement, or removal of doors or windows and changes to a roofline or roof shape.

**Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**Structure, Accessory.** A detached subordinate structure, used only as incidental to the main structure on the same lot.

**Structure, Primary (Structure, Main).** A structure housing the principal use of a site or functioning as the principal use.

**Structure, Temporary.** A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Subdivider.** A person, firm, corporation, partnership or association who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or herself or for others, except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers."

**Subdivision.** The division by any subdivider of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way. Subdivision includes a condominium project, as defined in Section 4125 of the Civil Code, a community apartment project, as defined in Section 4105 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in of Section 4190 or 6566 of the Civil Code.

**Subdivision Map Act.** Title 7, Division 2 of the Government Code of the State of California, as amended.

**Supportive Housing.** Dwelling units with no limit on length of stay that are occupied by the target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Act (Division 45 of the Welfare and Institutions Code), and that are linked to onsite or offsite services that assist supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community and where no onsite medical care is provided. Supportive housing as defined by Subdivision (b) of Section 50675.14 may be provided in a multiple-unit structure or group residential facility. Facilities may operate as licensed or unlicensed facilities subject to applicable State requirements.
Swimming Pool. A pool, pond, lake, or open tank capable of containing water to a depth greater than 1.5 feet at any point.

TDM. Transportation Demand Management.

Tenant. A person renting or leasing a housing unit or non-residential space.

Tentative Map. A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it, which need not be based upon an accurate or detailed final survey of the property.

Tentative Parcel Map. A map made for the purpose of showing the design and improvements of a proposed division of land into four or fewer parcels and the existing conditions in and around it.

TMA. Transportation Management Association

Transient Lodging. Transient lodging refers to establishments primarily engaged in the provision of lodging services with incidental food, drink and other sales and services intended for the convenience of guests. Lodging services involve the provision of room and/or board. Typical uses include hotels and motels.

Bed and Breakfast. A residential structure that is in residential use by the property owner or manager and within which up to four bedrooms are rented for overnight lodging and where meals may be provided.

Hotel and Motel. An establishment providing temporary lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes motor lodges, motels, apartment hotels, extended stay hotels, hostels and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs, single-room occupancy housing, or bed and breakfast establishments within a single-unit residence.

Transitional Housing. Dwelling units configured as rental housing but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time, that shall be not less than six months from the beginning of assistance. Transitional housing may be designated for homeless or recently homeless individuals or families transitioning to permanent housing as defined in subdivision (h) of Section 50675.2 of the California Health and Safety Code. Facilities may be linked to onsite or offsite supportive services designed to help residents gain skills needed to live independently. Transitional housing may be provided in a variety of rental housing types (e.g., multiple-unit dwelling, single-room occupancy, group residential, single unit dwelling). This classification includes domestic violence shelters.
Transportation Passenger Terminals. Facilities for passenger transportation operations. This classification includes rail stations, bus terminals, ferry terminals, and scenic and sightseeing facilities.

Urban Agriculture. The growing of crops, plants (excluding marijuana), and fruits; beekeeping; and raising of animals within an urban context.

Use. The purpose for which land or the premises of a building, structure, or facility thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Accessory Use. A use that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same lot as the primary use and occupies no more than 30 percent of the gross floor area.

Incidental Use. A secondary use of a lot and/or building that is located on the same lot but is not customarily associated with the primary use.

Primary Use. A primary, principal or dominant use established, or proposed to be established, on a lot and occupies at least 70 percent of the gross floor area of the tenant space or building.

Use Classification. A system of classifying uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics. All use types are grouped into the following categories: residential, retail, commercial and office; institutional and community facilities, industrial, and transportation, communication, and utilities.

Use Permit. A discretionary permit, such as an administrative use permit or a conditional use permit, that provide for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, that are not permitted as of right but may be approved upon completion of a review process and, where necessary, the imposition of conditions of approval.

Use Type. A category that classifies similar uses based on common functional, product, or compatibility characteristics.

Utilities. Equipment and associated features related to the mechanical functions of a building(s) and services such as water, electrical, telecommunications, and waste.

Utilities, Major. Generating plants, electric substations, and solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.
Utilities, Minor. Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, and underground water and sewer lines.

Variance. A discretionary permit allowing a departure from specific provisions of a zoning ordinance such as setbacks, side yards, frontage requirements, and lot size, but not involving the actual use or structure, thus relieving a property owner from strict adherence to development standards when some special circumstances exist which deprive the property owner from developing the property in a manner enjoyed by similar properties.

Vehicle. Any vehicle, as vehicle is defined by the California Vehicle Code, including any automobile, camper, camp trailer, trailer, trailer coach, motorcycle, house car, boat, or similar conveyance.

Vesting Tentative Map. A tentative map for a residential subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed and is processed, in accordance with the provisions of this Ordinance for Vesting Tentative Maps.

Visible. Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road or in a public place.

Wall. Any vertical exterior surface of building or any part thereof, including windows.

Warehousing, Storage, and Distribution. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

Chemical, Mineral, and Explosives Storage. Storage and handling of hazardous materials including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

Indoor Warehousing and Storage. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials. This classification also includes cold storage, draying or freight, moving and storage, and warehouses. It excludes the storage of hazardous chemical, mineral, and explosive materials.

Outdoor Storage. Storage of vehicles or commercial goods or materials in open parcels.

Mini-Storage. A storage facility that is characterized by individual separate spaces which are accessible by customers for the storing and retrieval of personal effects and household goods. In no case shall storage spaces be used for manufacturing, retail or wholesale selling, office or other business services, or human habitation.
**Wireless Communications-Related Terms.**

**Accessory Equipment.** Any equipment installed, mounted, operated or maintained in close proximity to a personal wireless telecommunication facility to provide power to the personal wireless telecommunication facility or to receive, transmit or store signals or information received by or sent from a personal wireless communication facility.

**Antenna.** Any system of poles, panels, rods, reflecting discs, wires or similar devices used for the transmission or reception of electromagnetic signals, including, but not limited to radio waves and microwaves. An antenna does not include the support structure the antenna(s) is mounted upon.

**Antenna, Amateur Radio.** An antenna operated by a federally licensed amateur radio operator.

**Antenna, Ground-Mounted.** An antenna that is not mounted on a pole, a structure, or the roof or wall of a building.

**Antenna, Panel.** An antenna shaped like a panel that is usually one-directional and is attached to a mounting bracket, which may then be affixed to a building or other structure such as a pole.

**Antenna, Satellite Earth Station.** An antenna designed and used to receive and/or transmit radio frequency signals directly to and/or from orbiting communications satellites.

**Antenna Array.** A group of antennas with dimensions, spacing, and illumination sequence arranged and interconnected so that the fields for the individual elements combine to produce a maximum intensity in a particular direction and minimum field intensities in other directions.

**Antenna Structure.** An antenna array and its associated support structure, such as a pole, mast, or tower, but not including a suspended wire antenna.

**Antenna Structure, Freestanding.** An antenna structure or mast that is not attached to any part of a building, fence, or other such structure. Freestanding antenna structures include communications towers, utility poles, and concrete and steel monopoles.

**Approved Radio Frequency Expert.** A person or firm specializing in radio frequency wireless telecommunications technology, including wireless site design.

**Base Station.** A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. A base station includes, without limitation:
1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment.

3. Any structure other than a tower that supports or houses communication equipment.

**Camouflaged Facility.** A wireless communications facility located and designed so as to be of minimal visibility, such as being incorporated within an architectural feature such as a steeple or parapet, or in the open but disguised as a tree or other natural feature so that the antenna and supporting antenna equipment are either not readily visible beyond the property on which they are located, or, if visible, appear to be part of the existing landscape or environment rather than identifiable as a wireless communication facility.

**Co-Location.** The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, including the location of two or more wireless communications facilities on a single support structure or otherwise sharing a common location. Co-location also includes the location of wireless communications facilities with other facilities such as buildings, water tanks, light standards, and other utility facilities and structures.

**Eligible Support Structure.** Any tower or base station that it is existing at the time an application is filed with the City.

**Equipment Shelter.** A cabinet or structure designed to enclose equipment used in connection with a wireless communications facility.

**Feasible.** Feasible means in light of technical feasibility, radio signal transmitting and receiving requirements, aesthetics, electromagnetic fields, costs, landowner permission, facility owner permission, and all necessary approvals, as well as the common meaning of the term.

**Mast.** A pole of wood or metal or a tower fabricated of metal that is used to support an antenna and maintain it at the proper elevation.

**Microcell Facility.** A wireless communication facility serving a single carrier and consisting of a small antenna or a networked set of antennas connected with each other and to a wireless service source.

**Monopole.** An antenna structure, often tubular in shape, usually made of metal, reinforced concrete, or wood. A monopole may also be an alternative antenna structure designed to replicate a tree or other natural feature.
**Readily Visible.** An object that can be identified as a wireless telecommunications facility when viewed with the naked eye from a public right-of-way or neighboring property.

**Radio Frequency.** Electromagnetic emission in the frequency range of 300 kHz—300 gigahertz.

**Related Equipment.** All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit, and connectors.

**Satellite Dish.** Any device incorporating a reflective surface that is solid, open or mesh or bar configured and is in the shape of a shallow dish, cone, horn cornucopia or flat plate used to receive or transmit radio or electromagnetic waves. This term includes satellite earth stations, satellite receivers, satellite discs, direct broadcast systems, television reception only systems and satellite microwave antennas.

**Service Provider.** Any authorized provider of wireless communications services.

**Shot Clock.** The time period in which the city must approve or deny a proposed wireless telecommunications facility.

**Substantial Change.** A modification that substantially changes the physical dimensions of an eligible support structure.

**Tolling.** Pausing the shot clock, or adding a time period that does not contribute to the finite shot clock.

**Tower.** Any structure that is designed or constructed primarily for the purpose of supporting one or more antennas. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

**Wireless Communications Facility.** Personal wireless service facilities that transmit and/or receive electromagnetic signals for cellular radio telephone service, personal communications services, enhanced specialized mobile services, paging systems, and related technologies. Such facilities include antennas, microwave dishes, parabolic antennas, and equipment used in the transmission or reception of such signals; telecommunication towers; associated equipment cabinets; and accessory structures used for provision of personal wireless services.

**Yard.** An open space on a lot, other than a court on a lot, that is unoccupied and unobstructed from the ground upward.
Front Yard. A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard is a distance specified for the zoning district in which it is located and measured inward from the front lot line.

Interior Side Yard. A yard extending along an interior side of a lot from the front lot line to the rear lot line, and to a depth specified for the zoning district in which it is located and measured inward from the interior side lot line.

Street Side Yard. A yard extending along the street side of a corner lot from the front lot line to the rear lot line, and to a depth specified for the zoning district in which it is located and measured inward from the street side lot line.

Rear Yard. A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified for the zoning district in which it is located. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Zoning Administrator. The Director of Planning and Building of the City of Richmond, or the person designated by him or her to be the Zoning Administrator.

Zoning Map. A map or maps that are a part of the zoning ordinance and delineate the boundaries of zoning district districts.

Zoning Ordinance; Zoning Regulations. The administrative regulations established under the authority of the Government Code that divide the city into districts and establish a set of standards governing the use, placement, spacing and size of land and buildings and related development controls to implement the General Plan.
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Series 200  Base District Regulations

Article 15.04.201  Residential Districts

Sections:
15.04.201.010  Purpose
15.04.201.020  Land Use Regulations
15.04.201.030  Development Standards – RH, RL1 and RL2 Districts
15.04.201.040  Design Standards for Single Family Housing
15.04.201.050  Development Standards – RM Districts
15.04.201.060  Height Regulations for Sloped Lots
15.04.201.070  Design Standards for Multi-Family Housing
15.04.201.080  Residential Development Types
15.04.201.090  Small Lot Subdivisions
15.04.201.100  Hillside Subdivisions

15.04.201.010  Purpose

The specific purposes of the Residential Districts are to:

A. Preserve, protect, and enhance the character of the City’s residential neighborhoods.
B. Ensure adequate light, air, and open space for each dwelling.
C. Ensure that the scale and design of new development and alterations to existing structures are compatible with surrounding homes and appropriate to the physical characteristics of the site and the area where the project is proposed.
D. Promote opportunities for housing for all income groups and for those with special housing needs.
E. Provide sites for public and semi-public land uses, such as day care centers, parks, community facilities, schools, and public safety facilities that will serve City residents.

The following districts implement General Plan classifications of “Hillside Residential”, “Low Density Residential”, and “Medium Density Residential”.

RH Single Family Hillside Residential. This district is intended for residential development comprised of single-family housing on developable portions of hillside lots below the 400-foot elevation. Development in this district must address key environmental challenges and constraints, such as steep slopes and soil erosion, and standards will ensure that development is compatible with hillside conditions and a rural environment. Minimum lot size for this designation is 11,000 square feet, which may be reduced with clustered development.
RL1 Single Family Very Low Density Residential. This district is intended to create, preserve, and enhance areas for very low density single-family housing in outlying, undeveloped hillside areas. Standards will ensure that development is compatible with hillside conditions and promote clustered development to preserve open space. Minimum lot size for this designation is 6,000 square feet, which may be reduced with clustered development.

RL2 Single Family Low Density Residential. This district is intended for low density residential development with attached and detached single-family homes in level to moderately sloped areas. Dwelling types also may include small lot single unit development, duplexes, townhomes, cottages, bungalows, and second units. Density in this zoning district is a maximum of 15 dwelling units per acre. In addition to single-unit homes, this district provides for compatible, supportive uses, such as small family day care, park and recreation facilities, civic and institutional uses, including schools and places for community assembly that may be appropriate in a single-family residential neighborhood, and community gardens. Neighborhood mixed-use development is allowed at neighborhood nodes identified by the Planning Commission. Existing multi-family residential structures may remain and may be improved without increasing densities, or may revert to single-family residential uses.

RM-1 Medium Density Multi-Family Residential. This district is intended for single and multi-family housing types such as one to three-story garden apartments, historic bungalows and cottages on small lots, townhouses and stacked flats. A maximum density of 26 dwelling units per acre is permitted, and minimum density of 10 dwelling units per acre is required. In addition to residential uses, this district allows for a limited number of public and semi-public uses such as day care centers, public safety facilities, and residential care facilities that are appropriate in a medium density multi-family residential environment. Neighborhood mixed-use development is allowed at neighborhood nodes identified by the Planning Commission. Small lot single unit and bungalow court development is allowed in the RM-1 District where it would be compatible with the surrounding neighborhood.

RM-3 Medium-High Density Multi-Family Residential. This district is intended for multi-family housing types including apartments, condominiums, townhouses, and group housing. A maximum density of 40 dwelling units per acre is permitted, and a minimum density of 15 dwelling units per acre is required. In addition to residential uses, this district allows for compatible public and semi-public uses, including day care centers, public safety facilities, community assembly, residential care facilities, and transitional and supportive housing that are appropriate in a medium-high density residential environment. Neighborhood mixed-use development is allowed at neighborhood nodes identified by the Planning Commission.

15.04.201.020 Land Use Regulations
Table 15.04.201.020 prescribes the land use regulations for the Residential Districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.
“A” designates use classifications that are permitted after review and approval of an administrative use permit by the Zoning Administrator.

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the Planning Commission.

“L#” designates numbered limitations listed at the end of the table.

“x” designates uses that are not permitted.

Use classifications are defined in Article 15.04.104, Key Terms and Definitions. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Article.

TABLE 15.04.201.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS

<table>
<thead>
<tr>
<th>Uses</th>
<th>RH</th>
<th>RL1</th>
<th>RL2</th>
<th>RM1</th>
<th>RM2</th>
<th>Additional Regulations</th>
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<tr>
<td>RESIDENTIAL</td>
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<td>Detached</td>
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<td>See § 15.04.201.070 Residential</td>
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<td>Attached</td>
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<td>§ 15.04.610.370 Second Dwelling Units</td>
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<td>P</td>
<td>P</td>
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<tr>
<td>Duplex</td>
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<td>A</td>
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<td>Multi-Unit Dwelling</td>
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<td>L1</td>
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<td>Group Residential</td>
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<td>Congregate Housing</td>
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<td>L6</td>
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<td>L6</td>
<td>See § 15.04.610.200 Group Residential</td>
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<td>x</td>
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<td>C</td>
<td>See § 15.04.610.180 Family Day Care, Large</td>
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<td>P</td>
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<td>Planned Residential Groups</td>
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<td>C</td>
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<td>Residential Facility</td>
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<td>Residential Care, General</td>
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<td>See § 15.04.610.350 Residential</td>
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<td>Care, General</td>
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<td>Residential Care, Limited</td>
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### TABLE 15.04.201.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS

<table>
<thead>
<tr>
<th>Uses</th>
<th>RH</th>
<th>RL1</th>
<th>RL2</th>
<th>RM1</th>
<th>RM2</th>
<th>Additional Regulations</th>
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<tr>
<td>Supportive Housing</td>
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**COMMERCIAL**

<table>
<thead>
<tr>
<th>Animal Sales and Services</th>
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<tbody>
<tr>
<td>Boarding Kennel</td>
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<tr>
<td>Riding Schools and Stables</td>
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</tr>
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<table>
<thead>
<tr>
<th>Auto/Vehicle Sales Services</th>
<th>See subclassifications below</th>
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<tr>
<td>Alternative Fuels and Recharging Facility</td>
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<thead>
<tr>
<th>Food and Beverage Sales</th>
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<tbody>
<tr>
<td>Convenience Market</td>
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<td>Farmers Market</td>
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<tr>
<td>Offices, Business and Professional</td>
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</tr>
<tr>
<td>Medical and Dental</td>
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<tr>
<td>Walk-in Clientele</td>
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<td>Personal Services</td>
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<td>General Personal Services</td>
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<td>Health/Fitness Facility</td>
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<th>Retail Sales</th>
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<td>General Retail Sales, Small-scale</td>
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<th>Transient Lodging</th>
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<td>Bed and Breakfast</td>
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<td>Hotel and Motel</td>
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**INSTITUTIONAL AND COMMUNITY FACILITIES**

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<tr>
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<td>See § 15.04.610.280 Nurseries and Garden Centers</td>
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<td>Day Care Centers</td>
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<td>A</td>
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<td>See § 15.04.610.180 Family Day Care, Large</td>
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<td>Emergency Shelter</td>
<td>L4</td>
<td>L4</td>
<td>L4</td>
<td>L4</td>
<td>L4</td>
<td>See § 15.04.610.170 Emergency</td>
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</table>
# TABLE 15.04.201.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS

<table>
<thead>
<tr>
<th>Uses</th>
<th>RH</th>
<th>RL1</th>
<th>RL2</th>
<th>RM1</th>
<th>RM2</th>
<th>Additional Regulations</th>
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<tr>
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<td>Hospitals and Clinics</td>
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<td>Clinic</td>
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<td>L2</td>
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<td>Skilled Nursing Facility</td>
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<td>Park and Recreation Facility</td>
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<td>Schools</td>
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<td>See § 15.04.610.360 Schools</td>
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<td>Artist’s Studio</td>
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<td>Studio-Heavy</td>
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<td>Recycling Facilities</td>
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<td>See § 15.04.610.340 Recycling Facilities</td>
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<td>Collection Facilities</td>
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<td><strong>TRANSPORTATION, COMMUNICATION AND UTILITIES</strong></td>
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<td>Utilities, Major</td>
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<td>Agricultural Production and Services</td>
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<td>See § 15.04.610.430 Urban Agriculture</td>
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<td>Accessory Uses and Structures</td>
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<td>See Article 15.04.807, Temporary Use Permits</td>
</tr>
</tbody>
</table>
TABLE 15.04.201.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS

Notes:
L1 Existing multifamily residential structures may be improved, subject to the nonconforming provisions of Section 15.04.606, if applicable. No new residential structures allowed.
L2 Only allowed on the ground floor in mixed-use buildings; a conditional use permit is required for more than 3,000 sq. ft.
L3 The Contra Costa County animal keeping regulations, which are incorporated by reference, apply; an administrative use permit is required to increase up to 10 percent in the number of animals allowed in these regulations. No slaughtering of animals is allowed.
L4 Permitted with 10 or fewer beds only. All of the standards of Section 15.04.610.170 (Emergency Shelters), or Ordinance15-15 N.S., adopted on May 19, 2015, are hereby incorporated by reference and apply.
L5 Allowed as a temporary use within a residential structure with a conditional use permit.
L6 Permitted if the primary use of the property remains residential; requires a conditional use permit if it is the primary use.
L7 Only attached and detached single-family housing on subdivided parcels and clustered multi-family residential are allowed with design review on developable portions of hillside parcels below the 400-foot elevation. Hillside development standards and density controls in Section 15.04.510.030 of the Zoning Ordinance apply.
L8 Up to 10 units allowed with a conditional use permit in a neighborhood mixed-use development at a neighborhood node.
L9 Allowed with a conditional use permit if the hotel has no more than 20 guest rooms.
L10 An administrative use permit is required if a new school will be located in an existing building and any new space added to the building will not exceed 20 percent of existing floor area, excluding space in portable classrooms. A conditional use permit is required for construction of new schools and for additions to existing buildings in which new schools will be located that exceed 20 percent of existing floor area.
L11 Allowed with a conditional use permit on lots of two acres or more.

A. Limitations on Commercial Development. Commercial-only development is not allowed. The area devoted to commercial uses cannot exceed 30 percent of the total building floor area.

15.04.201.030 Development Standards – RH, RL1 and RL2 Districts

Table 15.04.201.030 prescribes the development standards for the RH, RL1 and RL2 districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of this Article, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.
### TABLE 15.04.201.030: DEVELOPMENT STANDARDS – RH, RL1 AND RL2 DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>RH</th>
<th>RL1</th>
<th>RL2</th>
<th>Additional Regulations</th>
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<td><strong>Lot and Density Standards</strong></td>
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<tr>
<td>Maximum Density (units/net acre)</td>
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<td>5</td>
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<tr>
<td>Minimum Lot Size (sq ft)</td>
<td>11,000</td>
<td>6,000</td>
<td>3,750</td>
<td>For Small Lot Single Unit, Bungalow Court, or Townhouse development, see § 15.04.201.070</td>
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<td>Minimum Lot Width (ft)</td>
<td>70</td>
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<td><strong>Building Form and Location</strong></td>
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<tr>
<td><strong>Maximum Height (ft)</strong></td>
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<tr>
<td>Main Building</td>
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<td>35</td>
<td>30</td>
<td>See § 15.04.601.060 Height Regulations for Sloped Lots and § 15.04.601.050 Exceptions to Height Limits</td>
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<tr>
<td>Public and Semi-Public Uses</td>
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<td>12 (A)</td>
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<tr>
<td>Front</td>
<td>25 (B)</td>
<td>20 (B)</td>
<td>15 (B)</td>
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<tr>
<td>Interior Side</td>
<td>10 (C)</td>
<td>6 (C)</td>
<td>Ground floor: 5; Above: 9 (C) (D)</td>
<td>See § 15.04.601.020 Building Projections into Yards</td>
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<td>Street Side</td>
<td>10 (E)</td>
<td>7.5 (E)</td>
<td>7.5 (E)</td>
<td></td>
<td>⑤</td>
</tr>
<tr>
<td>Rear</td>
<td>25</td>
<td>20 (F)</td>
<td>20 (F)</td>
<td></td>
<td>⑥</td>
</tr>
<tr>
<td>Garage</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td></td>
<td>⑦</td>
</tr>
<tr>
<td><strong>Maximum Lot Coverage (% of Lot)</strong></td>
<td>40</td>
<td>45</td>
<td>50</td>
<td>For Small Lot Single Unit, Bungalow Court, or Townhouse development, see § 15.04.201.070. For Rules of Measurement. See Article 15.04.103.</td>
<td>⑧</td>
</tr>
<tr>
<td><strong>Maximum Floor Area Ratio (FAR)</strong></td>
<td>See (G), (H), (I)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Additional Development Standards for RH and RL Districts

A. Accessory Building Height. If a peak roof is used, the height limit may be increased to 14 feet.

B. Ground Floor Front Setback. Where the adjoining lots on the same block face have been improved with buildings, the minimum ground floor front setback requirement shall be the average of the actual front setback of these abutting improved lots on such block face or 15 feet, whichever is less. When the lot slope is 20 percent or more, the front setback may be reduced to 10 feet provided the garage door is setback 18 feet from the edge of the pavement.

C. Side Setback Projection. Covered walkways, porches, and verandas may project up to 3.5 feet into the required side setback for a maximum length of 10 feet.

D. Side Setback for Narrow Lots.
1. Minimum. The minimum side setback for lots with an average width of 45 feet or less shall be a minimum of 10 percent of the lot width, or three feet, whichever is greater.
2. Second Story Projection. On lots less than 45 feet in width, the upper story wall may project a maximum of four feet into the required second story setback for up to 30 percent of the length of the lower story wall.
E. **Street Side Yards on Lots with Reversed Frontage.** The rear one-quarter of the exterior side yard shall not be less than the front yard required or existing on the lot adjoining such exterior side yard.

**FIGURE 15.04.201.030-E: STREET SIDE SETBACK ON LOTS WITH REVERSED FRONTAGE**

F. **Rear Setback.** In the RH and RL1 districts the rear setback may be reduced to 10 feet if the combined front and rear setback is at least 40 feet.

G. **Maximum Residential Floor Area and FAR.** The maximum gross residential floor area allowed on a lot shall not exceed the maximum FAR applicable to a lot size
range, as shown in Table 15.04.201.030-G. For lots less than 7,500 square feet in size, the maximum floor area is 3,000 square foot irrespective of lot size.

<table>
<thead>
<tr>
<th>Lot Size (Sq. Ft.)</th>
<th>Maximum Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 3,750</td>
<td>2,325 sq. ft.</td>
</tr>
<tr>
<td>3,750 – 6,000</td>
<td>2,325 sq. ft. plus an additional 0.3 FAR on square footage above 3,750</td>
</tr>
<tr>
<td>6,001 – 7,500</td>
<td>2,325 sq. ft. plus an additional 0.2 FAR on square footage above 3,750</td>
</tr>
<tr>
<td>7,501-11,000</td>
<td>2,325 sq. ft. plus an additional 0.15 FAR on square footage above 3,750</td>
</tr>
<tr>
<td>Above 11,000</td>
<td>4,000 sq. ft.</td>
</tr>
</tbody>
</table>

H. **Maximum Non-Residential Floor Area.** The maximum non-residential floor area ratio (FAR) is 0.65 in RH, RL1 and RL2 Districts.

I. **Determining FAR.** When determining FAR in RH, RL1 and RL2 Districts, side-loaded or detached garages located to the rear of residential structures, a minimum of 40 feet away from the front property line and accessed by a driveway less than 12 feet in width are excluded from the floor area calculation.

**15.04.201.040 Design Standards for Single Family Housing**

A. **Design of Building Additions.** Rooflines, exterior materials, windows, railings, porches, and other design elements shall be designed in a manner that is compatible with the design elements of the existing buildings and surrounding neighborhood.

B. **Building Entrances.** The principal entry shall be located in a visible location facing the street and shall incorporate a projection (e.g. porch) or recess, with a minimum depth of five feet. Alternative designs that create a welcoming entry feature facing the street, such as a trellis or landscaped courtyard entry, may be approved through the administrative design review process.
C. **Architectural Articulation.** Buildings shall include adequate design features to create visual variety and avoid a large-scale and bulky appearance.

1. No street-facing façade shall run in a continuous plane of more than 25 feet without a window or a projection, offset, or recess of the building wall at least one foot in depth. Building entrances and front porches, and projections into required front or street side yards such as stoops, bays, overhangs, fireplaces, and trellises count towards this requirement.

2. Building elevations abutting street side yards shall be designed to provide at least one horizontal plane break of at least three feet, and one vertical break. Alternative designs to accommodate a complete architectural style may be approved through administrative design review process when the Zoning Administrator finds that adequate design features have been incorporated to create visual variety and avoid a bulky or monolithic appearance.

D. **Materials.** All materials shall be high quality to allow for long-term durability and appearance. The exterior use of plywood or unfinished aluminum as siding materials is prohibited unless approved through design review.

E. **Garage Frontage.**

1. Where an attached garage is located on the front half of the lot and garage doors face a street, garage width shall not exceed 50 percent of the width of the front façade of the building (40 percent on lots wider than 100 feet).

2. On front facades with both a two car garage and a separate single car garage, the facades of the two garages must be offset a minimum of two feet.
F. **Paving.** The maximum amount of paving (impervious surface) in street-facing yards is 50 percent of the required yard.

G. **Driveways.** Curb cuts and driveways shall be minimized.
   1. Driveway approaches (curb cuts) shall be permitted only to provide access to approved garages, carports and parking spaces.
   2. A maximum of one driveway up to 20 feet wide is permitted to serve a single unit. Driveways serving two or more units shall be the minimum width required by Article 15.04.607.
   3. All driveways must have minimum one-foot wide planted area along a side or rear lot line.

H. **Alley Access.** A detached garage or carport is permitted to have access to the alley if:
   1. The garage or carport entrance is setback a minimum of four feet from the rear property line;
   2. A 45-degree visibility triangle is provided on either side of the garage or carport;
   3. The garage door does not cross the property line when opened or closed;
   4. The alley is paved; and
5. The Zoning Administrator finds that such access will not adversely affect vehicle or pedestrian use of the street or alley.

15.04.201.050 Development Standards – RM Districts

Table 15.04.201.050 prescribes the development standards for the RM Districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of this Article, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.

<table>
<thead>
<tr>
<th>TABLE 15.04.201.050: DEVELOPMENT STANDARDS – RESIDENTIAL MULTI-FAMILY DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>District</strong></td>
</tr>
<tr>
<td><strong>Lot and Density Standards</strong></td>
</tr>
<tr>
<td>Density (du/ac)</td>
</tr>
<tr>
<td>Minimum Lot Area per Unit (sq ft)</td>
</tr>
<tr>
<td>Minimum Lot Size (sq ft)</td>
</tr>
<tr>
<td>Minimum Lot Width (ft)</td>
</tr>
<tr>
<td><strong>Building Form and Location</strong></td>
</tr>
<tr>
<td>Maximum Height (ft)</td>
</tr>
<tr>
<td>Main Building</td>
</tr>
<tr>
<td>Accessory Building</td>
</tr>
<tr>
<td>Maximum Stories</td>
</tr>
<tr>
<td>Minimum Setbacks (ft)</td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Interior Side</td>
</tr>
</tbody>
</table>
### TABLE 15.04.201.050: DEVELOPMENT STANDARDS – RESIDENTIAL MULTI-FAMILY DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>RM1</th>
<th>RM2</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street Side</strong></td>
<td>10 (E)</td>
<td>10 (E)</td>
<td>See § 15.04.601.020 Building Projections into Yards</td>
<td>⑤</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td>20</td>
<td>20 (A)</td>
<td></td>
<td>⑥</td>
</tr>
<tr>
<td>Parking, from street facing property line</td>
<td>40 (F)</td>
<td>40 (F)</td>
<td></td>
<td>⑦</td>
</tr>
<tr>
<td>Minimum Distance Between Buildings (ft)</td>
<td>6</td>
<td>6</td>
<td></td>
<td>⑧</td>
</tr>
<tr>
<td>Maximum Lot Coverage (% of Lot)</td>
<td>65</td>
<td>75</td>
<td>See Article 15.04.103 Rules of Measurement</td>
<td>⑨</td>
</tr>
<tr>
<td>Maximum Upper Story Massing (% of Ground Floor Footprint)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2nd Story</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3rd Story and Above</td>
<td>80</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Open Space, Landscaping and Paving**

| Minimum Private Open Space (sq ft per unit) | 75 | 60 | (G) |
| Minimum Total Open Space (sq ft per unit) | 150 | 120 | (G) |
| Required additional Open Space for 3 or more Bedrooms (sq ft per unit) | 100 (common or private) | | |
| Minimum Amount of Landscaping (% of site) | 15 | 15 | See Article 15.04.613 Water-Efficient Landscaping |
| Maximum Paving in Street-facing Yards (% of required yard) | 50 | 50 | |

**Additional Development Standards – RM Districts**

A. **Transitional Standards.** Where an RM District adjoins an RH or RL District, the following standards apply:

1. The building setback from an RH or RL District boundary shall be 10 feet for interior side yards and 20 feet for rear yards.

2. A landscaped planting area, a minimum of five feet in width, shall be provided along all RH or RL District boundaries. A tree screen shall be planted in this area with trees planted at a maximum interval of 15 feet.

B. **Accessory Building Height.** If a peak roof is used, the height limit may be increased to 14 feet.

C. **Upper Story Stepback.** The fourth story street facing building frontage shall be stepped back a minimum of 10 feet from the stories below. Exceptions may be
granted by the Zoning Administrator, provided that an entry courtyard with a minimum depth of 25 feet, landscaping, and seating amenities are provided on the ground level at grade; or other comparable public amenities are provided.

D. **Front Setback.** Where 75 percent or more of the lots in a block, on both sides of the street, have been improved with buildings, the minimum front setback required for the entry element (stoop or projected porch) shall be the average of those on the improved lots or 10 feet, whichever is less.

E. **Street Side Yards on Lots with Reversed Frontage.** The rear one-quarter of the exterior side yard shall not be less than the front yard required or existing on the lot adjoining such exterior side yard.

F. **Parking Setback.** Parking may be located within 40 feet of the street facing property line in accordance with the following standards.

1. **Underground and Partially Submerged Parking.** Parking completely or partially underground may match the setbacks of the main structure. The maximum height of a parking podium visible from a street is five feet from finished grade.

2. **Surface Parking.** Above ground parking may be located within 40 feet of a street facing property line with the approval of an administrative use permit when the all of following findings can be made:
   a. The design incorporates habitable space built close to the public sidewalk to the maximum extent feasible;
   b. The parking area is well screened with a wall, hedge, trellis, and/or landscaping; and
   c. The site is small and constrained such that underground, partially submerged, or surface parking located more than 40 feet from the street frontage is not feasible.

G. **Open Space.** Private and common areas shall be provided in accordance with this section. Private areas typically consist of balconies, decks, patios, fenced yards, and other similar areas outside the residence. Common areas typically consist of landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development. Landscaped courtyard entries that are oriented towards the public street which create a welcoming entry feature are also considered common areas. All areas not improved with buildings, parking, vehicular accessways, trash enclosures, and similar items shall be developed as common areas with the types of attributes described above.

1. **Minimum Dimensions.**
   a. **Private Open Space.** Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than 10 feet.
Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.

b. **Common Open Space.** Minimum dimension of 15 feet.

2. **Usability.** 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, or other serviceable, dust-free surfacing. Slope shall not exceed 10 percent.

3. **Accessibility.**
   a. **Private Open Space.** The space shall be accessible to only one living unit by a doorway or doorways to a habitable room or hallway.
   b. **Common Open Space.** The space shall be accessible to the living units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a habitable room.

**15.04.201.060 Height Regulations for Sloped Lots**

A. All lots with a building footprint slope of 20 percent or more are subject to the height regulations established in Table 15.04.201.060.
**TABLE 15.04.201.060: HEIGHT REGULATIONS FOR ALL LOTS WITH A FOOTPRINT SLOPE OF ≥20%**

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Downslope Lot Height Regulations with a Footprint Slope of:</th>
<th>Upslope Lot Height Regulations with a Footprint Slope of &gt;20%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height for Detached Accessory Structures</td>
<td>&gt;20% and ≤40%</td>
<td>&gt;40% and ≤60%</td>
</tr>
<tr>
<td>Maximum Wall Height Primary Building</td>
<td>15 ft.</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Maximum Wall Height Primary Building with a conditional use permit</td>
<td>32 ft.</td>
<td>34 ft.</td>
</tr>
<tr>
<td>Maximum Wall Height Primary Building with a conditional use permit</td>
<td>36 ft.</td>
<td>38 ft.</td>
</tr>
</tbody>
</table>

Note: Diagram shows the relationship between upslope and downslope heights, with allowance for footprint slope and natural or finished grade, whichever is lower.
TABLE 15.04.201.060: HEIGHT REGULATIONS FOR ALL LOTS WITH A FOOTPRINT SLOPE OF ≥20%

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Downslope Lot Height Regulations with a Footprint Slope of:</th>
<th>Upslope Lot Height Regulations with a Footprint Slope of:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>&gt;20% and ≤40%</td>
<td>&gt;40% and ≤60%</td>
</tr>
<tr>
<td>Maximum Pitched Roof Height Primary Building</td>
<td>36 ft.</td>
<td>38 ft.</td>
</tr>
<tr>
<td>Maximum Height Above Edge of Pavement</td>
<td>18 ft.</td>
<td>18 ft.</td>
</tr>
<tr>
<td>Maximum Height Above the Ground Elevation at the Rear Setback Line</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Height from Finished or Existing Grade (whichever is lower) Within 20' of the Front Property Line</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Additional Regulations for Table 15.04.201.060

1. See Section 15.04.201.060 for allowed projections above height limits.

2. On a downslope lot greater than 40 percent footprint slope, the rear wall of an attached garage or carport may exceed the wall height and roof height by five feet, but may not exceed 18 feet above ground elevation at edge of pavement, if the garage or carport conforms with all of the following criteria:
   a. Maximum width is 22 feet and maximum depth is 20 feet; and
   b. Garage or carport floor is at the same level as the edge of the street pavement resulting from the project at the center point of the driveway entrance or is at a lower level; and
   c. Maximum height above the garage or carport floor is ten feet for walls to the top of the plate or flat roof and 12 feet for pitched roofs.

15.04.201.070 Design Standards for Multi-Family Housing

A. Building Entrances.

1. **Orientation.** All units located along public rights-of-way must have the primary entrance facing this right-of-way. Exceptions to this requirement may be approved for projects where multiple-family housing is located on four-lane streets carrying high traffic volumes and/or streets that do not allow on-street parking. In such cases, the project may be oriented around courtyards.

2. **Projection or Recess.** Building entrances must have a roofed projection (such as a porch) or recess with a minimum depth of at least five feet and a
minimum horizontal area of 80 square feet. Alternative designs that create a welcoming entry feature facing the street, such as trellis or landscaped courtyard entry, may be approved by the Design Review Board.

3. **Dwelling Unit Access.** Exterior entrances to units shall be in a form of individual or shared entrances at the ground floor of the building. Unit entrances above the ground floor are also permitted; however, no exterior access corridor located above the ground floor may provide access to five or more units.

B. **Building Design.** Buildings shall include adequate design features to create visual variety and avoid a large-scale and bulky appearance.

   1. **Building Length.** The maximum dimension of any single building shall not exceed 125 feet.

   2. **Roof Line.** The roof line shall demonstrate an offset of at least 18 inches, a change of pitch, or a gable every 60 linear feet.

   3. **Windows.** All windows and window frames shall be inset a minimum of two inches from the face of the building to enhance a shadow line around the opening.

   4. **Façade Articulation.** All street-facing facades shall have at least one horizontal or vertical projection or recess at least four feet in depth, or two projections or recesses at least two and one-half feet in depth, for every twenty-five horizontal feet of wall. If located on a building with two or more stories, the articulated elements must be greater than one story in height, and may be grouped rather than evenly spaced in twenty-five foot modules. Building entrances and front porches and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises may count towards meeting this requirement.

   5. **Façade Detailing and Materials.** All visible building façades shall incorporate details, such as window and door trim, window recesses, cornices, changes in materials or other design elements, in an integrated composition. Each side of a building that is visible from a public right-of-way shall be designed with a complementary level of detailing and quality of materials.

   6. **Building Materials.** All materials shall be high quality to allow for long-term durability and appearance.

   7. **Transition Areas.** Where new multi-family developments are built adjacent to existing lower-scaled residential development, the façade facing the existing lower-scaled residential development shall be designed to provide architectural relief and interest, while also respecting the scale of adjacent neighbors.
a.  **Height.** Full-height recesses, a minimum of 10 feet deep, shall be provided along the facade to break the building into smaller discrete masses.

b.  **Privacy.** Offset windows to avoid direct sight lines into and from neighboring properties. Position balconies and other private open space so they minimize views into neighboring properties.

8.  **Exceptions.** Exceptions to the multi-family building design standards may be granted by the Design Review Board based on the finding that adequate design features have been incorporated to create visual variety and avoid a large-scale, bulky, or monolithic appearance.

C.  **Private Storage Space.** Each unit shall have at least 200 cubic feet of enclosed, weather-proofed, and lockable private storage space with a minimum horizontal dimension of four feet.

D.  **Paving.** Differentiated paving materials shall be used for garage aprons, entries, and pedestrian walkways. This may include, but not be limited to, textures or colors, concrete pavers, brick, or stamped concrete. The use of permeable materials to reduce runoff is strongly encouraged.

E.  **Pedestrian Access.** On-site pedestrian circulation and access must be provided according to 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 Circulation Network.** Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

3.  **To Neighbors.** Direct and convenient access shall be provided to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

4.  **To Transit.** Safe and convenient pedestrian connections shall be provided from transit stops and BART stations to building entrances.

5.  **Pedestrian Walkway Design.**

   a.  Walkways shall be a minimum of six feet wide, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.

   b.  Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

   c.  Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a
raised curb at least four inches high, bollards, or other physical barrier.

15.04.201.080 Residential Development Types

This section illustrate development types allowed within the Residential Districts and provides supplemental standards for small lot single unit, bungalow court, and townhouse development types.

A. Single Unit Dwellings.

FIGURE 15.04.201.080-A: RESIDENTIAL DEVELOPMENT TYPE ILLUSTRATION: SINGLE UNIT DWELLING
B. Multi-Unit Residential Development.

FIGURE 15.04.201.080-B: RESIDENTIAL DEVELOPMENT TYPE ILLUSTRATION: MULTI-UNIT RESIDENTIAL
C. **Small Lot Single Unit, Bungalow Court, and Townhouse Development Types.** Small lot single unit, bungalow court, and townhouse development types are subject to the development standards and supplemental regulations of the base district unless modified by Table 15.04.201.080.

<table>
<thead>
<tr>
<th>TABLE 15.04.201.080: DEVELOPMENT STANDARDS – SMALL LOT SINGLE UNIT, BUNGALOW COURT, AND TOWNHOUSE DEVELOPMENT TYPES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standard</strong></td>
</tr>
<tr>
<td>---------------</td>
</tr>
<tr>
<td><strong>Site Standards</strong></td>
</tr>
<tr>
<td>Minimum Project Site Width (ft)</td>
</tr>
<tr>
<td>Maximum Project Site Floor Area Ratio (FAR)</td>
</tr>
<tr>
<td>Maximum Project Site Lot Coverage (% of site)</td>
</tr>
<tr>
<td><strong>Building Height and Form</strong></td>
</tr>
<tr>
<td>Maximum Number of Stories</td>
</tr>
<tr>
<td>Maximum Building Length (ft)</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
</tr>
<tr>
<td>Project Site</td>
</tr>
<tr>
<td>Individual Lot (ft)</td>
</tr>
<tr>
<td><strong>Front</strong></td>
</tr>
<tr>
<td><strong>Side</strong></td>
</tr>
<tr>
<td><strong>Rear</strong></td>
</tr>
<tr>
<td>Building Separation of Detached Units (ft)</td>
</tr>
<tr>
<td><strong>Parking and Access</strong></td>
</tr>
<tr>
<td>Maximum Garage Width (ft)</td>
</tr>
<tr>
<td>Access Location</td>
</tr>
<tr>
<td><strong>Building Orientation</strong></td>
</tr>
<tr>
<td>Orientation</td>
</tr>
<tr>
<td>Entrance Location</td>
</tr>
<tr>
<td><strong>Usable Open Space</strong></td>
</tr>
<tr>
<td>Minimum Private Open Space (sq ft per unit)</td>
</tr>
</tbody>
</table>
### TABLE 15.04.201.080: DEVELOPMENT STANDARDS – SMALL LOT SINGLE UNIT, BUNGALOW COURT, AND TOWNHOUSE DEVELOPMENT TYPES

<table>
<thead>
<tr>
<th>Standard</th>
<th>Small Lot Single Unit</th>
<th>Bungalow Court</th>
<th>Townhouse</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Common Open Space</td>
<td>200 sf/unit</td>
<td>15% of lot area provided as a central courtyard</td>
<td>200 sf/unit</td>
</tr>
<tr>
<td>Minimum Dimensions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ground floor, common (ft)</td>
<td>n/a</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>Ground floor, private (ft)</td>
<td>15</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Balcony (ft)</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

#### Additional Standards

<table>
<thead>
<tr>
<th>Minimum Amount of Visible Landscaping (% of site)</th>
<th>35</th>
<th>35</th>
<th>25</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Amount of Enclosed Personal Storage (sq ft)</td>
<td>80</td>
<td>80</td>
<td>80</td>
</tr>
</tbody>
</table>
FIGURE 15.04.201.080-D(1): RESIDENTIAL DEVELOPMENT TYPE ILLUSTRATION: SMALL LOT SINGLE UNIT
FIGURE 15.04.201.080-D(2): RESIDENTIAL DEVELOPMENT TYPE ILLUSTRATION: BUNGALOW COURT
A. **Purpose.** The purpose of this section is to provide opportunities to increase the supply of smaller dwelling units and rental housing units in the City by allowing the creation of subdivisions with smaller lots and dwellings. It also is intended to establish design and development standards for these projects to ensure that they are compatible with the surrounding neighborhood.

B. **Location.** A small lot subdivision may be proposed and approved on any site within the RL2 District where such development would be compatible with adjacent uses.
and the character of the area, and the density will not exceed the General Plan maximum. A small lot subdivision shall not be allowed where the Planning Commission determines that such compatibility will not occur, public utilities and services are inadequate, or the landform is inappropriate for such development because of grading or impacts on views from adjacent lots.

C. **Development Types.** Small lot subdivisions may be proposed and approved for small lot single unit, bungalow court, and townhouse development developed according to Section 15.04.201.070, Residential Development Types.

D. **Lot Standards.** The Planning Commission may approve smaller lots than required for the base district, but no less than 2,000 square feet in area and 30 feet in width, upon finding that the development will be compatible with neighboring uses and will contribute to underserved segments of the City’s housing market.

**15.04.201.100 Hillside Subdivisions**

A. **Purpose.** The purpose of this section is to establish development standards for hillside subdivisions to preserve the hills and ridges and their natural features and to maintain a harmonious visual and functional relationship between the existing natural environment and future development, consistent with the General Plan. More specifically, these standards are intended to:

1. Maintain an environmental equilibrium, consistent with existing topography, vegetation, soils, and drainage patterns and minimize grading and cut and fill operations to retain, whenever possible, the natural character of the hill areas;

2. Avoid development that would result in unacceptable fire, flood, landslide or other safety hazard or impose high maintenance costs for streets and public facilities;

3. Provide a mechanism for flexible design of hillside residential development that is sensitive to existing terrain, and significant natural landforms and features; and

4. Minimize water runoff and soil erosion problems incurred in adjusting to the terrain to meet on-site and off-site development needs.

B. **Applicability.** These standards apply to any land division on sites and lots or portions of undeveloped land greater than one acre in area with an average slope of 15 percent or greater over any horizontal distance of 25 feet or more, except mineral resource extraction and quarrying.

1. The Zoning Administrator may require a survey and slope analysis to determine whether the provisions of this section apply to a specific site or subdivision.

2. In the event of a conflict between the provisions of this section and any underlying base zoning district, the most restrictive provisions shall apply.
C. **conditional use permit Required.** All hillside subdivisions must obtain approval of a conditional use permit. Before approving a conditional use permit, the Planning Commission, must consider:

1. **Responsiveness to the Site Context.** How the proposed development responds to the site's physical constraints, natural features, special features, visual character and the neighboring environment.

2. **Proposed Density.** The maximum number of dwelling units allowed shall be controlled by the density limits of the base zoning district. However, the Planning Commission may reduce the maximum number of dwelling units as necessary to achieve any of the following:
   a. To minimize the need for grading and/or significant alteration of the natural topography of the site;
   b. To preserve public vistas;
   c. To minimize the construction of unnecessary roadways;
   d. To reduce hazards to adjacent property; or
   e. To preserve environmental resources.

3. **Site Design.** Whether the proposed development:
   a. Reflects the City's design goals and policies as expressed in the General Plan;
   b. Preserves or protects unique or special natural features of the site, such as land forms, rock outcroppings, mature trees and vegetation, drainage courses, hilltops and ridge lines;
   c. Is compatible with the natural features, building location, and existing open spaces of neighboring properties;
   d. Preserves or minimizes impacts on privacy and access to light and safety of neighboring properties;
   e. Avoids the unstable or hazardous portions of the site; and

4. **Circulation and Parking.** Whether the proposed development:
   a. Provides a clearly organized circulation plan for automobiles, bicycles, pedestrians, and service vehicles;
   b. Locates and landscapes roads and streets so as to minimize grading and avoid impacts to existing vegetation; and
   c. Provides access to any parks and publicly-owned open space abutting the site.

5. **Required Findings.** In addition to the findings in Section 15.04.910, the Planning Commission shall approve or conditionally approve a conditional use permit only upon finding that:
a. The project is consistent with the development regulations and design criteria established in this Article;

b. Proposed grading takes into account existing natural features of the property, including mature trees, significant or unique vegetation groupings, prominent geological features, and natural drainage courses; and

c. Adequate wildland fire safety measures have been incorporated into the design of the project.

D. **Hillside Grading and Drainage.** Changes to the existing natural terrain through grading must be kept to a minimum in order to preserve the inherent characteristics of sloping hillsides.

1. **Grading.** In addition to meeting the standards in Municipal Code Chapter 12.44 (Excavation, Grading and Earthwork Construction), all proposed hillside development shall:

   a. Minimize grading in areas with greater than 26 percent slope except that required exclusively for foundations. All grading shall conform to the following standards, based upon the percent of the natural slope:

      i. **0-15 percent.** Redistribution of earth over large areas may be permitted;

      ii. **15-26 percent.** Some grading may occur, but landforms should retain their natural character. Padded building sites may be allowed, but custom foundations, split level designs, stacking and clustering are expected to mitigate the need for large padded building areas;

      iii. **26-30 percent.** Limited grading may occur; however, major topographic features shall retain their natural land forms; or

      iv. **Over 30 percent.** Development and limited grading can only occur if necessary to avoid hazards or reduce environmental, and visual impacts.

   b. Avoid creating graded areas where there is a 30 feet or greater difference in height between terraces or benches; if the difference is more than 30 feet, then benches with concrete drainage channels shall be placed every 20 feet. If approved, terracing must be designed with small incremental steps, avoiding wide step terracing and large areas of flat pads.

   c. Grade new building sites such that they appear to emerge from the slope.

   d. Avoid a manufactured appearance by creating smooth flowing contours of varying gradients. Slopes created by grading of the site
shall not exceed 50 percent, without a soils report and stabilization study justifying it. Avoid sharp cuts and fills and long linear slopes that have uniform grade; sculpture grading to blend slopes and benches with natural topography.

**FIGURE 15.04.201.100-D(I)(D): GRADING CONTOUR**

- **c.** Minimize pad size to accommodate the structure and a reasonable amount of open space. Pads for tennis courts, swimming pools and lawns must be minimized.
- **f.** Use split level building terraces to reduce pad size.
- **g.** Avoid grading on hazardous or unstable portions of the site.
- **h.** Minimize grading within 20 feet of all perimeter property lines, unless the grading is similar to the existing adjacent slopes or to the planned grading of the adjacent slopes.
- **i.** Minimize the height of retaining walls visible from off site. Use stone or earth-colored materials. Design retaining walls associated with lots as follows:
  - **i.** Upslope (from the structure) walls not to exceed four feet in height unless greater height is approved by the Planning Commission. Terraced retaining structures may be utilized if separated by a minimum of three feet and landscaped. Overall combined height of walls shall not exceed eight feet in height unless greater height is approved by the Planning Commission.
ii. Downslope (from the structure) walls not to exceed a combined total of 42 inches in height unless greater height is approved.

iii. Sloping, one retaining wall on each side of the lot not exceeding 42 inches in height.

iv. Retaining walls shall be designed with smooth, continuous lines that conform to the topography. Maximum wall height at the base of slopes along roadways shall not exceed 4 feet in order to avoid a contained, channel-like effect.

v. Retaining walls to accommodate a patio or terrace shall conform to the natural hillside profile.

2. **Drainage.** In addition to meeting the standards in the Subdivision and Grading Ordinances, all proposed hillside development shall:

   a. Collect and convey storm water to off-site systems in a manner that will avoid erosion and damage to on-site and adjacent properties.

   b. Design necessary storm drainage improvements to create a natural rather than a manufactured appearance.

   c. Minimize on-site areas of impervious surfaces to reduce runoff.

   d. Provide adequate drainage control devices to prevent flooding of below grade floor slabs and subterranean water from seeping into structures.

   e. Place drainage devices, such as terrace drains, benches and down drains, in locations of least visibility on slopes. Avoid visible concrete drains; but if required, they should be color tinted and screened with planting to be less obtrusive.
f. Provide for bulked-flow and subsoil runoff to a safe point of discharge, such as a street, channel or debris basin, so that damage to improvements or slopes will not result. Do not flatten natural stream gradients.

g. Design lots and proposed improvements to accommodate debris from potential land slippage and/or erosion without damage to improvements or downslope property. Provide access to a street for cleanup and removal, where warranted.

h. Provide emergency routes for flood and debris flows that exceeds the design capacity of planned drainage, flood control and debris collection facilities. Direct overflows away from slopes and improvements and toward safe points of discharge.

3. **Erosion Control.** In addition to meeting the standards in the Subdivision and Grading Ordinances, all proposed hillside development shall:

   a. Include erosion control and revegetation programs in grading plans, when necessary to prevent erosion;

   b. Control the timing of grading and construction to avoid failure during construction; and

   c. When detention basins and other storm and erosion control facilities are required, minimize any negative visual impacts to the natural hillside character with planting and revegetation.

4. **Geologic Hazards.** Geotechnical review is required on all sites to identify hazardous areas, including potential debris flows.

   a. Areas determined through the geotechnical review process to be too hazardous for development shall not be developed.

   b. The following methods for mitigating geologic hazards are not acceptable:

      i. Exposure of slopes that cannot be suitably re-vegetated; and

      ii. Removal of large areas of existing mature vegetation that substantially contribute to the natural character of a site.

   c. Existing geologic hazards shall be corrected when they pose a threat to on or off-site development or properties.

   d. In all subdivisions, for 10 years following granting of a final occupancy permit, the applicant shall warrant and be solely responsible for slope maintenance and stabilization. In addition, the applicant shall deposit a bond with the City, or provide equivalent assurance as approved by the City Engineer, in an amount as determined by the City Engineer to insure compliance with this condition. Following the expiration of the warranty period, impacts
due to soils failure are the sole responsibility of the property owners' association.

Slope monitoring by a California-certified engineering geologist shall be conducted every other month for the first two years and annually thereafter and written reports of findings provided to the City Engineer.

Provisions for maintenance of slopes and retaining walls with instruction for recognizing conditions that require professional evaluation and potential mitigation shall be incorporated in the codes and covenants of the property owners' association. A copy of such codes, covenants and instructions shall be submitted to the Director and City Engineer for approval prior to issuance of building permits.

E. **Lot Size and Configuration, Building Setbacks, and Location.** The layout of lots in all hillside residential development must be adapted to existing topography and natural features and avoid unnecessary alteration of land forms. The Planning Commission may approve lots that are less than the minimum size and dimensions in a cluster development provided the overall density does not exceed the General Plan maximum.

1. **Lot Configurations.** All proposed hillside development shall:
   a. Use lot patterns that offer a variety of lot shapes.
   b. Place lot lines at the top of major slope areas to ensure that the slope maintenance and planting will not be neglected by an uphill owner and to minimize drainage crossing lot lines.
   c. Use flag lots with parking located adjacent to roadways to minimize roadway cut and fill.

   ![FIGURE 15.04.201.100-E(1): FLAG LOTS](image)

2. **Building Setbacks.** Use variable front building setbacks to preserve natural hillside character.
F. Trees.

1. **Preserving Trees During Construction.**
   
a. No fill, grading, or construction shall be permitted within the drip line of any tree (or within six feet of the trunk, whichever is greater) designated for preservation except as may be recommended by an arborist or forester.

b. Trenching shall be prohibited within the tree drip line, and any required utility line within the tree drip line shall be installed by boring or drilling through the soil.

c. Where necessary for access in the vicinity of trees designated for preservation, paving within the drip line shall use porous materials such as gravel, loose boulders, cobbles, wood chips, or bark mulch.

![FIGURE 15.04.201.100-F(1): TREE PRESERVATION](image)

2. **Criteria for Tree Removal.** In assessing the number of trees and specific trees that may be removed, the Planning Commission shall consider the following criteria as identified in an arborist report submitted by the applicant:

   a. Whether the tree is in poor health and cannot be saved;
b. Whether the tree is a public nuisance, causing damage to public utilities or streets and sidewalks that cannot be mitigated by some other means (such as root barriers etc.);

c. Whether the tree is in danger of falling and cannot be saved by some other means (such as pruning);

d. Whether the tree is damaging existing private improvements on the lot (e.g., building foundation, wall, patio, deck, roof, retaining wall, etc.);

e. Whether the tree species is known to be highly combustible and is determined to be a fire hazard;

f. Whether reasonable development of the property would require the alteration or removal of the tree and could not be reasonably accommodated elsewhere on the lot; and

g. Whether the tree species is known to develop weaknesses that affect its health or the safety of people and property (e.g., short-lived, weak-wooded and subject to limb breakage, shallow-rooted and subject to toppling).

3. **Whenever Significant Trees Are Removed.**

   a. Trees shall be replaced at a ratio of at least 3 new trees for every tree removed. Replacement trees shall be planted in the following order of priority: (i) on the project site; (ii) on adjacent private or public land, or along public streets, or (iii) within five miles of the site of the removal.

   b. The minimum tree size shall be 15 gallons. Exception to this requirement may be allowed by the Planning Commission when site conditions warrant.

   c. To protect trees during construction one or both of the following measures shall be taken: (i) construct fencing around the drip line of each tree or group of trees to be retained; and (ii) establish an incentive program in the construction contract to encourage workers, particularly bulldozer drivers, to maximize caution when working near trees (such as a fine for each damaged tree or subtract the fine from a bonus to be divided among all construction workers at the end of the project).

G. **Building Locations.** All proposed hillside development shall:

1. Not locate buildings near visually prominent ridgelines when a choice of building location is available. Building rooflines must be located below the ridgeline so that views to the hillside from public roadways see the natural ridgeline.
2. Minimize front yard setback on downslope lots to reduce building mass hanging over the slope. Step building bulk down with the slope.

H. **Street Layout, Driveway, and Parking Design.** In addition to adherence to the standards in the Subdivision Ordinance, new development must align street, drives, parking and emergency vehicle access to conform closely to existing grades and minimize the need for the grading of slopes. Subdividers shall retain natural land forms by introducing gentle horizontal and vertical curves in road alignments.

1. **Street Layout.** All proposed hillside development shall:
   a. Use narrower street widths to reduce grading impact, where acceptable to the City Engineer and the Fire Department, when the topography of the small number of lots served and the probable future traffic development justifies it, and when safety will not be compromised.
   b. Reduce the visual and safety impacts of hillside street design by use of terraced retaining walls and landscaping.
   c. Use split roadways to increase the amount and appearance of landscaping and use the median to handle drainage.

2. **Driveways and Guest Parking.** All proposed hillside development shall:
   a. Limit driveway grades to 15 percent or less. The finished grade of driveways shall conform to the finished grade of the lot. Concrete driveway approaches shall be engineered and reinforced, as appropriate. All hillside driveway plans must be reviewed and approved by the Fire Department.
   b. Provide two guest parking spaces conveniently placed relative to the dwelling unit unless the Planning Commission waives this requirement to minimize excessive grading or avoid tree removal.
   c. Driveway and parking designs that force vehicles to back out into substandard roadway widths are prohibited.
   d. Common drives in hillside residential development may be approved if grading is reduced. Maintenance agreements are required for common driveways.
   e. On-street parking for guest space may be provided in parking bays in lieu of off-street parking where topography allows.

I. **Reduction of Building Bulk in Multi-Building Projects.** All proposed hillside development shall:

1. Use split pads, pier foundations, stepped footings, and grade separations to permit dwellings to step down or up the natural slope.
FIGURE 15.04.201.090-I(1): STEPPED FOOTING

2. Site buildings with different floor elevations to achieve height variation.
3. Site buildings that are located near the top of hillsides in a staggered arrangement and screen with planting to minimize wall effect.
4. Avoid long or tall, continuous building masses that create a wall or tower effect.
5. Articulate facades to produce shadows through wall setbacks, recessed openings, porches, verandas, moderate overhangs, projecting windows.
6. Avoid extended horizontal rooflines.

J. Landscaping. All proposed hillside development shall:
1. Use planting designs that buffer existing neighborhoods from the impacts of new hillside development.
2. Revegetate scarred or graded areas.
3. On slopes of 2:1 or greater, select plant materials with deep rooting characteristics that will minimize erosion and reduce surface runoff. Subdividers also shall use a series of low retaining walls, with sub-drain lines, to increase planting areas, where feasible. This will also reduce runoff and potential erosion.
4. Use irregular planting spacing to achieve a natural appearance on graded slopes. Plant trees along contour lines in undulating groups to create grove effects which blur the distinctive line of the graded slopes, and plant shrubs of varying height between tree strands. Ground covers of native and introduced species are appropriate for slope erosion control.
Article 15.04.202  Mixed-Use Districts

Sections:
15.04.202.010  Purpose
15.04.202.020  Land Use Regulations
15.04.202.030  Development Standards
15.04.202.040  Supplemental Regulations

15.04.202.010  Purpose
The specific purposes of the Mixed-Use Districts are to:

A. Provide for the orderly, well-planned, and balanced growth of mixed-use districts.
B. Encourage a mix of uses that promotes convenience, economic vitality, fiscal stability, and a pleasant quality of life.
C. Promote pedestrian- and transit-oriented, mixed-use commercial centers at appropriate locations.
D. Establish design standards that improve the visual quality of development and create a unified, distinctive, and attractive character along mixed-use streets.
E. Provide appropriate buffers and transition standards between commercial and residential uses to preserve both commercial and mixed-use feasibility and residential quality.


CM-1 Commercial Mixed-Use, Residential. This district is intended for mixed-use development with commercial uses at street-level along corridors. Residential-only development also is allowed and may include condominiums, townhouses or apartments. Commercial-only development is not allowed. Projects with commercial components must also include a residential component. New development is required to have a pedestrian-oriented building design with minimal front and street-side setbacks and parking located to the sides or rear of buildings.

CM-2 Commercial Mixed-Use, Neighborhood. This district is intended for residential and neighborhood-serving retail uses, such as small stores, markets, professional offices, boutiques, barbershops, beauty salons, and restaurants. Residential development above ground floor commercial is preferred, but not required. Standards will ensure that development at neighborhood nodes is appropriately scaled, so that the physical form relates to and does not overwhelm adjacent single-family residential neighborhoods.
CM-3 Commercial Mixed-Use, Commercial. This district is intended for mixed-use development with commercial or office/light industrial uses at street-level along corridors. This classification is distinguished from the CM-1 Commercial Mixed-Use, Residential in that it allows residential-only or commercial-only development. Allowable residential uses include condominiums, townhouses or apartments, and commercial uses may include small to large-scale retail, business and personal services and, at street-level, offices serving a walk-in clientele. New development must have a pedestrian-oriented building design with minimal front and street-side setbacks and parking located to the sides or rear of buildings preferred.

CM-4 Commercial Mixed-Use, Gateway/Node. This district is intended for mid-rise mixed-use development at key community nodes and gateways with commercial uses at street-level and offices or residential uses on upper floors. Commercial development must have a pedestrian-oriented building design with setbacks allowing for public amenities and parking located behind buildings.

CM-5 Commercial Mixed-Use, Activity Center. This district is intended for mid and high-rise mixed-use development at major activity centers to serve the community and residents and businesses in the San Francisco Bay Area. Office, retail, entertainment and residential uses are allowed. Standards for physical form will create an urban character as envisioned in the General Plan with streets with minimal setbacks, wide sidewalks and public spaces that cater to pedestrians and transit riders.

LW Live-Work. This district is intended for joint living and working quarters, with residential space connected to small-scale artisan or production spaces as well as office and storefront retail. It includes loft and apartments type development. This district is appropriate for transitional areas identified in the General Plan where it can be demonstrated that the live-work use would not conflict with adjacent uses. A maximum density of 50 dwelling units per acre is permitted, and the non-residential FAR shall not exceed 0.4. Civic and institutional uses also are permitted, but the zoning district is not intended to create a purely residential environment.

15.04.202.020  Land Use Regulations
Table 15.05.202.020 prescribes the land use regulations for all CM Districts and for the Live-Work District. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

“A” designates use classifications that are permitted after review and approval of an administrative use permit by the Zoning Administrator.

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the Planning Commission.

“L#” designates numbered limitations listed at the end of the table.
“x” designates uses that are not permitted.

Use classifications are defined in Article 15.04.104, Key Terms and Definitions. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance.

**TABLE 15.04.202.020: LAND USE REGULATIONS – CM MIXED-USE DISTRICTS**

<table>
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<tr>
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### INSTITUTIONAL AND COMMUNITY FACILITIES

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#### TRANSPORTATION, COMMUNICATION AND UTILITIES

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<td></td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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</tbody>
</table>

**OTHER**

<table>
<thead>
<tr>
<th>Accessory Uses and Structures</th>
<th>See § 15.04.601.010 Accessory Uses and Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Occupations</td>
<td>P P P P P P See § 15.04.610.220 Home Occupations</td>
</tr>
<tr>
<td>Nonconforming Uses</td>
<td>See Article 15.04.606, Nonconforming Uses, Structures, and Lot</td>
</tr>
<tr>
<td>Temporary Use</td>
<td>See Article 15.04.807, Temporary Use Permits</td>
</tr>
</tbody>
</table>

**Notes:**

L1 Permitted above the ground floor or behind an allowed ground floor use.

L2 Only allowed on the ground floor in mixed-use buildings; an administrative use permit is required for 1,500 to 3,000 square feet, and a conditional use permit is required for more than 3,000 sq. ft. A full service restaurant requires a conditional use permit for 1,500 square feet or more.

L3 Requires a conditional use permit and cannot be located within 500 feet of a school or park.

L4 Allowed with a conditional use permit if the hotel has no more than 20 guest rooms.

L5 Only allowed on arterial streets, occupying 2,500 sq. ft. or less unless greater floor area, up to 5,000 square feet may be approved with an administrative use permit.

L6 Must be within an enclosed structure.

L7 Allowed with a conditional use permit if the Planning Commission finds that there are no feasible alternative locations and all other requirements of the Zoning Ordinance are met.

L8 Only allowed on the ground floor of a building; a conditional use permit is required for more than 25,000 square feet.

L9 Within the area established for the Richmond Bay Specific Plan, limited industrial development is permitted only in an existing building. Minor additions to such buildings of up to 10 percent of existing floor area are allow without discretionary review beyond that required for a building permit. Repairs and maintenance also is allowed as may be necessary to comply with existing City codes and ordinances or to strengthen or restore to a safe condition any building, structure, or part thereof declared to be unsafe by the Director of Planning and Building Services or any other City official charged with the responsibility of protection of public health, safety and welfare. *(This limitation will be superseded by the adopted plan.)*

L10 Permitted above the ground floor or behind an allowed ground floor use and with approval of a conditional use permit.

L11 Up to 25 beds are permitted; for more than 25 beds, a conditional use permit is required. See Section 15.04.610.170 *(Emergency Shelters).*

L12 An administrative use permit is required if a new school will be located in an existing building and any new space added to the building will not exceed 20 percent of existing floor area, excluding space in portable classrooms. A conditional use permit is required for construction of new schools and for additions to existing buildings in which new schools will be located that exceed 20 percent of existing floor area.
15.04.202.030 Development Standards

Tables 15.04.202.030(1) through 15.04.202.030(5) prescribe the development standards for Mixed-Use Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Article, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.


<table>
<thead>
<tr>
<th>District</th>
<th>CM-1</th>
<th>CM-2</th>
<th>CM-3</th>
<th>CM-4</th>
<th>CM-5</th>
<th>LW</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot and Density Standards</strong></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum; Maximum Density (units/net acre)</td>
<td>20; 50</td>
<td>10; 30</td>
<td>15; 50</td>
<td>30; 75</td>
<td>40; 125</td>
<td>15; 50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Size (sq. ft.)</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width (ft.)</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Non-Residential Floor Area Ratio (FAR)</td>
<td>0.5</td>
<td>0.5</td>
<td>2.0</td>
<td>2.0</td>
<td>5.0</td>
<td>0.5; 0.8 with a conditional use permit</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building Placement Standards</strong></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Setbacks, Residential-only Development</td>
<td>Residential-only development is subject to the setback requirements of the RM2 District.</td>
<td>See § 15.04.601.020 Building Projections into Yards</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setbacks, Commercial and Mixed-Use Development (ft)</td>
<td></td>
<td></td>
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<table>
<thead>
<tr>
<th>District</th>
<th>CM-1</th>
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<th>CM-3</th>
<th>CM-4</th>
<th>CM-5</th>
<th>LW</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Frontages (A)</td>
<td>Min. 0; Max. 15</td>
<td>Min. 0; Max. 10</td>
<td>Min. 0; Max. 5</td>
<td>Min. 0; Max. 10</td>
<td>Min. 5</td>
<td>Min. 10</td>
<td>See § 15.04.601.020 Building Projections into Yards</td>
<td>1</td>
</tr>
<tr>
<td>Interior Side (B)</td>
<td>Min. 5</td>
<td>Min. 0; 5 where abutting a Residential District</td>
<td>Min. 10; 15 where abutting an RL, RH, PCI, or PR District</td>
<td>See § 15.04.601.020 Building Projections into Yards</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear (B)</td>
<td>Min. 20</td>
<td>Min. 5; 10 where abutting Residential District</td>
<td>Min. 0; 10 where abutting Residential District</td>
<td>Min. 10; 15 where abutting an RL, RH, PCI, or PR District</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corner Build Area (ft.)</td>
<td>30; Buildings must be located in accordance with the required setbacks within 30 feet of every corner. Public plazas may be at the street corner provided buildings are built to the edge of the public plaza.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4</td>
</tr>
</tbody>
</table>

A. **Build-to Line.** Buildings shall be constructed at the street frontage or required setback line (the “build-to” line) for at least 60 percent of the building frontage. At least two-thirds of the area between the building and lot line shall be paved so that it functions as a wider public sidewalk. This requirement may be modified or waived by the Zoning Administrator or the Design Review Board, whichever has approval authority, upon finding that:

1. Substantial landscaping will be located between the build-to line and ground floor residential units to soften visual impact of buildings;
2. Entry courtyards, plazas, entries, or outdoor eating and display areas will be located between the build-to line and building, provided that the buildings will be built to the edge of the courtyard, plaza, or outdoor dining area; or
3. The building will incorporate an alternative entrance design that will create a welcoming entry feature facing the street.

B. **Required Side and Rear Yards for Residential Uses.** In order to provide light and air for residential units, the following minimum setbacks apply to any building wall containing windows for residential units and facing an interior side or rear yard.

1. For any wall containing windows, a setback of at least 5 feet shall be provided.
2. For any wall containing bedroom windows, a setback of at least 10 feet shall be provided.

3. For any wall containing living room or other primary room windows, a setback of at least 15 feet shall be provided.

4. The required setbacks apply to that portion of the building wall containing a window and extending three feet on either side of the window.

### TABLE 15.04.202.030(2): HEIGHT STANDARDS – MIXED-USE DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>CM-1</th>
<th>CM-2</th>
<th>CM-3</th>
<th>CM-4</th>
<th>CM-5</th>
<th>L/W</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Maximum Height (ft.)</td>
<td>45; 35 within 30 feet of a Residential District</td>
<td>45; 35 within 30 feet of a Residential District</td>
<td>55; 35 within 50 feet of a Residential District</td>
<td>55; 35 within 50 feet of a Residential District</td>
<td>135; 35 within 50 feet of a Residential District</td>
<td>55 (C); See § 15.04.601.050 Exceptions to Height Limits</td>
<td></td>
<td>⑤</td>
</tr>
<tr>
<td>Building Minimum Height (ft.)</td>
<td>n/a</td>
<td>n/a</td>
<td>15</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td></td>
<td>⑥</td>
</tr>
<tr>
<td>Maximum Stories</td>
<td>4</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>12</td>
<td>5 (D)</td>
<td></td>
<td>⑦</td>
</tr>
<tr>
<td>Ground Floor Minimum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ground Floor Residential Uses (ft)</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td></td>
<td>⑩</td>
</tr>
<tr>
<td>Ground Floor Non-residential Uses (ft)</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td></td>
<td>⑩</td>
</tr>
</tbody>
</table>
### TABLE 15.04.202.030(2): HEIGHT STANDARDS – MIXED-USE DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>CM-1</th>
<th>CM-2</th>
<th>CM-3</th>
<th>CM-4</th>
<th>CM-5</th>
<th>L/W</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Floor Ceiling Height, Non-residential Uses (ft clear)</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td>12</td>
<td></td>
<td>⑧</td>
</tr>
<tr>
<td>Parking Podium</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Maximum height of a parking podium visible from the street is 5 feet from finished grade.</td>
<td>⑨</td>
</tr>
</tbody>
</table>

#### C. Height Exceptions.

1. **Architectural Features.** A parapet wall, cornice or sloping roof or solar energy system may project up to four feet above the height limit.

2. **Towers.** If the project site is greater than 15,000 square feet, a tower or other projecting architectural elements may extend up to 12 feet above the top of a pitched roof, provided that the square footage of the element(s) do not total more than 15 percent of the building footprint. The area above the uppermost permitted floor of the element(s) shall not be habitable space.
   
   a. The composition of the tower element shall be balanced, where the width of the tower has a proportional relationship to the height of the tower.
   
   b. The tower element shall be proportional to the rest of the building.
   
   c. The tower element shall not be stepped back at any point,
d. The maximum horizontal dimension of the tower element shall not exceed 100 feet.

e. Fenestration at the base of the tower shall be greater than the top.

f. The roof shall include architectural detailing, such as a cornice or eave.

D. **Upper Story Limitations.** The top story of all four-story buildings in the CM-1 and CM-2 districts shall contain only residential uses and shall be stepped back a minimum of 10 feet from the story below.

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>District</td>
<td>CM-1</td>
<td>CM-2</td>
<td>CM-3</td>
<td>CM-4</td>
<td>CM-5</td>
<td>L/W</td>
</tr>
<tr>
<td>Maximum Building Length (ft.)</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>150</td>
<td>200</td>
<td>100</td>
</tr>
<tr>
<td>Maximum Length of Blank Wall (ft.)</td>
<td>10 for ground floor, 25 for upper floors</td>
<td>10 for ground floor, 25 for upper floors</td>
<td>10 for ground floor, 25 for upper floors</td>
<td>25</td>
<td>25</td>
<td>10 for ground floor, 25 for upper floors</td>
</tr>
<tr>
<td>Bay Window (ft.)</td>
<td>Max. 3 feet from primary façade and min. 12 feet above sidewalk grade</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Awnings &amp; Overhangs (ft.)</td>
<td>Min. 4 feet from primary façade and 8 feet above sidewalk grade</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Awning setback from Curb</td>
<td>Min 2 feet clear</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

# KEY
- Opening
- Property Line

<table>
<thead>
<tr>
<th>District</th>
<th>CM-1</th>
<th>CM-2</th>
<th>CM-3</th>
<th>CM-4</th>
<th>CM-5</th>
<th>L/W</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setback from Street Property Line (ft)</td>
<td>40</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(G)</td>
<td>⚫</td>
</tr>
<tr>
<td>Buildings shall be placed as close to the street as possible, with parking underground, behind a building, or on the interior side or rear of the site.</td>
<td></td>
<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Setback from Buildings and Public Plazas (ft)</td>
<td>5 ft walkway plus 3 ft landscaping; Applicable only to above ground parking.</td>
<td>(G)</td>
<td>⚫</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Access Location</td>
<td>Side street or alley wherever possible</td>
<td>(G)</td>
<td>⚫</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Curb Cuts</td>
<td>Minimized and in area least likely to impede pedestrian circulation</td>
<td>⚫</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loading/Service Area</td>
<td>Side or rear of lot; must be screened from public ROW</td>
<td>⚫</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

E. **Wide Buildings.** Any building over 50 feet wide shall be broken down to read as a series of buildings no wider than 50 feet each or 30 feet in the CM-1 and CM-2 Districts.

F. **Building Projections.** The maximum width of any projection, including bay windows, is 10 feet, and the total of all projections along a building face may not be more than 10 feet wide or 25 percent of the building frontage, whichever is greater.

G. **Limitations on Location of Parking.** Parking may be located within 40 feet of the street facing property line in accordance with the following standards.

1. **Underground and Partially Submerged Parking.** Parking completely or partially underground, may match the setbacks of the main structure. The maximum height of a parking podium visible from a street is five feet from finished grade.
2. **Surface Parking.** Above ground surface parking may be located within 40 feet of a street facing property line with the approval of an administrative use permit when the Zoning Administrator makes the following findings:

   a. Buildings are built close to the public sidewalk to the maximum extent feasible;

   b. The parking area is screened along the public right-of-way with a wall, hedge, trellis, and/or landscaping; and

   c. The site is small and constrained such that underground, partially submerged, or surface parking located more than 40 feet from the street frontage is not feasible.

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>District</strong></td>
<td><strong>CM-1</strong></td>
<td><strong>CM-2</strong></td>
<td><strong>CM-3</strong></td>
<td><strong>CM-4</strong></td>
<td><strong>CM-5</strong></td>
<td><strong>LW</strong></td>
<td><strong>Additional Regulations</strong></td>
</tr>
<tr>
<td>Minimum Residential Private Open Space (sq ft per unit)</td>
<td>75</td>
<td>75</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>(H)</td>
</tr>
<tr>
<td>Minimum Public Open Space</td>
<td>For residential and mixed-use development: 200 sq. ft. per unit; For non-residential development: 10% of site</td>
<td>75 sq. ft. per unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Amount of Landscaping (% of site)</td>
<td>10</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td></td>
</tr>
</tbody>
</table>

H. **Residential Open Space.** Residential open space may be provided as common or private open space. Private areas consist of balconies, decks, patios, or fenced yards directly accessible from the residence. Common areas consist of landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, rooftop areas, or other such improvements as are appropriate to enhance the outdoor living environment of the development. Landscaped courtyard entries that are oriented towards the public street which create a welcoming entry feature are also considered common areas. All areas not improved with buildings, parking, vehicular accessways, trash enclosures, and similar items or devoted to perimeter landscaping shall be developed as common areas with the types of attributes described above.

1. **Minimum Dimensions.**

   a. **Private Open Space.** Private open space located on the ground level (e.g., yards, decks, patios) shall have no horizontal dimension less than 10 feet. Private open space located above ground level (e.g., balconies) shall have no horizontal dimension less than six feet.

   b. **Common Open Space.** Minimum horizontal dimension of 20 feet.
2. **Usability.** 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, or other serviceable, dust-free surfacing. The maximum slope shall not exceed 10 percent.

3. **Accessibility.**
   a. **Private Open Space.** The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
   b. **Common Open Space.** The space shall be accessible to the living units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a habitable room.

### 15.04.202.040 Supplemental Regulations

A. **Residential Density.** Additional residential density may be approved when density bonuses are granted for affordable housing. The minimum density does not mean that residential use is required; however, where it is proposed, it must meet the minimum in Table 15.04.202.030(1).

B. **Street Preservation.** Existing public right-of-way shall be preserved. Public right-of-way shall not be eliminated or abandoned, unless substantial public benefits are provided, such as a new park, a community garden or a trail.

C. **Street Frontage Improvements.** New development shall provide street frontage improvements in accordance with the following:

1. **Between the Property Line and Curb.**
   a. **Sidewalks.** Sidewalks shall be provided if none exist or if the existing sidewalks are in poor condition.
   b. **Street Furniture.** Trash receptacles, benches, bike racks, and other street furniture shall be provided.
   c. **Street Lights.** Pedestrian-scaled street lights, including attachments from which banners may be hung, shall be provided.
   d. **Street Trees.** Shade trees shall be planted no more than 30 feet on center. Tree guards shall be provided. Trees shall be a minimum of 15 gallons in size, and at least 10 percent of the required trees shall be 24-inch box size or larger.

2. **Interior from Property Line.** Except where occupied by a building or necessary for parking access, the street frontage, for a depth of 10 feet from the property line, shall be utilized for pedestrian circulation or active outdoor uses, including, but not limited to outdoor dining; paved for public uses so that it functions as part of a wider public sidewalk; or improved with landscaping, public art, and/or pedestrian amenities, such as outdoor seating.
D. **Building Orientation and Entrances.**

1. Buildings shall be oriented to face public streets.
2. Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on or within 20 feet of a public sidewalk.
3. At least one entrance shall be provided per 100 linear feet of building frontage unless the building has unique security needs.
4. Entrances located at corners shall generally be located at a 45-degree angle to the corner and shall have a distinct architectural treatment to animate the intersection and facilitate pedestrian flow around the corner. Different treatments may include angled or rounded corners, arches, and other architectural elements.
5. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.

E. **Building Transparency; Required Openings for Non-Residential Uses.**

Exterior walls facing and within 20 feet of a front or street side property line shall include windows, glass doors, or other openings for at least 60 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. No wall may run in a continuous plane for more than 25 feet without a window or other opening.

**FIGURE 15.04.202.040-D: REQUIRED OPENINGS FOR NON-RESIDENTIAL USES**

1. **Design of Required Openings.** Openings fulfilling this requirement shall have transparent glazing 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.
2. **Exceptions for Parking Garages.** Multi-level garages are not required to meet the building transparency requirement of this subsection. Instead, they...
must be screened and treated, consistent with the requirements of Article 15.04.607 (Parking and Loading Standards).

3. **Alternatives through Design Review.** Alternatives to the building transparency requirement may be approved if the Zoning Administrator or the Design Review Board, whichever has approval authority, finds that:
   
   a. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and
   
   b. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

F. **Building Design and Articulation.** Buildings shall provide adequate architectural articulation and detail to avoid a bulky and “box-like” appearance. Building design shall reflect and complement the architectural style of significant historic buildings within the city. This may be accomplished through the incorporation of architectural style, colors, and materials similar to those used for historic buildings in Richmond. The following standards apply to commercial and mixed-use development in them Mixed-Use Districts. Residential-only development is subject to the building design standards for the RM2 District.

   1. **Massing.** Building massing shall align with the street grid of adjacent blocks.

   2. **Relation to Existing Buildings.** Buildings shall be designed to appear integrated with existing buildings in the district.

   3. **Vertical Relationship.** Buildings shall be designed to have a distinctive base (ground floor level), middle (intermediate upper floor levels), and top (either top floor or roof level). Cornices, balconies, roof terraces, and other architectural elements should be used, as appropriate, to terminate rooflines and accentuate setbacks between stories.

   4. **Windows.**
      
      a. Window frames shall be inset at least two inches from the face of the building to enhance shadow-line around opening.

      b. Snap-in vinyl mullions between double pane glass is prohibited. If a divided light appearance is desired, mullions must be made of dimensional material projecting in front of the panes on both the inside and outside of the window.

      c. Exceptions may be granted through the design review process to accommodate alternative window design complementary to the architectural style of the structure.

   5. **Exterior Building Materials and Colors.**
      
      a. A unified palette of materials shall be used on all sides of buildings.
b. Exterior building materials shall be stone, brick, stucco, concrete block, painted wood clap-board, painted metal clapboard or other quality, durable materials approved through the design review process.

c. A wainscoting of quality materials on the bottom of the ground floor façade is required.

d. Colors shall be used to help delineate windows and other architectural features to increase architectural interest.

6. **Building Details.**

   a. Building facades shall include building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.

   b. All applied surface ornamentation or decorative detailing shall be consistent with the architectural style of the building.

   c. All balconies that do not meet the minimum size required for private open space shall have a minimum horizontal dimension of two feet.

   d. Each side of the building that is visible from a public right-of-way shall be designed with a complementary level of detailing.

G. **Height on San Pablo Avenue.** For the CM-3 Zone, the maximum allowable height shall not exceed 35 feet when abutting a single family residential zoning district.

H. **Pedestrian Access.**

   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 Circulation Network.** Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes and trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

   3. **To Neighbors.** Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible, while still providing for safety and security.

   4. **To Transit.** Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.

   5. **Interior Pedestrian Walkway Design.**

      a. Walkways shall have a minimum clear, unobstructed width of six feet, where feasible, but at least four feet, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

6. **CM-3 and CM-4 Districts.** Commercial development is permitted only if the Design Review Board determines that the site plan and building design is pedestrian-oriented with minimal building setbacks along primary street frontage. Where setbacks are proposed, they shall include public amenities, such as outdoor seating, shade structures and canopy trees.

I. **Residential Notification.** The building owner shall inform residents of mixed-use development of potential noise from refuse collection and other activities typically associated with ground-floor commercial activity.
Article 15.04.203  Commercial Districts

Sections:
15.04.203.010  Purpose and Applicability
15.04.203.020  Land Use Regulations
15.04.203.030  Development Standards

15.04.203.010  Purpose and Applicability
The specific purposes of the Commercial Districts are to:

A.  Designate adequate land for general commercial uses that are not compatible with mixed use development, including auto service uses.
B.  Maintain and strengthen the City’s economic and fiscal resources and provide employment opportunities for residents of the City and surrounding communities;
C.  Establish appropriate development, design standards, and buffering requirements to protect adjacent uses and ensure land use compatibility; and
D.  Minimize the impacts of commercial development on adjacent residential uses.

The following Commercial Districts implement General Plan classifications of “Regional Commercial Mixed-Use” and “Marine and Waterfront Commercial”.

CG General Commercial. This district is intended to accommodate retail, service, office, research and development, and limited industrial uses that are not compatible with mixed use development. This district offers maximum flexibility to allow the market to determine the mixture of non-residential uses. No residential uses are allowed.

CR Regional Commercial. This district is intended for mid-rise mixed-use development and regional shopping centers (e.g. Hilltop, Pacific East Mall, and Target) characterized by intensive development of retail space in compact and pedestrian-friendly environments. Office, retail and residential uses are allowed in mid-rise buildings.

CC Coastal Commercial. This district is intended to provide areas for waterfront-related retail and service uses in building forms appropriately scaled to the Bayfront. Shoreline access for the public must be provided. No residential uses are allowed.

The City Council may find, on case-by-case basis, that one or more of these commercial districts are conditionally consistent with certain General Plan “Mixed-Use” designations because mixed use development is not viable in the near- to mid-term and applying these districts to specific geographic areas would not impede implementation of the General Plan over the long-term.
15.04.203.020  Land Use Regulations

Table 15.04.203.020 prescribes the land use regulations for “Commercial” Districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

“A” designates use classifications that are permitted after review and approval of an administrative use permit by the Zoning Administrator.

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the Planning Commission.

“L#” designates numbered limitations listed at the end of the table.

“x” designates uses that are not permitted.

Use classifications are defined in Article 15.04.104, Key Terms and Definitions. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance.

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### TABLE 15.04.203.020: LAND USE REGULATIONS – COMMERCIAL DISTRICTS

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### INSTITUTIONAL AND COMMUNITY FACILITIES

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<td>Temporary Use</td>
<td>See Article 15.04.807, Temporary Use Permits</td>
</tr>
</tbody>
</table>

**Notes:**

L1 Only allowed on the ground floor in mixed-use buildings; an administrative use permit is required for more than 3,000 sq. ft. Full service restaurants require a conditional use permit for 1,500 square feet or more.

L2 Small-scale establishments serving local businesses and workers occupying less than 1,000 sq. ft. are allowed.

L3 Only water-related stores allowed occupying less than 1,000 sq. ft. are allowed.

L4 Only small-scale marine-related industrial uses and services occupying less than 3,000 sq. ft. are allowed.

L5 Only water-related storage or storage associated with a marine-related use or service allowed as an accessory use.

L6 Permitted above the ground floor or behind an allowed ground floor use.

L7 Only allowed on arterial streets, occupying 2,500 sq. ft. or less unless greater floor area, up to 5,000 square feet is approved with a conditional use permit.

L8 Up to 25 beds are permitted; for more than 25 beds, a conditional use permit is required. See Section 15.04.610.170 (Emergency Shelters).

L9 Requires a conditional use permit and, if there is sale of alcoholic beverages, the standards of Section 15.04.610.050 (Alcoholic Beverage Sales) apply.

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**15.04.203.030  Development Standards**

Table 15.04.203.030 prescribes the development standards for Commercial Districts. Additional regulations are denoted in the right hand column. Section numbers in this column refer to other sections of this Article, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.
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<tr>
<th>District</th>
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<td>Maximum Height (ft.)</td>
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<td>55; 35 within 50 feet of an R District</td>
<td>35</td>
<td>See § 15.04.601.050 Exceptions to Height Limits</td>
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<td>Ground Floor Minimum (ft.)</td>
<td>Ground Floor Commercial</td>
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<td>First Floor Ceiling Height, Commercial Uses (ft. clear)</td>
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<td>Minimum Setbacks (ft.)</td>
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<td>Interior Side</td>
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<tr>
<td>Street Side</td>
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<tr>
<td>Rear</td>
<td>0; 10 adjacent to Residential District</td>
<td>0; 5 adjacent to a Residential District</td>
<td>0; 10 adjacent to Residential District</td>
<td>See § 15.04.601.020 Building Projections into Yards</td>
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<tr>
<td>Maximum Floor Area Ratio (FAR)</td>
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<td>2.0</td>
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<td>See Article 15.04.103 Rules of Measurement</td>
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</table>

KEY
- Property Line
- Setback Line
- Buildable Area
Additional Development Standards – Commercial Districts

A. Additional Development Standards. All development in the Commercial Districts is subject to the following standards.

1. Landscaping. A minimum of 15 percent of the site must be landscaping, which may be reduced to 5 percent if buildings are located on front and street size lot lines. Additional landscaping may be required for parking areas.

2. Public Improvements.
   a. Sidewalks. Sidewalks shall be provided if none already exist or if the existing sidewalks are in poor condition.
   b. Street Furniture. Trash receptacles, benches, bike racks, and other street furniture shall be provided.
   c. Street Lights. Pedestrian-scale street lights shall be provided.
   d. Street Trees. Shade trees shall be planted no more than 30 feet on center. Tree guards shall be provided. Trees shall be a minimum 15 gallons in size, and at least 10 percent of the required trees shall be 24-inch box size or larger.

3. Orientation of Primary Building Entrance. The primary building entrance shall face or be oriented to within 45 degrees of or parallel to the street frontage. This entrance(s) must allow pedestrians to both enter and exit the building and must remain unlocked during business hours. Where a site is located on two public streets, a primary entrance shall be oriented toward the street with the higher classification. If a site fronts two public streets of equal classification, the applicant may choose which frontage on which street to meet the requirement.

4. Building Transparency/Required Openings. Exterior walls facing and within 20 feet of a front or street side lot line shall include windows, doors, or other openings for at least 40 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk.
   a. Design of Required Openings. Openings fulfilling this requirement shall have transparent glazing 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.
   b. Exceptions for Parking Garages. Multi-level garages are not required to meet the ground-floor transparency requirement. Instead, they must be screened and treated, consistent with the requirements of Article 15.04.607 (Parking and Loading Standards).
   c. Reductions through Design Review. The building transparency requirement may be reduced or waived if it is found that:
i. The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and

ii. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

5. **Building Articulation.**

   a. Any building over 75 feet wide shall be broken down to read as a series of buildings no wider than 75 feet each.

   b. Buildings shall be designed to have a distinctive base (ground floor level), middle (intermediate upper floor levels), and top (either top floor or roof level).

   c. Building facades shall include building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.

6. **Exterior Building Materials.**

   a. A unified palette of materials shall be used on all sides of buildings.

   b. Exterior building materials shall be stone, brick, stucco, concrete block, painted wood clap-board, painted metal clapboard or other quality, durable materials approved by the Zoning Administrator or Design Review Board, whichever has approval authority.

7. **Pedestrian Access.** On-site pedestrian circulation and access must be provided according to the following standards.

   a. *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.

   b. *To Circulation Network.* Regular connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main entry and sidewalk, generally no more than 125 percent of the straight line distance.

   c. *To Neighbors.* Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.

   d. *To Transit.* Safe and convenient pedestrian connections shall be provided from transit stops to building entrances. Sidewalk “bulb-
outs” or bus “pull-outs” may be required at bus stops serving commercial centers (building floor area over 25,000 square feet) to provide waiting areas for transit users and safety for passing motorists.

c. **Interior Pedestrian Walkway Design.**

i. Walkways shall have a minimum unobstructed width of six feet and shall be hard-surfaced.

ii. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

iii. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

8. **Truck Docks, Loading, and Service Areas.** Truck docks, loading areas, and service areas must be screened so as not to be visible from public streets. Drop-off areas may be located at the primary building entry.

B. **Shopping Centers.** Shopping centers containing 25,000 square feet or more of floor area are subject to the following standards and criteria for approval.

1. **Entry Plazas/Passenger Loading Areas.** A plaza shall be provided at the entry to each anchor tenant that provides for pedestrian circulation and loading and unloading. Entry plazas and passenger loading areas shall include unique, decorative paving materials, adequate seating areas, provision of adequate shade from the summer sun, and attractive landscaping including trees or raised planters. Entry plazas with features described under paragraph 2 below may be counted toward the public plaza requirements.

2. **On-Site Public Plazas.** Outdoor plazas for the use of customers and visitors shall be provided at a rate of five square feet per 1,000 square feet of floor area, up to 1,500 square feet of outdoor plaza.

a. **Location.** Public plazas shall be visible from a public street, or from on-site areas normally frequented by customers, and shall be accessible during business hours.

b. **Amenities.** On-site public space shall include benches or other seating, and the ground surface shall be landscaped or surfaced with high-quality paving materials. Amenities shall be provided that enhance the comfort, aesthetics, or usability of the space, such as shade trees and other landscaping, shade structures, drinking fountains, water features, public art, and performance areas.
3. **Design Criteria.** In order to receive design approval for a shopping center, the Design Review Board shall find that all of the following criteria have been met.

   a. **Integrated Theme.** Buildings and structures exhibit an integrated architectural theme that includes similar or complementary materials, colors, and design details.

   b. **Site Entrance.** The driveway entrance provides an organizing element to the site design with features such as a landscaped entry corridor or a divided median drive separated by a landscaped center dividing island. Buildings are located within 30 feet of the corner of the driveway and public right-of-way and building elements with greater vertical emphasis are used at these corners.

   c. **Building Entrances.** Building entrances to anchor tenants and other large stores are prominent and inviting. The architectural details of building entrances are integrated with the overall building design in terms of materials, scale, proportion, and design elements.

   d. **Vehicular Circulation.** Safe, convenient vehicular circulation is provided within the development through an appropriate system of internal vehicular circulation routes based on a hierarchy of drive aisles and cross routes. Vehicular and pedestrian conflicts are minimized. Where pedestrian circulation routes cross vehicular traffic aisles and driveways within a development, there are clearly delineated crosswalks that include clear sight lines, adequate warning signage, adequate lighting, and protective barrier posts or similar features at walkway entrances.

   e. **Cart Corrals.** Adequate, convenient cart corrals are provided near building entrances and throughout the parking areas.

   f. **Transit Facilities.** Transit facilities, where included, have effective shading from the summer sun and comfortable seating.

   g. **Lighting.** A combination of attractively designed and located lighting fixtures, including low pole lights, ground-mounted fixtures, light bollards, and architectural lighting provides interesting compositions for outdoor lighting, as well as a safe, secure environment.

   h. **Shade Areas.** Pedestrian areas, such as walkways, building entrances, and gathering areas, are adequately shaded from the summer sun through such techniques as the careful placement of trees and landscaping, trellis structures, projecting canopies, covered walkways, arcades, porticos, building orientation, and similar techniques.
Article 15.04.204  Industrial Districts

Sections:
15.04.204.010  Purpose
15.04.204.020  Land Use Regulations
15.04.204.030  Development Standards
15.04.204.040  Supplemental Regulations

15.04.204.010  Purpose
The specific purposes of the Industrial Districts are to:

A. Designate adequate land for businesses, manufacturing and industrial operations, oil and gas facilities, and related storage, distribution and services supporting industrial growth and Port operations;
B. Maintain and strengthen the City’s economic and fiscal resources and provide employment opportunities for residents of the City and surrounding communities.
C. Establish appropriate development and design standards and buffering requirements to protect adjacent uses and ensure land use compatibility; and
D. Minimize the impacts of industrial development on adjacent residents.

The following Industrial District implement the General Plan classification of “Business/Light Industrial” and “Industrial”.

ILL Limited Industrial, Light. This district is intended to accommodate a diverse range of light industrial uses, including general service, research and development, biotechnology, warehousing, and service commercial uses. Small-scale retail and ancillary office uses are also permitted.

IB Industrial, Business. This district is intended to accommodate a diverse range of business and light industrial uses, including office, general service, research and development, biotechnology, small-scale wholesale and warehousing facilities, and service commercial uses. It includes flex space, and industrial buildings for single or multiple users, limited personal services such as health and fitness studios, and other related uses. Small-scale retail and certain institutional uses are also permitted.

IL Industrial, Light. This district is intended to accommodate a diverse range of light industrial uses, including general service, research and development, warehousing, and service commercial uses. It includes industrial complexes, flex space, and industrial buildings for single or multiple users, warehouses, mini-storage, wholesale, commercial recreation, and other related uses. This district permits a higher development intensity than the ILL district. Small-scale retail and ancillary office uses are also permitted.
**IG General Industrial.** This district is intended to accommodate the broadest range of industrial uses. It includes industrial buildings and complexes, oil and gas refining and distribution, marine services, flex space, warehouses, manufacturing and assembly, and other uses that require large, warehouse-style buildings with flexible floorplans or space for outdoor facilities. Ancillary office uses are also permitted.

**IW Water-Related Industrial.** This district is intended for waterfront-related industrial development that includes manufacturing, warehousing and distribution, marine services, supporting office uses and other large-scale uses that support the Port of Richmond. Permitted uses include incubator-research facilities for marine-related activities, prototype manufacturing, testing, repairing, packaging, and storage as well as offices and support facilities. Accessory or secondary small-scale retail uses that serve local employees, Port users and visitors are also permitted.

### 15.04.204.020 Land Use Regulations

Table 15.04.204.020 prescribes the land use regulations for Industrial Districts. The regulations for each district are established by letter designations as follows:

- “P” designates permitted uses.
- “A” designates use classifications that are permitted after review and approval of an administrative use permit by the Zoning Administrator.
- “C” designates use classifications that are permitted after review and approval of a conditional use permit by the Planning Commission.
- “L#” designates numbered limitations listed at the end of the table.
- “x” designates uses that are not permitted.

Use classifications are defined in Article 15.04.104, Key Terms and Definitions. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance.

<table>
<thead>
<tr>
<th>TABLE 15.04.204.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS</th>
<th>ILL</th>
<th>IB</th>
<th>IL</th>
<th>IG</th>
<th>IW</th>
<th>Additional Regulations</th>
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### TABLE 15.04.204.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS

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## TABLE 15.04.204.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS

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<th>IL</th>
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### INSTITUTIONAL AND COMMUNITY FACILITIES

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<td>Public Safety Facility</td>
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<td>x</td>
<td>x</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Schools</td>
<td>x</td>
<td>C</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>See § 15.04.610.360 Schools</td>
</tr>
</tbody>
</table>

### INDUSTRIAL

<table>
<thead>
<tr>
<th>Facilities</th>
<th>ILL</th>
<th>IB</th>
<th>IL</th>
<th>IG</th>
<th>IW</th>
<th>See § 15.04.610.260 Medical Marijuana Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Artisan/Small-scale Manufacturing</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Artist’s Studio</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio-Light</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Studio-Heavy</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Commercial Kitchen</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>General Industrial</td>
<td>C</td>
<td>x</td>
<td>C</td>
<td>L11</td>
<td>L6</td>
<td></td>
</tr>
<tr>
<td>Limited Industrial</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>L6</td>
<td></td>
</tr>
<tr>
<td>Marijuana Cultivation Facility</td>
<td>C</td>
<td>x</td>
<td>C</td>
<td>C</td>
<td>L12</td>
<td>See § 15.04.610.260 Medical Marijuana Uses</td>
</tr>
<tr>
<td>Marijuana Product Manufacturer</td>
<td>C</td>
<td>x</td>
<td>C</td>
<td>C</td>
<td>L12</td>
<td></td>
</tr>
<tr>
<td>Micro-brewery</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>x</td>
<td>See § 15.04.610.110 Breweries</td>
</tr>
<tr>
<td>Recycling and Waste Transfer Facilities</td>
<td>See subclassifications below</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collection Facilities</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Processing Facilities</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>C</td>
<td>C</td>
<td>See § 15.04.610.340 Recycling Facilities</td>
</tr>
<tr>
<td>Waste Hauling and Transfer Facilities</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Research and Development</td>
<td>L7</td>
<td>L7</td>
<td>L7</td>
<td>P</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Salvage and Wrecking</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
</tbody>
</table>

### Warehousing, Wholesaling, Storage, and Distribution

<table>
<thead>
<tr>
<th>Facilities</th>
<th>ILL</th>
<th>IB</th>
<th>IL</th>
<th>IG</th>
<th>IW</th>
<th>See § 15.04.610.400 Storage Containers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chemical, Mineral and Explosives Storage</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Indoor Warehousing and Storage</td>
<td>P</td>
<td>L1</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Outdoor Storage</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>L4</td>
<td>L4</td>
<td></td>
</tr>
<tr>
<td>Mini-Storage</td>
<td>x</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 15.04.204.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS

<table>
<thead>
<tr>
<th>Uses</th>
<th>ILL</th>
<th>IB</th>
<th>IL</th>
<th>IG</th>
<th>IW</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TRANSPORTATION, COMMUNICATION AND UTILITIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communication Facilities</td>
<td>See subclassifications below</td>
<td>See Article 15.04.614 Wireless Communications Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antennas and Transmission Towers</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>A</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Equipment within Buildings</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Freight/Truck Terminal and Warehouse</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Light Fleet-Based Service</td>
<td>C</td>
<td>x</td>
<td>C</td>
<td>C</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Utilities, Major</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>AGRICULTURE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Production and Services</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>P</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Indoor Agriculture</td>
<td>A</td>
<td>x</td>
<td>P</td>
<td>P</td>
<td>x</td>
<td>See § 15.04.610.430 Urban Agriculture</td>
</tr>
<tr>
<td><strong>OTHER</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Accessory Uses and Structures</td>
<td>See § 15.04.601.010 Accessory Uses and Structures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nonconforming Uses</td>
<td>See Article 15.04.606, Nonconforming Uses, Structures, and Lot</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Use</td>
<td>See Article 15.04.807, Temporary Use Permits</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

- L1 Only allowed in mixed-use buildings; an administrative use permit is required for more than 3,000 sq. ft.
- L2 An administrative use permit is required for more than 3,000 sq. ft.
- L3 Small-scale establishments serving local businesses and workers occupying less than 1,000 sq. ft. are allowed. A conditional use permit is required for outdoor dining and seating.
- L4 Prohibited as a principal use; allows as an accessory use for a nursery, building materials, construction services and contractors yards, marine-related industrial uses, and allowable uses within the IG and IW districts if screened from view for any abutting residential or Mixed-Use district.
- L5 Only small-scale marine-related services occupying less than 3,000 sq. ft. are allowed.
- L6 Transportation equipment, ship and boat building and repair are allowed; industrial uses including more than incidental use of hazardous materials require a conditional use permit.
- L7 Laboratories used for biological research or commercial testing require a conditional use permit.
- L8 Only allowed with a conditional use permit on a site with a service station.
- L9 Requires a conditional use permit and not allowed in the Industrial Buffer Zone shown on the Zoning Map.
- L10 Only centers that primarily sell wholesale or “to the trade” are allowed.
- L11 Permitted except for petroleum refining and related oil and gas production, storage, and distribution, all of which requires a conditional use permit.
- L12 Only on City-owned land with a conditional use permit.
### 15.04.204.030 Development Standards

Table 15.04.204.030 prescribes the development standards for Industrial Districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of this Article, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.

#### TABLE 15.04.204.030: DEVELOPMENT STANDARDS – INDUSTRIAL DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>ILL</th>
<th>IB</th>
<th>IL</th>
<th>IG</th>
<th>IW</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Form and Location</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Height (ft)</td>
<td>25; up to 55 feet with approval of a CUP</td>
<td>55</td>
<td>55</td>
<td>55</td>
<td>100</td>
<td>(A); (C); See § 15.04.601.050 Exceptions to Height Limits</td>
<td>①</td>
</tr>
<tr>
<td>Minimum Setbacks (ft) (B)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>20</td>
<td>15</td>
<td>0</td>
<td>10 from local streets; 25 from Collector streets</td>
<td></td>
<td>②</td>
<td></td>
</tr>
<tr>
<td>Interior Side</td>
<td>0; 15 where abutting an RL, PCI, or PR district (8 with solid fence)</td>
<td>0; 15 where abutting an RL, PCI, or PR district (8 with solid fence)</td>
<td>10; 15 where abutting an RL, PCI, or PR district</td>
<td>0; 10 where abutting an RL, PCI, or PR district (5 with solid fence)</td>
<td>0; 10 where abutting an RL, PCI, or PR district (5 with solid fence)</td>
<td>See § 15.04.601.020 Building Projections into Yards</td>
<td>③</td>
</tr>
<tr>
<td>Street Side</td>
<td>20</td>
<td>10</td>
<td>0</td>
<td>10 from minor streets; 25 from Collector streets</td>
<td></td>
<td>④</td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 15.04.204.030: DEVELOPMENT STANDARDS – INDUSTRIAL DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>ILL</th>
<th>IB</th>
<th>IL</th>
<th>IG</th>
<th>IW</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear</td>
<td>10</td>
<td>0: 10 where abutting an RL, PCI, or PR district (8 with solid fence)</td>
<td>0: 15 where abutting an RL, PCI, or PR district</td>
<td>See § 15.04.601.020 Building Projections into Yards</td>
<td>○</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR)</td>
<td>0.4: up to 0.65 with approval of a CUP</td>
<td>0.5: up to 0.65 with an approval of a CUP</td>
<td>0.65</td>
<td>0.65</td>
<td>0.5</td>
<td>See Article 15.04.103 Rules of Measurement</td>
<td></td>
</tr>
</tbody>
</table>

**Additional Development Standards – Industrial Districts**

A. **Transitional Standards.** Where an Industrial District adjoins a Residential District, the following standards apply:

1. The maximum height is (1) 35 feet within 40 feet of an RH or RL District; (2) 40 feet within 50 feet of an RH, RL or RM1 District; and (3) 50 feet within 100 feet of any Residential District.

2. The building setback from a Residential District boundary shall be 15 feet for interior side yards and 20 feet for rear yards.

3. A landscaped planting area, a minimum of 10 feet in width, shall be provided along all Residential District boundaries. A tree screen shall be planted in this area with trees planted at a minimum interval of 15 feet.

B. **Perimeter Landscaping.** A perimeter planting strip shall be provided along all arterial streets and street frontages that are opposite Mixed-Use and Residential zoning districts.

C. **Additional Height Exceptions – IG and IW Districts.** Processing equipment associated with port activities and with oil and gas refining may exceed the height limits.

### 15.04.204.040 Supplemental Regulations

A. **Building Design Near Interstate Highways 580 and 80.** For any site that is fully or partially located within 200 feet of the right-of-way line of an Interstate Highway, buildings shall be designed with four-sided architecture where each exterior wall is designed equivalent to the primary façade in the extent of building articulation and quality of exterior materials, and consistent with the color scheme of the primary façade.

B. **Sidewalks.** Sidewalks shall be provided if none already exist or if the existing sidewalks are in poor condition.
C. **Drive-In and Drive Through Facilities.** Drive-in and drive-through facilities are not permitted in IG and IW districts and require a Conditional Use Permit in ILL and IB districts.

D. **Parking Location.** Parking shall be located at the side or rear of buildings wherever possible.
   1. Customer parking should be located near the office area.
   2. Where parking is located between a building and a street, a landscaped setback at least 10 feet wide must be provided between the parking area and adjacent right-of-way.

E. **Limitations on Curb Cuts.** Wherever possible, parking and loading entrances shall share curb cuts in order to minimize the overall number of curb cuts. On corner lots, curb cuts shall be located on the street frontage with the least pedestrian activity wherever feasible.

F. **Truck Docks, Loading, and Service Areas.** The outermost point of the truck docks, loading, and service areas are not permitted within 20 feet of the boundary of a Residential District.
Article 15.04.205   Public, Cultural, and Institutional & Parks and Recreation Districts

Sections:
15.04.205.010   Purpose
15.04.205.020   Land Use Regulations
15.04.205.030   Development Standards
15.04.205.040   Supplemental Regulations

15.04.205.010 Purpose
The specific purposes of the Public, Cultural, and Institutional District and the Parks and Recreation Districts are to:

A. Provide land for development of public, cultural and institutional uses that provide services to the community;
B. Provide land for parks and recreation facilities; and
C. Ensure design compatibility between public uses and adjacent residential neighborhoods.

The following districts implement General Plan classifications of “Public, Cultural, and Institutional” and “Parks and Recreation”.

PCI Public, Cultural, and Institutional. This district is intended for city facilities, utilities, schools, and other public and quasi-public uses.

PR Parks and Recreation. This district is intended for active and passive public parks, including outdoor and indoor recreation such as playing fields, playgrounds, community centers, and other appropriate recreational uses. This district includes publicly owned local and regional parks as well as privately owned recreational facilities such as golf courses.

15.04.205.020   Land Use Regulations
Table 15.04.205.020 below prescribes the land use regulations for Public and Semi-Public Districts, and Table 15.04.205.030 prescribes the land use regulations for Open Space and Agricultural Districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

“A” designates use classifications that are permitted after review and approval of an administrative use permit by the Zoning Administrator.
“C” designates use classifications that are permitted after review and approval of a conditional use permit by the Planning Commission.

“L#” designates numbered limitations listed at the end of the table.

“x” designates uses that are not permitted.

Use classifications are defined in Article 15.04.104, Key Terms and Definitions. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance.

<table>
<thead>
<tr>
<th>TABLE 15.04.205.020: LAND USE REGULATIONS – PCI AND PR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uses</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>COMMERCIAL</td>
</tr>
<tr>
<td>Commercial Entertainment and Recreation</td>
</tr>
<tr>
<td>Large-scale Facility</td>
</tr>
<tr>
<td>Small-scale Facility</td>
</tr>
<tr>
<td>Eating and Drinking Establishments</td>
</tr>
<tr>
<td>Restaurant, Full Service</td>
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<tr>
<td>Restaurant, Limited Service</td>
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<tr>
<td>Personal Services</td>
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<tr>
<td>Health/Fitness Facility</td>
</tr>
<tr>
<td>INSTITUTIONAL AND COMMUNITY FACILITIES</td>
</tr>
<tr>
<td>College and Trade School</td>
</tr>
<tr>
<td>Community Garden</td>
</tr>
<tr>
<td>Cultural Facility</td>
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<tr>
<td>Day Care Centers</td>
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<tr>
<td>Emergency Shelter</td>
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<tr>
<td>Government Buildings</td>
</tr>
<tr>
<td>Hospitals and Clinics</td>
</tr>
<tr>
<td>Park and Recreation Facility</td>
</tr>
<tr>
<td>Public Safety Facility</td>
</tr>
<tr>
<td>Schools</td>
</tr>
<tr>
<td>Social Service Center</td>
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</table>
### TABLE 15.04.205.020: LAND USE REGULATIONS – PCI AND PR

<table>
<thead>
<tr>
<th>Uses</th>
<th>PCI</th>
<th>PR</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Violence Shelters</td>
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<td></td>
</tr>
</tbody>
</table>

**TRANSPORTATION, COMMUNICATION AND UTILITIES**

<table>
<thead>
<tr>
<th>Communication Facilities</th>
<th>See subclassifications below</th>
<th>See Article 15.04.614 Wireless Communications Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antennas and Transmission Towers</td>
<td>C</td>
<td>x</td>
</tr>
<tr>
<td>Equipment within Buildings</td>
<td>C</td>
<td>x</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transportation Facilities</th>
<th>See subclassifications below</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation Passenger Terminal</td>
<td>C</td>
<td>x</td>
</tr>
</tbody>
</table>

| Utilities, Major | C | C |                                   |
| Utilities, Minor | P | P |                                   |

**OTHER**

<table>
<thead>
<tr>
<th>Accessory Uses and Structures</th>
<th>See § 15.04.601.010 Accessory Uses and Structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonconforming Uses</td>
<td>See Article 15.04.606, Nonconforming Uses, Structures, and Lot</td>
</tr>
<tr>
<td>Temporary Use</td>
<td>See Article 15.04.807, Temporary Use Permits</td>
</tr>
</tbody>
</table>

**Notes:**

L1 Only small-scale establishments serving recreational uses are allowed
L2 Permitted if associated with a Community Assembly use.

### 15.04.205.030 Development Standards

Table 15.04.205.030 prescribes the development standards for Public and Semi-Public, Open Space and Agricultural Districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of this Article. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.
### TABLE 15.04.205.030: DEVELOPMENT STANDARDS – PUBLIC AND SEMI-PUBLIC DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>PCI</th>
<th>PR</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Size; Building Form and Location</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>10,000 sq ft</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minim Lot Width (ft)</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Height (ft)</td>
<td>45</td>
<td>35</td>
<td>See § 15.04.601.050 Exceptions to Height Limits</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Setbacks (ft)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>When adjacent to an RS or RM district, the front setback is the same as that of the RS or RM district.</td>
<td>20% of lot depth, not to exceed 40 ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side</td>
<td>5</td>
<td>10% of lot depth, not to exceed 20 ft</td>
<td>See § 15.04.601.020 Building Projections into Yards</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>15</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR)</td>
<td>1.0</td>
<td>0.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Density (net units/acre)</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
15.04.205.040  Supplemental Regulations

A. **Landscaping.** A minimum of 20 percent of the site must be landscaping.

B. **School Sites.** In the event of closure of a school, the primary planned use of these sites remains for education and associated recreation purposes unless a General Plan amendment changes the land use designation.

C. **Truck Docks, Loading and Service Areas.** Truck docks, loading areas, and service areas must be located at the rear or interior sides of buildings and screened so as not to be visible from public streets or residential properties.
Article 15.04.206  Open Space District

Sections:
15.04.206.010  Purpose
15.04.206.020  Land Use Regulations
15.04.206.030  Development Standards
15.04.206.040  Supplemental Regulations

15.04.206.010  Purpose
The purpose of the OS Open Space District is to provide land for development of open, space uses, consistent with the General Plan. More specifically, this zoning district is intended for undeveloped publicly owned lands, visually significant open lands, water areas, and wildlife habitat. These areas are set aside as permanent open space preserves and may include trails, trail heads, agricultural uses (such as 4H), and other facilities for low-impact public recreational uses. This zoning district includes wetlands, mudflats, creek corridors and other natural preservation areas, as well as private lands deed-restricted for open space preservation.

15.04.206.020  Land Use Regulations
Table 15.04.206.020 below prescribes the land use regulations for the OS Open Space District. These regulations are established by letter designations as follows:

“P” designates permitted uses.

“A” designates use classifications that are permitted after review and approval of an administrative use permit by the Zoning Administrator.

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the Planning Commission.

Use classifications are defined in Article 15.04.104, Key Terms and Definitions. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance.
### TABLE 15.04.206.020: LAND USE REGULATIONS – OPEN SPACE DISTRICT

<table>
<thead>
<tr>
<th>Uses</th>
<th>OS</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COMMERCIAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Sales and Service</td>
<td>OS</td>
<td>See subclassification below</td>
</tr>
<tr>
<td>Riding Schools and Stables</td>
<td>C</td>
<td>See § 15.04.610.060 Animal Keeping</td>
</tr>
<tr>
<td><strong>INSTITUTIONAL AND COMMUNITY FACILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park and Recreation Facility</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td><strong>TRANSPORTATION, COMMUNICATION AND UTILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utilities, Major</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>AGRICULTURE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Production and Services</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Animal Husbandry</td>
<td>P</td>
<td>See § 15.04.610.060 Animal Keeping</td>
</tr>
<tr>
<td>Outdoor Agriculture</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>OTHER</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Uses and Structures</td>
<td>C</td>
<td>See § 15.04.601.010 Accessory Uses and Structures</td>
</tr>
<tr>
<td>Nonconforming Uses</td>
<td>C</td>
<td>See Article 15.04.606, Nonconforming Uses, Structures, and Lot</td>
</tr>
<tr>
<td>Temporary Use</td>
<td>C</td>
<td>See Article 15.04.807, Temporary Use Permits</td>
</tr>
</tbody>
</table>

### 15.04.206.030 Development Standards

Table 15.04.206.030 prescribes the development standards for the Open Space Districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of the Ordinance. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.
### TABLE 15.04.206.030: DEVELOPMENT STANDARDS – OPEN SPACE DISTRICT

<table>
<thead>
<tr>
<th>District</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot Size; Building Form and Location</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Minim Lot Width (ft.)</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Maximum Height (ft.)</td>
<td>35</td>
<td>See § 15.04.601.050 Exceptions to Height Limits</td>
</tr>
<tr>
<td>Minimum Setbacks (ft.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Front</em></td>
<td>20% of lot depth, not to exceed 40 ft.</td>
<td>②</td>
</tr>
<tr>
<td><em>Side</em></td>
<td>10% of lot depth, not to exceed 20 ft.</td>
<td>②</td>
</tr>
<tr>
<td><em>Rear</em></td>
<td>20% of lot depth; not to exceed 20 ft.</td>
<td>②</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR)</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>Maximum Density (net units/acre)</td>
<td>n/a</td>
<td></td>
</tr>
</tbody>
</table>

#### 15.04.206.040 Supplemental Regulations

A. **Truck Docks, Loading and Service Areas.** Truck docks, loading areas, and service areas must be located at the rear or interior sides of buildings and screened so as not to be visible from public streets or residential properties.

B. **Abutting Residential Districts.** When a lot abuts a Residential zoning district, the setbacks of the abutting district apply.
Article 15.04.207 Agricultural District

Sections:
15.04.207.010 Purpose
15.04.207.020 Land Use Regulations
15.04.207.030 Development Standards
15.04.207.040 Supplemental Regulations

15.04.207.010 Purpose
The purpose of the Agricultural District is to provide land for agricultural uses. More specifically, this zoning district is intended to create, preserve, and enhance agricultural uses and activities in areas which are capable of and generally used for livestock and/or the production of food, fiber, and plant materials.

15.04.207.020 Land Use Regulations
Table 15.04.207.020 below prescribes the land use regulations for the Agricultural District. The regulations are established by letter designations as follows:

“P” designates permitted uses.

“A” designates use classifications that are permitted after review and approval of an administrative use permit by the Zoning Administrator.

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the Planning Commission.

“I.##” designates limitation listed at end of the table.

Use classifications are defined in Article 15.04.104, Key Terms and Definitions. In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance.
**TABLE 15.04.207.020: LAND USE REGULATIONS – AGRICULTURAL DISTRICTS**

<table>
<thead>
<tr>
<th>Uses</th>
<th>AG</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COMMERCIAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal Sales and Service</td>
<td></td>
<td>See subclassification below</td>
</tr>
<tr>
<td>Riding Schools and Stables</td>
<td></td>
<td>See § 15.04.610.060 Animal Keeping</td>
</tr>
<tr>
<td><strong>INSTITUTIONAL AND COMMUNITY FACILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park and Recreation Facility</td>
<td></td>
<td>L1</td>
</tr>
<tr>
<td><strong>TRANSPORTATION, COMMUNICATION AND UTILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utilities, Major</td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td><strong>AGRICULTURE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Production and Services</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Animal Husbandry</td>
<td></td>
<td>See § 15.04.610.060 Animal Keeping</td>
</tr>
<tr>
<td>Indoor Agriculture</td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Outdoor Agriculture</td>
<td></td>
<td>See § 15.04.610.430 Urban Agriculture</td>
</tr>
<tr>
<td><strong>OTHER</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Uses and Structures</td>
<td></td>
<td>See § 15.04.601.010 Accessory Uses and Structures</td>
</tr>
<tr>
<td>Nonconforming Uses</td>
<td></td>
<td>See Article 15.04.606, Nonconforming Uses, Structures, and Lot</td>
</tr>
<tr>
<td>Temporary Use</td>
<td></td>
<td>See Article 15.04.807, Temporary Use Permits</td>
</tr>
</tbody>
</table>

**Notes:**
- L1 Publicly accessible trails associated with a park and recreation facility are permitted.

**15.04.207.030 Development Standards**

Table 15.04.207.030 prescribes the development standards for Agricultural Districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of the Ordinance. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.
### TABLE 15.04.207.030: DEVELOPMENT STANDARDS – AGRICULTURAL DISTRICT

<table>
<thead>
<tr>
<th>District; Building Form and Location</th>
<th>AG</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>0.5 acre</td>
<td></td>
</tr>
<tr>
<td>Minim Lot Width (ft)</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>Maximum Height (ft)</td>
<td>35; 50 for barns</td>
<td>See § 15.04.601.050 Exceptions to Height Limits</td>
</tr>
<tr>
<td>Minimum Setbacks (ft)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>15</td>
<td>See § 15.04.601.020 Building Projections into Yards</td>
</tr>
<tr>
<td>Side</td>
<td>7.5</td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>7.5</td>
<td></td>
</tr>
<tr>
<td>Maximum Floor Area Ratio (FAR)</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>Maximum Density (net units/acre)</td>
<td>0.20</td>
<td></td>
</tr>
</tbody>
</table>

#### 15.04.207.040 Supplemental Regulations

A. **Truck Docks, Loading and Service Areas.** Truck docks, loading areas, and service areas must be located at the rear or interior sides of buildings and screened so as not to be visible from public streets or residential properties.

B. **Abutting Residential Districts.** When a lot abuts a Residential zoning district, the setback standards of the abutting district apply. Barns and animal enclosures shall be at least 50 feet from a Residential district.
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Overlay District Regulations

Article 15.04.301 General Provisions

Sections:
15.04.301.010 Purpose and Applicability
15.04.301.020 Initiation
15.04.301.030 Review and Approval

15.04.301.010 Purpose and Applicability
Overlay districts are zoning districts established by the City to carry out specific purposes. They are governed by a set of regulations, that address specific subjects, such as creek protection and historic districts, or impose requirements for neighborhood conservation plans that may be applicable in a variety of geographic areas within the city. Overlay districts may be initially established by adding a specific section to the 300 Series, Overlay District Regulations, without being actually delineate on the Zoning Map. At a later time, when an opportunity arises to carry out the intended purposes for one or more sites that meet the criteria for designation, the City Council may adopt an ordinance amending the Zoning Map to delineate the boundaries of the overlay district. The provisions of the overlay district then will be combined with the provisions of the base zoning district for that site or sites to which the overlay district applies and the more restrictive provisions will govern.

15.04.301.020 Initiation
The Planning Commission and the City Council may initiate an amendment to the zoning ordinance to establish an overlay district pursuant to the procedures established in Article 15.04.814, Amendments to the Zoning Map and Text.

15.04.301.030 Review and Approval
The Planning Commission may recommend and the City Council may adopt ordinances enacting overlay district provisions pursuant to the requirements and criteria of Article 15.04.814 after duly noticed public hearings.
Article 15.04.302 Creek Protection Overlay District

Sections:
15.04.302.010 Purpose and Applicability
15.04.302.020 Creek Determinations and Creek Mapping
15.04.302.030 Alterations to Streambed and Riparian Vegetation
15.04.302.040 Construction near Creek Culverts and Channelized Creeks.
15.04.302.050 Creek Setback
15.04.302.060 Permitted Uses and Limits on Uses Within Creek Setbacks
15.04.302.070 Culverts, Walls, and Other Structures within Creeks
15.04.302.080 Construction Monitoring, Inspection and Maintenance Programs

15.04.302.010 Purpose and Applicability

The purpose of the -CP Creek Protection Overlay District is to establish regulations and standards to preserve and enhance the City’s creeks and riparian corridors as an important public asset that provides environmental, recreational and aesthetic value. More specifically, this Overlay district is intended to:

A. Enhance creek corridors and riparian areas to extend the City’s green infrastructure by restoring riparian habitat with appropriate vegetation and channel design; removing culverts and hardened channels where appropriate; improving creek access; avoiding future culverting or channelization of creeks; and ensuring appropriate and ongoing maintenance.

B. Promote restoration of urban creeks and coordinate with property owners and local interest groups in restoration efforts.

C. Require daylighting of creeks that are currently in culverts or hardened channels, where feasible, in redevelopment projects.

D. Establish standards that allow public access in the floodplain and buffers along creek corridors without compromising the integrity of sensitive habitats.

E. Secure land adjacent to creeks as permanent public open space through dedication or easements, wherever feasible and desirable; and

F. Increase access to creeks for maintenance purposes; and

G. Establish best management construction and maintenance practices for creek corridors that will ensure their long-term viability.

The regulations apply to all creeks and riparian systems as defined in the General Plan and shown in Figure 15.04.302.030, including culverted creeks that the Council may determine as having potential for future daylighting.
15.04.302.020 Creek Determinations and Creek Mapping

The general location of creeks subject to the regulations of this Article shall be shown on the Zoning Map. In the event that a site-specific determination is required as to whether a creek exists on a property and the location of such creek, the City Engineer, in consultation with the Zoning Administrator, shall make such a determination, in consultation with the State Department of Fish and Wildlife, based on all application materials submitted and subject to the following provisions:

A. Determination Criteria. A creek is a watercourse that carries water, whether identified or unidentified, from either a permanent or natural source, either intermittently or continuously and runs in a defined natural or engineered channel or continuous swale or depression. This definition excludes any part of an engineered system developed by a public agency for collection of storm or flood waters, provided, however, that such part does not follow the original course of a creek. Determinations of the existence of a creek and its location shall be based on the following factors:

1. Micro-topography such as a "U" or "V" shape channel typically located at the low point of a macro-topographic feature.
2. Macro-topography consisting of bowl, "U", or "V" shaped topography with high points draining to a valley or ravine as part of a large drainage network leading to larger creeks or the San Francisco Bay.
3. Flatland topography may consist of creeks in a shallow bowl or "U" shaped topography. Generally, these creeks flow from the hills toward the San Francisco Bay following the slope of the land.

B. Indicator Features. Determinations of the existence of a creek may also be based on whether any or all of the following features are present:

1. A riparian corridor, meaning a corridor of relatively denser vegetation roughly parallel to the creek channel, or soil conditions that would support native riparian vegetation.
2. A creekbed with material that differs from the surrounding geologic material (i.e., more rocky, or gravelly, little or no vegetation, sorted by size).

15.04.302.030 Alterations to Streambed and Riparian Vegetation

A. General Prohibition. It shall be unlawful for any person, organization, institution, corporation or the City to fill, or cause to be filled, to obliterate or cause to be obliterated, to obstruct or cause to be obstructed, to place riprap or any debris in the channel or on the banks of, any creek, to construct a building bridging a creek or cause such building to be constructed, or in any manner to interfere with or cause to be interfered with, any creek in the City.
FIGURE 15.04.302.030: CREEKS AND DRAINAGES
B. **Exceptions.** Grading, alteration to the natural contours of the land, cutting or alteration, or removal of creek bank vegetation within the creek or creek setback area shall be permitted only in the following instances:

1. **Protection Projects.** Projects necessary to protect adjacent land and structures from imminent flooding, erosion or landslide hazards, or maintenance or capital improvement.

2. **Creek Restoration and Enhancement.** Creek restoration projects, subject to a conditional use permit and, if required, the approval of the California Department of Fish and Game, the U.S. Army Corps of Engineers, and the California State Water Resources Control Board. All creek restoration and enhancement projects must:
   a. Provides equal or better habitat and creek protection as compared to existing conditions;
   b. Not impair the functional capacity of the habitat;
   c. Not cause significant creek bank erosion;
   d. Not have a detrimental effect on water quality or quantity; and
   e. Be conducted or overseen by a certified professional with expertise in stream restoration and fluvial geomorphology processes.

3. **Low Intensity Passive Recreation.** Construction of pedestrian and bicycle paths or greenbelts, foot bridges, nature study areas or conservation uses that do not significantly alter the natural contours of the land or compromise the integrity of sensitive habitats.

4. **Approved Structures.** Structures required for the construction of a structure approved under Section 15.04.302.050 and 15.04.302.060 and where the building permit for such structure has been issued.

**15.04.302.040 Construction near Creek Culverts and Channelized Creeks.**

Any non-exempt construction within 30 feet of the centerline of a culverted or channelized creek that either expands the mass or footprint of an existing building, or builds a new structure whether or not subject to the securing of a building permit, requires approval of a conditional use permit for a roofed structure or an administrative use permit for other non-exempt structure and shall comply with the requirements of this section.

A. The following structures shall be exempt from the requirements of this section:

1. Any fence, arbor, trellis, pergola, gazebo, play structure or other similar unenclosed accessory structure not within the creek setback.
2. Retaining walls less than three feet in height.
3. Flag and light poles.
4. Solar energy equipment.
5. Prefabricated or other moveable one-story detached accessory buildings that are not permanently attached to a foundation.

B. When daylighting is feasible, the application for a conditional use permit must include engineering and construction details for daylighting and restoring the creek to a natural condition using best practices for preservation and management of urban creeks, which must be approved by the City Engineer prior to the Planning Commission's action on the permit. The City Engineer may retain, at the applicant's expense, the services of an expert in creek restoration and hydrology to advise the City.

C. The Planning Commission may approve reasonable increases in density and reductions in setbacks and parking requirements as mitigation for the development constraints and costs associated with daylighting and creek restoration.

D. If the City Engineer determines that daylighting is infeasible, the applicant shall submit a report from a structural engineer, contemporaneously, with the application for a building permit, that establishes to the satisfaction of the City Engineer, each of the following:

1. The structural integrity of the culvert under existing conditions is acceptable to the City Engineer and will not be compromised by the proposed construction;

2. The proposed construction will not impede access for the responsible party to repair and maintain the culvert; and

3. The flow of the creek will not be impeded nor its water quality impaired.

### 15.04.302.050 Creek Setback

A. **Setbacks Required.** All new structures, additions to existing structures, and new impervious surfaces, including driveways and patios, in the vicinity of an open creek or a culverted creek designated by the City Council for future daylighting shall be set back as follows:

1. A minimum of 20 feet from the top of a creek bank, provided the bank or edge of riparian vegetation can be clearly determined, or

2. A minimum of 30 feet from the centerline of the creek if the bank or edge of riparian vegetation cannot be clearly determined.

3. The Zoning Administrator, in consultation with the City Engineer, may establish a different setback based on the results of a creek assessment report as required by Section 15.04.302.060 (E).

B. **Separation of Public and Private Areas.** Fencing may be required within creek setback areas to separate public or private use areas from the creek corridor and prevent encroachment in habitat areas. Fencing shall be designed to permit emergency and maintenance access and not obstruct wildlife migration corridors by allowing for passage of small mammals and other species.
15.04.302.060 Permitted Uses and Limits on Uses Within Creek Setbacks

Table 15.04.304.060 lists permitted uses for all development within creek setbacks. The "Additional Regulations" column indicates more detailed explanations in sections that follow the table (Section codes noted) or that are located elsewhere in this Zoning Ordinance.

"P" — Permitted as-of-right if in compliance with all standards.

"A" — Requires an administrative use permit granted by the Zoning Administrator.

"C" — Requires a conditional use permit granted by the Planning Commission.

<table>
<thead>
<tr>
<th>Use</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passive recreational, educational, and existing non-structural uses</td>
<td>P 15.04.303.060(A)</td>
</tr>
<tr>
<td>Utility Lines, pipelines, drainage and flood control facilities</td>
<td>P</td>
</tr>
<tr>
<td>Public bridges and public road approaches to bridges to cross a creek</td>
<td>P</td>
</tr>
<tr>
<td>Parking associated with permitted uses</td>
<td>C 15.04.303.060(B)</td>
</tr>
<tr>
<td>Private bridges and private road approaches to bridges</td>
<td>C 15.04.303.060(B)</td>
</tr>
<tr>
<td>Fences, walls, decks or benches</td>
<td>A 15.04.303.060(C)</td>
</tr>
<tr>
<td>Dwellings, garages, accessory buildings</td>
<td>C 15.04.303.060(D)</td>
</tr>
<tr>
<td>Commercial buildings</td>
<td>C 15.04.303.060(D)</td>
</tr>
</tbody>
</table>

A. Allowed Uses Within Setback. Permitted uses within a creek setback are limited to:

1. Passive recreational, educational, and existing non-structural uses, including private open space and public open space with pedestrian or bicycle paths, in accordance with best management practices.
   a. Any trail or greenbelt within the creek setback must be a minimum of five feet from the top of the creek bank, unless an engineered slope justifies a reduced buffer, which shall be no less than one foot.
   b. Pedestrian and bicycle trails and greenbelts within the creek setback shall be a minimum five feet in width, and hiking-only trails may be a three to five feet in width.
   c. Any paving within a creek setback must be permeable.
 Utility lines, pipelines, drainage and flood control facilities. All turf areas, irrigation and drainage shall be designed to drain away from creek corridors to avoid impacts of irrigation and chemical use of pesticides and herbicides.

3. Public bridges and public road approaches to bridges to cross a creek.

B. Conditionally Permitted Uses Within Setback. Parking associated with permitted uses allowed on abutting property and bridges and road approaches to bridges to cross a creek may be permitted with the approval of a conditional use permit, provided the Planning Commission determines that:

1. Alternative locations for parking and vehicle access are physically infeasible or more environmentally damaging; and

2. An NPDES permit has been obtained for any parking areas located within the setback and all conditions of the NPDES permit are met.

C. Minor Unroofed Structures Within Setback. Minor unroofed structures such as fences, walls, decks, or benches may be allowed within the creek setback with an administrative use permit, provided the Zoning Administrator determines that:

1. The structure does not add any new impervious surface except for vertical structural elements such as posts or columns;

2. No alterations to drainage will intensify or channelize water drainage into the creek;

3. Construction of the structure will not remove or alter riparian vegetation;

4. Best management practices are used to prevent erosion during construction; and

5. No structural elements are located closer than 15 feet from the top of the creek bank.
Exceptions may be granted with a conditional use permit.

D. **Roofed Structures Within Setback.** Structures having a roof supported by columns or walls, including dwellings, garages, other accessory buildings and commercial buildings, are not permitted within the creek setback. Exceptions may be granted with a conditional use permit, provided that the Planning Commission determines:

1. Alternative locations outside the setback area or within the existing building footprint have been studied and found to be physically infeasible or more environmentally damaging;

2. Adverse environmental effects are mitigated to the maximum extent feasible, and all feasible measures for creek protection are incorporated as conditions of project approval, including measures to protect riparian vegetation and wildlife and prevent erosion;

3. The exception is necessary to allow a reasonable use of the site, similar to that on similarly zoning districts land in the vicinity; and

4. No structure is closer than 15 feet from the top of the creek bank.

E. **Required Submittals for Roofed Structures.** An application for an exception to creek setback requirements for roofed structures shall include all of the following:

1. A creek assessment report that delineates the location of the creek centerline, the top of the creekbank and the creek setback area, describes the needs and purposes of the proposed project, and includes a site plan of the proposed development that shows all pervious and impervious areas and percentages. The report shall describe the existing site conditions, the extent of riparian vegetation including trees, and other existing conditions that allow assessment of the impacts of the construction on the creek. The report shall be prepared by a licensed surveyor, civil engineer, or other licensed professional registered by the State of California, and approved by the Zoning Administrator.

2. Justification for seeking the exception, including why other alternative locations are infeasible, and how the setback encroachment will be minimized to the greatest extent possible.

3. Any reports such as soil reports, surveys, hydrology study, or civil engineering drawings, as required by the Zoning Administrator, to determine whether the proposed project will have an adverse impact on the creek and to propose revisions or conditions of approval that mitigate the impact to the maximum extent feasible.

4. A creek protection and riparian habitat plan that meets all of the following requirements shall be prepared by a landscape architect, hydrologist, biologist, environmental review professional, or other professional approved by the Zoning Administrator:
a. The site development plan minimizes impervious surfaces and vegetation loss and site disturbance to the maximum extent feasible;

b. The volume and velocity of storm water runoff to creeks or storm drains is not increased by the project. Storm water detention and treatment facilities are incorporated, such as permeable products porous pavement, modular pavers and decks instead of asphalt or concrete; installation of vegetation and vegetated swales; cistern or other detention/retention structure; infiltration trench; storm drain energy dissipaters; and runoff routed to landscaped areas.

c. Erosion control and slope stability measures are incorporated, such as additional native tree and vegetation planting; erosion control fabric such as jute netting; terracing or berms; and crib walls with slope stabilization native vegetation planting.

d. Best management practices are employed to assure that construction activity will not adversely impact the creek bank, riparian corridor, water flow, or water quality and include locating debris and construction materials away from the creek; protecting tree crowns and root zones; erosion control devices around construction areas; dust control; litter control; and prohibition of use of hazardous materials.

e. Restoration and enhancement vegetation is proposed for all riparian habitat affected by the development.

F. Exceptions to Required Submittals. The Zoning Administrator may grant exceptions to submittal requirements for projects that will not disturb the land or where on-site conditions clearly demonstrate that the site has no riparian vegetation. An applicant requesting a waiver of submittal requirements shall submit sufficient information to substantiate the waiver.

G. Conditions of Use Permit Approval for Roofed Structures Within a Creek Setback. Approval of any roofed structure within the creek setback area is subject to the following requirements:

1. All measures specified in the creek and riparian habitat protection plan shall become conditions of approval for the project. In addition, all such measures shall be carried out prior to completion of construction or concurrently with the installation of site improvements in the case of a subdivision map.

2. All required permits from the California Department of Fish and Game, the U.S. Army Corps of Engineers, the California State Water Resources Control Board, or other applicable agency shall be obtained prior to, or concurrently with the approval of any city permits.

3. A construction management plan shall be submitted, reviewed, and approved with all building permit applications that demonstrates how creek and
riparian habitat protection measures will be implemented throughout construction.

15.04.302.070 Culverts, Walls, and Other Structures within Creeks

A. **When Allowed.** Culverting and riprapping shall be prohibited unless an applicant presents compelling evidence that there is no other reasonable means to prevent the erosion of adjacent supports, foundations, or property. An administrative use permit shall be required to construct or cause to be constructed any wall, culvert, drain, bulkhead or other structure in any creek or to place riprap or any debris in the channel or on the banks of a creek.

B. **Determination of No Feasible Alternatives.** A permit to construct any wall, culvert, drain, bulkhead or other structure pursuant to this Section shall not be granted if the Zoning Administrator determines that that applicant has a reasonable alternative that will serve the same purpose, such as:

1. Excavating to restore a natural meander, stream geometry and channel roughness.
2. Clearing debris.
3. Flood proofing through a minor redesign of buildings, relocation of porches or other minor structures, sheds, garages, raising of such structures, or raising the grade of adjacent land.
4. Removing structures.
5. Stabilizing the bank using vegetation or soil bio-engineering that does not degrade the existing natural environment. This may include the use of vegetated and dirt filled gabions, vegetated wood crib walls, live and dead brush matting, fascines, brush layering and cuttings, and other similar strategies based on employing plants as the long-term stabilizing materials.
6. Vegetation management that can include selective clearing that retains a riparian canopy and root structure to preserve riparian habitat, control unwanted undergrowth and stabilize banks.
7. Changes in site design, including but not limited to removal of impervious surface area.

C. **Coordination with Other Permit Requirements.** All required permits from the California Department of Fish and Game, the U.S. Army Corps of Engineers, and the California State Water Resources Control Board shall be obtained prior to, or concurrently with, the approval of the administrative use permit.

15.04.302.080 Construction Monitoring, Inspection and Maintenance Programs

As a condition of approval for any project subject to the requirements of this Article, provision for construction monitoring, inspection and maintenance shall be established along with a funding mechanism. Monitoring, inspection and maintenance programs shall
include annual inspections and provisions to maintain hydraulic capacity of the stream channel, as well as protect, restore and enhance aquatic and riparian habitat. The following construction practices must be used to reduce erosion potential:

A. Prevention of run-off during construction, which may include debris and sediment removal, clearing of brush and other vegetation that trap sediment;
B. Vegetation management;
C. Bank stabilization;
D. Temporary water diversions;
E. Construction scheduled for the dry season; and
F. High flow bypass until the system is stabilized.

The City may allow dedication to the City or other appropriate public or private entity of a conservation easement or fee interest for long-term management of the creek area as determined necessary for flood control or protection of water quality and wildlife habitat.
Article 15.04.303  Historic Districts and Landmarks
Overlay Districts

Sections:
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15.04.303.020 Terminology
15.04.303.030 Applicability
15.04.303.040 Establishment of -H Historic Overlay Districts and -L Landmark Designations; Zoning Map Designators
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15.04.303.090 Richmond Historic Register
15.04.303.100 Land Use and Property Development Regulations
15.01.301.105 Historic Building Code
15.04.303.110 Certificates of Appropriateness
15.04.303.120 Demolition Permits
15.04.303.130 Maintenance and Upkeep
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15.04.303.150 Mills Act Contracts

15.04.303.010 Specific Purposes

The purposes of the -H Historic Districts and -L Landmarks Overlay Districts and the regulations in this Article are to serve as the City's Historic Preservation Ordinance and implement the General Plan. More specifically, this Article is intended to:

A. Promote the general welfare by providing for the identification, protection, enhancement, perpetuation, and use of improvements, buildings, structures, signs, features, sites, places, and districts within the City that reflect important elements of the City's historical, architectural, archaeological, cultural, or aesthetic heritage for the following reasons:

1. Encourage public knowledge, understanding, appreciation, and use of the City's past;
2. Foster civic pride in the beauty and personality of the City and in the accomplishments of its past;
3. Enhance the visual character of the City by encouraging new design and construction that complement the City's historical buildings;
4. Increase the economic benefits of historic preservation to the City and its inhabitants;
5. Protect property values within the City;
6. Identify as early as possible and resolve conflicts between the preservation of historical resources and alternative land uses;

7. Conserve valuable material and energy resources by encouraging continued or adaptive re-use and maintenance of the existing built environment;

8. Provide a procedure for detailed application of the California Environmental Quality Act (CEQA) as it pertains to historic resources as defined in Section 21084.1 of the California Environmental Quality Act;

9. Maintain designation as a Certified Local Government under 36 CFR Part 61 and satisfactorily perform responsibilities delegated by the State of California;

10. Facilitate application of and compliance with federal legislation affecting historic properties, including Section 106 of the National Historic Preservation Act of 1966 (as amended);

11. Identify properties and maintain a system for the survey and inventory of historic properties;

12. Provide for adequate public participation in the application of public policy in historic preservation, including the process of recommending properties for nomination to the National Register of Historic Places, the California Register of Historical Resources, or the Richmond Historic Register;

13. Provide owners of historic properties reasonable economic uses and inform them of available economic incentives for historic preservation;

14. Provide a constitutional right of owners for due process for restrictions or proposed restrictions on the use of historic properties;

15. Provide for zoning flexibility, preservation easements, and use of the State Historical Building Code;

16. Deter demolition, destruction, alteration, misuse, or neglect of historically or architecturally significant districts, sites, buildings, structures and objects that are important to the city’s past;

17. Foster development tailored to the character and significance of each historic district through a historic district conservation plan that includes design standards; and

B. Enable the use of the Mills Act to provide an economic incentive for the restoration and preservation of qualified historic properties by private property owners through reduced property taxes.

15.04.303.020 Termination

For purposes of this Article, certain terms and words are defined in this section. If any of these definitions are in conflict with the provisions of Title 24, Part 2, of the California Code of Regulations, entitled the California Building Code, then the requirements of Title 24 shall govern.
**Alteration.** Any external change in the character, composition, or structure of a potential historical resource or historical resource.

**Archaeological Resource.** Any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to the Archaeological Resources Protection Act of 1979.

**Building.** Any structure used or intended for supporting or sheltering any use or occupancy. As used in this Article and consistent with the California Health and Safety Code Section 18908(d) - State Building Standards, "building" does not include machinery, equipment, or appliances installed for manufacture or process purposes only, or any construction installations which are not part of a building or any goods movement equipment and facilities.

**California Register of Historical Resources.** The official listing of California's historical resources, including those of local, state, and national significance as defined in Section 5020.1(a) of the California Public Resources Code.

**Character Defining Feature.** The architectural, street and landscape features of a building, structure, object, or historic preservation district which help to convey historical significance.

**Certified Local Government.** A city or town that has met specific standards enabling its participation in certain National Historic Preservation Act programs administered by the National Park Service and the State Office of Historic Preservation.

**Construction Installations.** Materials installed temporarily to facilitate the construction of permanent structures and includes but is not limited to scaffolding, shoring, caissons, cribbing, diversion dams and formwork with an intended period of use, not exceeding three years.

**Contributing Structure.** A structure in an historic district that by its age, historical integrity, or historical significance is an essential part of the historic fabric of the district, or would reduce the integrity of the district by its inappropriate alteration or removal.

1. A building contributing to the historic significance of a district is one that by location, design, setting, materials, workmanship, feeling and association adds to the district's sense of time and place and historical development.

2. A building not contributing to the historic significance of a district is one that does not add to the district's sense of time and place and historical development; or one where the location, design, setting, materials, workmanship, feeling and association have been so altered or have so deteriorated that the overall integrity of the building has been irretrievably lost.

3. Ordinarily, buildings that have been built within the past 50 years shall not be considered to contribute to the significance of a district unless a strong
justification concerning their historical or architectural merit is given or the historical attributes of the district are considered to be less than 50 years old.

**Dangerous Building.** As defined in Section 302 of the Uniform Code for the Abatement of Dangerous Buildings, or by 2013 California Building Code, Title 24, Part 10.

**Demolition.** Any act or failure to act that destroys, destructs, or removes in whole or in part any element of a potential historical resource, an eligible historical resource, or designated historical resource such that its character, historical significance and/or integrity is materially altered.

**Demolition by Neglect.** The act of willingly allowing a structure or its components to deteriorate to a state that it becomes economically or functionally impractical to rehabilitate due to damage to structural components or those that define the essential historic characteristics (also see Chapter 9.22 of the Richmond Municipal Code, entitled Public Nuisances).

**Exempt Alteration(s).** Activities that do not require a City building permit and/or work that requires a building permit but that does not have potential to impair the historic significance of the historical resource, including plumbing, electrical, and mechanical improvements or repairs, and interior improvements (unless such improvements are contributing elements of the historic resource's historic significance).

**Expert Professional.** A person who meets the Secretary of the Interior's professional qualification standards contained within 36 CFR Part 61. The professional qualifications define the minimum education and experience required to perform identification, evaluation, registration, and treatment activities. If the City deems necessary, the City shall have the discretion to require additional areas or levels of expertise depending on the complexity of the task and the nature of the historical resource involved.

**Expert Technical Analysis.** A written report by an expert professional that evaluates the potential historical and architectural significance of a resource or contributing resource based upon accepted criteria and findings of fact. The expert technical analysis may also identify potential impacts to a resource and activities or actions that would reduce those impacts to below a level of significance.

**Exterior Architectural Feature.** The architectural elements embodying style, design, general arrangement, and components of all of the outer surfaces of an improvement, including but not limited to, the kind, color, and texture of the building materials and the type and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.

**Goods Movement Equipment and Facilities.** means equipment and facilities used to move, handle, and store raw and finished materials in solid, liquid, and gaseous forms and includes but is not limited to conveyors, cranes, hoppers, chutes, pipes, ducts, channels, flumes, pumps, tanks and their supporting structures.
**Historic District.** A geographically definable area within the City possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history (36 CFR 60.3). Buildings, structures, objects and sites within a historic district are normally divided into two categories, contributing and non-contributing. Included in this designation are all districts listed, at the time of or subsequent to adoption of the ordinance codified in this Article, on the National Register of Historic Places or the California Register, including but not limited to:

1. Point Richmond Historic District;
2. Winehaven Historic District.
3. Richmond Shipyards Historic District
4. Civic Center Historic District

**Historic Preservation Commission.** The City of Richmond Historic Preservation Commission.

**Historic Property.** A district, site, building, structure or object significant in American history, architecture, engineering, archeology or culture at the national, state, or local level (National Park Service, Preservation Terminology).

**Historic Resource.** Any building, structure, sign, feature, site, place, area, or other improvement of scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to citizens of the City and designated as such by the Council pursuant to the provisions of this Article, including Richmond historic landmarks, and contributing structures in historic districts. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources shall not preclude the City from determining whether the resource may be an historical resource for purposes of this Article. "Historic resource. is synonymous with "historic property."

**HPC.** Historic Preservation Commission.

**Integrity.** The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic period.

**Major Alteration.** Those alterations that are not exempt or do not qualify as minor alterations, which include, but may not be limited to: a) demolition; b) installation or alteration of windows, doors, or other historic features where the original opening is proposed to be enlarged, reduced or altered; c) additions to a structure or site that exceed 499 square feet; d) new construction within a historic district; e) additions that exceed 499 square feet within a historic district; f) relocation; and g) reconstruction.

**Minor Alteration.** Alterations that require a building permit but do not affect the historic significance of the historic resource because they meet the Secretary of the Interior's
Standards for Treatment of Historic Properties. Minor alterations include: a) the installation of exterior features such as awnings and garage doors; b) installation or alteration of windows, doors or other historic features where the original opening will not be enlarged, reduced or altered; and c) additions that are less than 499 square feet.

**National Register of Historic Places.** The official listing of the United States's historic resources maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966.

**Object.** A construction that is primarily artistic in nature of relatively small scale and simple construction. Although it may be, by nature or design, movable, an object is typically associated with a specific setting or environment, such as a boundary marker, fountain, milepost, sculpture, or statuary.

**Ordinary Maintenance and Repair.** Any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to its deterioration or damage.

**Potential Historical Resource.** Any resource 50 years or older that may, in the opinion of the Zoning Administrator, meet the findings of fact and criteria established in this Article.

**Preservation.** The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

**Process Equipment.** Equipment used in the research, development or production of manufactured products and includes but is not limited to heaters, furnaces, reactors, incinerators, vaporizers, steam generators, boilers, pipes, ducts, pumps, pressure vessels, heat exchangers, compressors, and boilers.

**Proposed Designation.** Buildings, structures or areas nominated as Richmond historic landmarks, historic resources or historic districts by the Historic Preservation Commission.

**Reconstruction.** In accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.
Rehabilitation. In accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

Restoration. In accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Richmond Historic Landmark. One or more Richmond historic resources having significant scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to the citizens of the City and designated as such by the City Council. A Richmond historic landmark is deemed to be so important to the historical and architectural fabric of the City that its loss would be a major loss to the City. Included in this designation are all individual resources that at the time of adoption of the ordinance codified in this Article, or subsequently, are listed in or eligible for the National Register of Historic Places or the California Register or listed as Registered California State Historic Landmarks, including but not limited to:

1. Alvarado Park, East Bay Regional Park District;
2. Carquinez Hotel;
3. East Brother Light Station, U.S. Coast Guard;
4. Ellis Landing Site;
5. Ellis Landing Shellmound Site;
6. Ferry Point Pier, East Bay Regional Park District;
7. Ford Motor Company Assembly Plant;
8. Giant Powder Works, East Bay Regional Park District;
9. Lower San Pablo Creek Archaeological District;
10. Richmond Museum of History (4th and Nevin);
11. Stege Mounds Archaeological District.

Secretary of the Interior's Standards for the Treatment of Historic Properties. The latest edition of the standards and guidelines provided by the National Park Service for preservation, rehabilitation, restoration, and reconstruction of historic properties.

Structure. That which is built or constructed. (Section 202 of Title 24, Vol. 1 of the 2013 California Building Code.) As used in this Article, "structure. does not include machinery,
equipment, or appliances installed for manufacture or process purposes only, any construction installations that are not part of a building, or any goods movement equipment and facilities.

**Substantial Deterioration or Decay.** Those conditions of the structure or property that are not so serious as to constitute demolition by neglect but nevertheless threaten the structural or historical integrity of the resource (also see Chapter 9.22 of this Code).

**15.04.303.030 Applicability**

This overlay district shall be applied to identified historic resources, potentially historic resources, and other land property located within a historic district. Buildings, structures, or objects that have been designated a historic resource by the Historic Preservation Commission (HPC) or that are located within a historic district shall continue to be subject to all zoning regulations of this Article XV and State and federal laws and regulations that would apply to such buildings, structures, or objects if they were not so designated or located. By designating historic resources and historic districts, the Council shall not be construed to be repealing or waiving any other portion of the Municipal Code as it applied to the designated property.

**15.04.303.040 Establishment of -H Historic Overlay Districts and -L Landmark Designations; Zoning Map Designators**

A. An -H Historic Overlay District designation may be applied to any significant area or historic district, and an -L Landmark designation may be applied to any significant building on the Richmond Historic Register. These overlay designations may be combined with any base zoning district.

B. Each -H Historic District or -L Landmark designation shall be shown on the zoning map by adding an -H or an -L designator, respectively, to the base zoning district designation followed by the number of the Historic District or Landmark designation, based on its order of adoption with reference to the enacting ordinance.

**15.04.303.050 Initiation**

A. An application for an amendment to the zoning map for an -H Historic District designation or -L Landmark designation may be initiated by the City Council, the Planning Commission, the HPC, or by any resident of the City.

B. Upon initiation, notice shall be provided in accordance with the provisions of Article 15.04.803 (Common Procedures). The Zoning Administrator shall post a Public Notice at the Richmond Civic Center and on the City's website and inform by mail all property owners that would be subject to the designation of the restrictions and incentives that will be placed on their property as a result of such designation, the language of this article, and how to avail themselves of a Mills Act contract and other incentives.

C. If the designation is initiated by a property owner, the application must be accompanied by such historical and architectural information as is required by the
HPC to make an informed recommendation concerning the application, together with the required fee.

15.04.303.060  -H and -L Overlay District Designation Criteria

A. Upon the recommendation of the HPC and the approval of the City Council, a building, structure, object, site, or area not already designated as a historic or archaeological resource may be subject to a –H or –L overlay designation if it is found to meet any of the following criteria:

1. It exemplifies or reflects valued elements of the City’s cultural, social, economic, political, aesthetic, engineering, archaeological, or architectural history;
2. It is identified with persons or events important in local, state, or national history;
3. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning;
4. It embodies distinguishing characteristics of an architectural style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
5. It is representative of the notable work of a builder, designer, or architect whose style influenced the City’s architectural development.
6. A structure, site, or other improvement which meets any of the above criteria at the highest level, and whose loss would be a major loss to the City, may be designated a Richmond Historic Landmark.

15.04.303.070  Procedure for Designating Property

Any geographic area of the city, a site, and/or a building structure, or object may be designated with the -H or -L overlay in compliance with the following requirements.

A. Eligibility for Designation of Historic Districts. A geographic area within the City that is included in the Richmond Historic Register may be designated with the -H or -L overlay if one or more of the designation criteria in Section 15.04.303.050 are met, as rigorously applied and supported by findings of historical or architectural significance.

B. Optional District Historic Conservation Plan. Prior to filing an application for rezoning to apply an -H overlay, the applicant may prepare an optional Historic District Conservation Plan with the assistance of the Planning Department. Each Conservation Plan shall contain:

1. A map and a detailed description of the proposed district, including boundaries; number of contributing elements and non-contributing elements, the age, setting, and character of the contributing elements; a map or list of
addresses of each contributing and non-contributing elements; an informative historic context of the district and any associations under which the district appears eligible for listing, urban design elements and streetscapes; major public improvements; and proposed objectives to be achieved;

2. A statement of the architectural or historical significance of the proposed district;

3. A list of specific alterations (such as the replacement of windows, remodeling of an entryway, addition of dormers to the roof, or construction of a deck or staircase) that shall be subject to design review in order to protect the architectural or historical character of the proposed district; and

4. A set of specific development guidelines for new construction and alterations necessary to preserve the character of the proposed district. The guidelines must include but are not limited to the following topics: architectural design, construction materials, height, setbacks, landscaping, roof details, and entry and window design.

C. Application Requirements.

1. Eligibility for Filing. An application for rezoning to apply an -H overlay zoning district or -L landmark designation may be initiated by the HPC, City Council, Planning Commission, or the property owner.

2. Fee A fee as established in the City’s Master Fee Schedule.

3. Application Contents. The application shall include basic information on the proposed designation and the reasons justifying it and, in the case of an -H designation, the optional Historic Conservation Plan containing the information in paragraph B, above, and the application shall include evidence of the consent of the owner or authorized agent to the proposed designation. For purposes of this Section, each condominium owners’ association shall be deemed the property owner of common areas.

4. Additional Information May Be Requested. Prior to accepting the application as complete, the Zoning Administrator may request additional information, plans or materials deemed necessary to support the application.

D. Review and Approval.

1. Preliminary Review. The HPC shall consider the proposed designation and make a preliminary determination based on the documentation provided whether to proceed with the designation process.

2. Technical Assistance. The Zoning Administrator or Historic Preservation Commission may require and request the evaluation and analysis of a qualified preservation architect, archaeologist, architectural historian, or preservation landscape architect retained by the City. Such individual shall be appropriately licensed by the state in the profession pertinent to the type of
project under consideration and shall have extensive experience in historic preservation, including the evaluation, nomination, qualification and rehabilitation of properties listed on the National Register of Historic Places. When applications are made by parties other than the Commission, the cost of technical assistance may be required by the Commission to be paid by the applicant.

3. **Study Session.** If the HPC determines that the process of designating a Historic District or Landmark should proceed, it shall conduct at a minimum, one noticed study session to explain the proposal and the amendment process to neighborhood residents and, in the case of an –H overlay designation, to present the proposed Historic Conservation Plan if one has been prepared. After taking public testimony at the study session, the HPC shall decide whether to recommend the -H or -L designation to the Planning Commission.

4. **Public Hearing.** If the HPC determines that an -H or -L designation may be appropriate and complies with the criteria of Section 15.04.303.050, the proposed district shall then be the subject of a public hearing before the City Council. noticed in accordance with RMC Section 15.04.970. In the case of a proposed historic district, notice of the date, place, time, and purpose of the hearing shall be made to owners of all properties within the proposed district, and to all property owners within three hundred feet of the proposed district boundary.

5. **Required Findings.** In addition to the findings for the approval of a rezoning, a rezoning to apply the -H or -L designation shall require that the HPC, the Planning Commission, and Council shall also find that the proposed district or landmark has a significant architectural historical or cultural character that can be preserved and enhanced through appropriate controls on new development and alterations to existing buildings, structures, objects.

6. **City Council.** Within thirty days of the close of the public hearing, the Historic Preservation Commission shall recommend approval in whole or in part or disapproval of the application for designation in writing to the Council, setting forth those findings that constitute the basis for the decision. The Council, within sixty days of receipt of the Historic Preservation Commission's recommendations concerning proposed designations, shall by resolution approve the recommendations in whole or in part, or shall by motion disapprove them in their entirety. Notice of the Council's decision shall be sent to all parties noticed of the Commission's hearing in accordance with [subsection] (b) above and any other interested or affected parties. Notice shall also be sent to the Building Official and to the Director of Planning and Building Services. Failure to Send Notice. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection
with the proposed designation. The Historic Preservation Commission and Council shall also give other notice as they may deem desirable and practicable and as they may deem reasonable and necessary to ensure notice to all affected and interested parties.

7. **Adoption of Historic Conservation Plan (Optional).** An ordinance establishing an -H district may be accompanied by a resolution approving a Historic District Conservation Plan, in the form submitted or as revised by the HPC, the Planning Commission, or the City Council.

   a. The development guidelines included within the Historic Conservation Plan may modify the development regulations of the base zoning district, but shall not change the maximum density or intensity standards of the base zoning district, nor alter the dimensional development standards by more than ten percent. When establishing modification to development regulations, special consideration shall be given to:
      
      i. Transitional height, setbacks, and upper-story stepbacks for non-contributory buildings adjacent to contributory buildings, when height is a character defining feature of a district; and
      
      ii. Parking requirements when a historic resource does not include on-site parking, and the zone has parking requirements.

   b. A guideline shall be found to be a significant alteration of base zoning district regulations if it substantially prevents property from being used in compliance with the provisions of the base zoning district, or creates a substantial number of nonconforming uses or structures.

8. **Amendment of Landmark Conservation Plan.** An adopted Historic Conservation Plan may be amended by the HPC after holding a duly-noticed public hearing. Major amendments affecting land use and development regulations require approval of the Planning Commission at a duly-noticed public hearing.

E. **Post Adoption Actions to Preserve a Site.** Following an eligibility determination, in addition to the process described above, the HPC may take action within the scope of its powers and duties as it determines are necessary for the preservation of a designated site. Such actions may include, but shall not be limited to, consultation with the property owner, civic groups, public agencies, and interested citizens; recommendations for acquisition of property by public or private bodies or agencies; and exploration of the possibility of moving one or more structures or features.

F. **Amendment or Rescission.** The subject property owner, Historic Preservation Commission, or Council may initiate, amend or rescind any designation of an historical resource or historic district in the same manner and procedure as are
followed for designation, if the resource no longer meets the designation criteria found to apply due to the subsequent discovery of information on the significance of the resource or the destruction of the resource by a catastrophic event.

15.04.303.080  Permit or Work Moratorium

While the HPC’s public hearing on a proposed designation or the Council's decision on the Commission's recommendation is pending, the Council, upon the Commission's recommendation, may declare a permit or work moratorium on any project that would be affected by the proposed designation. Such moratorium shall be extended by the Council at the first regular Council meeting occurring after the Commission's public hearing, or the moratorium shall be automatically terminated. During the moratorium, any work that would require discretionary review by the Zoning Administrator or Planning Commission if the improvement were already designated an historical resource or if it were already located in an historic district shall not be carried out or granted a permit. The work or permit moratorium shall end at the time of the Council's decision to designate or not to designate an –H overlay or an –L designation on the project site, or earlier if the Commission so declares, but shall not exceed 180 calendar days in any event. A moratorium shall not be placed on work for which a permit has been issued unless the Council determines that the permit was issued in error based on false or misleading information provided by the applicant.

15.04.303.090  Richmond Historic Register

A.  Recording of Historic Resources. Designations of historic resources (buildings, structures, objects or sites) pursuant to this Article shall be recorded in the Richmond Historic Register. The Richmond Historic Register shall be maintained on file with the City Clerk, the Director of Planning and Building Services, the Building Official, the Richmond Museum Association, the Richmond Library, the State Office of Historic Preservation, the Contra Costa County Historical Society, and the Northwest Information Center at Sonoma State University.

B.  Deletion of a Listed Structure Due to Demolition. When a listed structure has been demolished pursuant to any provisions of this Code, the City Clerk, upon notice thereof, shall cause such listed structure to be deleted from the Richmond Historic Register. Upon such deletion, the provisions of this title shall not be deemed to encumber or otherwise restrict the use of the subject remaining property.

15.04.303.100  Land Use and Property Development Regulations

A.  General Requirements. Proposed development and new land uses within an -H or -L overlay zoning district shall comply with all applicable requirements of the base zoning district, except:

1.  Where modified by another overlay zoning district;

2.  Where the Planning Commission grants an exception to the land use regulations of the base district zoning through a conditional use permit approval after determining that the exception is necessary to permit the
preservation or restoration of a historic or architecturally significant building, structure, object or site; or

3. In the event of a conflict between the requirements of the base zoning district or another overlay zoning district and the Historic Conservation Plan, the Historic Conservation Plan shall supersede.

B. Ordinary Maintenance and Repair; Repair for Public Safety. Nothing in this section is intended to prohibit ordinary maintenance or repair of any exterior or interior architectural features in or on any property subject to an -H or -L overlay district designation that does not involve a change in design, material or external appearance thereof. Nor is this section intended to prohibit the construction, reconstruction, alteration, restoration, demolition or removal of any such architectural feature when the Zoning Administrator certifies to the HPC that such action is required for the public safety, due to an imminent unsafe or imminent dangerous condition, which cannot be otherwise rectified or restricted until corrections can be made. If the condition of an unsafe or dangerous historical resource does not pose an immediate threat to life or safety, the City official exercising authority for correcting such a condition shall consult with the Historic Preservation Commission before carrying out corrective measures.

C. Preservation Easements. Preservation easements on the facades of buildings designated as a landmark may be acquired by the City or nonprofit group through purchase or donation pursuant to Civil Code Section 815.

D. State Historical Building Code. The California State Historical Building Code provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. Such work on designated landmarks and historic/architecturally significant buildings with an –H overlay district shall be subject to the provisions of the California State Historical Building Code rather than the Uniform Building Code.

15.01.301.105 Historic Building Code

To the extent allowable under state law, the Building Official shall apply the State Historic Building Code (CCR Title 24, Part 8) for alterations and additions to structures on the Richmond Historic Register, California Register of Historical Places, and National Register of Historic Places.

15.04.303.110 Certificates of Appropriateness

A certificate of appropriateness shall be required prior to development, exterior alteration, restoration, rehabilitation, or relocation of any structure in an -H district or subject to an -L designation.

A. Authority. The HPC shall have the authority to review and approve, approve with conditions, or reject a certificate of appropriateness pursuant to the procedures and criteria in this section.
B. **Exemptions.** No certificate of appropriateness is required for ordinary maintenance; interior modifications; work pre-approved in a Mills Act contract; and any development, alteration, restoration, rehabilitation, or relocation that is not specifically described in an application for Historic District designation or Landmark designation or in a Mills Act contract application as having historical or architectural value.

C. **Criteria.** To approve an application for a certificate of appropriateness, the HPC shall find that the proposed work confirms to the Secretary of the Interior’s Standards for the Treatment of Historic Properties and more specifically:

1. Whether the proposed construction, reconstruction, or relocation is appropriate and consistent with this section and, if applicable, the Historic Conservation Plan for the historic district.

2. Whether the applicant has demonstrated that every reasonable effort will be made to minimize alteration of any contributory structure or designated landmark and preserve its integrity.

3. With regard to any property located within an historic district but which is not a contributing structure, the proposed work does not adversely affect the character and integrity of the district.

4. Whether the distinguishing original qualities or character of a contributory building, structure, or object, or site and its environment will not be destroyed, and the removal or alteration of any historic material or distinctive architectural feature will be avoided, to the greatest extent reasonably practical.

5. Whether changes which may have taken place in the course of time are evidence of the history and development of a contributory structure or site and its environment and that such changes which may have acquired significance in their own right, will be recognized and respected.

6. Whether distinctive stylistic features or examples of skilled craftsmanship which characterize a structure or site will be retained, to the extent reasonably possible.

7. Whether any proposed project will destroy significant historical, architectural, or cultural material, and will be compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

8. Whether additions or alterations to contributory buildings, structures, objects or sites or designated landmarks will be done in a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

D. **Conditions.** The Zoning Administrator may recommend, and the HPC may impose, all reasonable conditions to ensure compliance with the Historic Conservation Plan or maintain the integrity of the Landmark.
E. **Amendment to Certificate of Appropriateness.** A certificate of appropriateness may be amended, extended, or modified at any time over the life of the building, only in accord with the procedures and criteria established for its original approval.

15.04.303.120 **Demolition Permits**

A demolition permit is required for any structure subject to an –H or –L overlay district designation, listed in the Richmond Historic Register, or Federal, State register and any building, structure, or object more than 45 years old or older. The decision to issue a permit to demolish a building, structure, or object or alter a site subject to an –H or –L overlay district or listed in the Richmond Register is discretionary, subject to review under CEQA.

A. **Application for a Demolition Permit.** An application for a permit to demolish a building, structure, or object not listed in the Richmond Historic Register but is 50 years old or older shall include an eligibility evaluation on DPR523 series forms, as necessary, provided by the California Office of Historic Preservation (OHP), and prepared according to "Instructions for Recording Historic Resources" provided by the California Office of Historic Preservation. Based on an initial review of the form, the Zoning Administrator shall render an opinion within 30 days on whether the structure is eligible for listing as a historic resource.

B. **Referral to HPC.** If a structure is eligible for listing as a historic resource, the Zoning Administrator shall refer the matter to the HPC. The HPC shall review the completed DPR523 series form, and the Zoning Administrator's opinion, and determine whether the structure is eligible for individual listing or as a contributing element to a -H Historic Overlay District on the National Register of Historic Places, the California Register of Historic Resources or Richmond Historic Register. If the HPC's determination conflicts with the opinion of the Zoning Administrator, the City Council shall resolve the conflict and determine the final opinion.

1. If the determination is negative, no other action is required by the applicant.

2. If the opinion is positive, then the applicant shall submit a DPR523 series form completed and signed by an individual meeting the U.S. Secretary of the Interior's professional qualification standards for history or architectural history and the Director of Planning and Building Services, or his or her designee, shall refer the matter to Historic Preservation Commission. The Commission shall review the completed DPR523 series form and determine if the structure is eligible for listing individually or as a contributing structure in a historic district on the National Register of Historic Places, the California Register of Historic Resources or Richmond Historic Register.

3. If the building, structure, or object is determined to be eligible for listing either individually or as a contributing element, a Certificate of Appropriateness shall be required.

4. An eligibility determination for listing in the Richmond Historic Register may be appealed to the City Council. An eligibility determination for listing in the
National Register of Historic Places or the California Register of Historic Resources may be appealed only to the State Historic Preservation Office.

C. Exceptions.

1. A demolition permit for any property within the area covered by the Project PRISM Historic Resource Survey Report shall not be discretionary or require a Certificate of Appropriateness unless the property is listed in the Project PRISM Historic Resource Survey Report as a potential historic resource on the National, California or Richmond Register.

2. Unless exempt from permit requirements by other laws or codes, a demolition permit shall be ministerial for the demolition of process equipment, goods movement equipment and facilities, and construction installations, as these are defined in this chapter.

15.04.303.130 Maintenance and Upkeep

A. Duty to Maintain. All property owners in -H Historic Overlay Districts and all property owners of buildings, structures, or objects assigned -L Landmark designation shall have the obligation to maintain structures and premises in good repair, and no owner shall permit the building, structure, or object to fall into a serious state of disrepair so as to result in deterioration of any architectural feature that would, in the judgment of the HPC, produce a detrimental effect upon the character of the Historic District or the life and character of a Landmark. Structures and premises shall be considered in good repair if they do not present material evidence of disrepair or material variance in condition from surrounding structures that are in compliance with the provisions of this ordinance.

B. Ordinary Maintenance and Repair. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any property covered by this Article, so long as such maintenance or repair does not involve a change in exterior design, material, or appearance, or a technique that is contrary to the Secretary of the Interior's Standards for Treatment of Historic Properties. A change in existing paint color is not construed as a change in appearance or design unless the paint color was reviewed and approved as part of a previous discretionary review.

C. Standards of Review. The standards of review for "good repair" and "disrepair" are as follows:

1. Good Repair. Includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents unreasonable deterioration, dilapidation, and decay of the exterior portions of the structure and premises, including exterior character-defining features.

2. Disrepair. Includes but is not limited to unreasonable deterioration of exterior walls, plaster, mortar or vertical or horizontal supports; deterioration of roofs and exterior chimneys; ineffective waterproofing, including broken
windows or doors; or the deterioration of any other exterior feature that would create a hazardous or unsafe condition.

D. **Notice to Comply.** If the Zoning Administrator determines that a historic resource or any other property in an -H District or any designated Landmark is being neglected and subject to damage from weather or vandalism, the Zoning Administrator shall meet with the owner or other person having legal custody and control of the historic resource or Landmark to discuss with them ways to improve the condition of the property. If no attempt or insufficient effort is made to correct any noted conditions thereafter, the Zoning Administrator may issue a Notice to Comply requiring the owner or other person having legal custody and control of the historic resource or Landmark to take action to require corrections of defects in the subject property in order that such historic resource or Landmark may be preserved in accordance with this section, except if the property owner can present clear and convincing evidence to the Zoning Administrator that his/her ability to improve the condition of the property is constrained by limited financial resources of other immediate and substantial hardship. If a financial or other hardship is found to exist, the Zoning Administrator shall make a written finding to that effect which specifies the facts relied upon in making such a finding and withdraw the order to comply until such time that the work needed can be accomplished.

E. **Prevention of Demolition by Neglect.**

1. **General Obligation.** The owner, lessees and any other person in actual charge or possession of an historical resource shall prevent demolition by neglect.

2. **Approval of Demolition with Showing of Extreme Hardship.** If the applicant for an alteration or demolition permit presents facts clearly demonstrating to the satisfaction of the HPC that failure to approve an application will cause an immediate extreme hardship because of conditions peculiar to the particular structure or other feature involved, the Commission may approve or conditionally approve such application even though it does not meet the standards set forth in this Article. In determining whether extreme hardship exists, the Commission shall consider evidence which demonstrates that:
   
a. Denial of the application will diminish the value of the subject structure or property so as to leave substantially no value.

b. Sale or rental of the property is impractical, infeasible, or uneconomic, when compared to the cost of holding such property for uses permitted in this zone.

c. Improvement of the property in a manner which would preserve its character defining features is impractical, infeasible, or uneconomic.
15.04.303.140 Enforcement and Penalties.

A. Any person who violates a requirement of this Article or fails to obey an order or permit issued pursuant thereto shall be guilty of a misdemeanor.

B. Any person who constructs, alters, removes or demolishes a historic resource or Landmark in violation of this Article shall be required to restore the building, object, site or structure to its appearance or setting prior to the violation to the extent such restoration is physically possible. Any action to enforce this provision may be brought by the City or any other interested party. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and the penalty or other remedy provided by law.

15.04.303.150 Mills Act Contracts

A. Purpose and Authority. Under the provisions of the Government Code (Section 50280 et seq., known at the Mills Act), the City may contract with the owner of any property listed on the National Register of Historic Places, California Register of Historic Resources or the Richmond Historic Register that are within an -H or -L overlay. The primary purpose for offering Mills Act contracts is to assist in the rehabilitation or restoration and long-term maintenance of historic resources in the City. Upon execution of the contract, the property owner will henceforth benefit from a potential reduction in property taxes, and the City will be assured via a regularly scheduled inspection of the exterior by the City for conformity, that the historic building is rehabilitated, maintained and preserved as necessary in a manner in compliance with the requirements of the State Office of Historic Preservation of the California Department of Parks and Recreation, the appropriate treatment approach outlined and described in the Secretary of the Interior’s Standards for the Treatment of Historic Properties, and the State Historical Building Code.

B. Program Applicability. All properties listed on the City’s Historic Register and within an -H overlay or designated as a Landmark with an -L designation are eligible for Mills Act contracts. Potential historic properties are encouraged to seek designation in order to qualify for a Mill Act Contract.

C. Term of Contract.

1. All Mills Act contracts shall have a term of ten years and one year shall be added to this term annually upon each anniversary date of the contract unless one or both parties have taken action to terminate the contract. The City Manager shall be authorized to initiate contract termination on behalf of the City based on recommendations of the HPC. The contract rights and obligations are binding upon all successive owner of the property during the life of the contract.

2. If the property owner or the City desires in any year not to renew the contract, that party must serve written notice of nonrenewal of the contract on the other party in advance of the annual renewal date of the contract. Unless the notice is served by the owner at least 90 days prior to the renewal
date or by the City Manager at least 60 days prior to the renewal date, one year shall automatically be added to the term of the contract.

3. Upon receipt by the owner of a notice from the City of nonrenewal, the owner may make a written protest of the notice of nonrenewal. The City may, at any time prior to the renewal date, withdraw the notice of renewal.

4. If the City or the owner serves notice of intent in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

D. Application.

1. Any person may file an application with the HPC to enter into a Mills Act contract. An application must be accompanied by the applicable application fee, which shall be non-refundable.

2. An application shall contain the following information:
   a. Name and address of the applicant and of all owners of the subject property;
   b. Evidence that the applicant is the sole owner of the subject property or has the written permission of all owners to make such application and the grant deed;
   c. The location and legal description of the subject property;
   d. Photos of the property demonstrating its historic significance;
   e. A County Assessor’s Parcel map;
   f. The most recent property tax bill;
   g. Evidence that the subject property is a qualified historic property (meaning a site/area/building subject to an -H or -L designation);
   h. A proposed plan for the preservation and, when necessary, the restoration and/or rehabilitation of the subject property, including a schedule and cost estimates prepared by licensed businesses, for all construction and maintenance work proposed to be performed;
   i. Evidence satisfactory to the HPC that execution of the Mills Act contract will result in the preservation and, when necessary, the restoration and/or rehabilitation of a qualified historic property; and
   j. Such other information as the HPC may require.

E. Inspection of the Property. After the HPC determines that an application to participate in the City’s Mill Act Program is complete, the Zoning Administrator shall cause to be conducted, and the owner or owners shall allow, one inspection of the exterior and interior of the subject property and whichever features of the property are needed to substantiate the information and evidence contained in the
application as determined by the Zoning Administrator, and to determine whether any proposed work is necessary for and will result in the preservation and, when necessary, the restoration and/or rehabilitation of the subject property. If after the inspection the Zoning Administrator identifies that work is needed for restoration and/or rehabilitations of the subject property, the Zoning Administrator shall provide written findings to the property owner with a list and explanation of the recommended restoration and/or rehabilitation.

F. Grant or Denial of the Application.

1. **Grant of Application.** The HPC may recommend that the City Council authorize the City Manager to grant an application if, after the inspection required, the HPC determines that the information and evidence contained in the application has been substantiated, and that the work proposed is necessary for and will result in the preservation and, when necessary, the restoration and/or rehabilitation of the subject property. Upon receiving Council approval to grant the application, the City Manager and all owners of the subject property shall execute a Mills Act contract containing all of the provisions required and including any required improvement plan as an exhibit, incorporating its provisions into the contract. An historical property contract shall not be effective for any purpose unless all owners of the subject property execute the subject contract and pay the applicable nonrefundable, contract execution fee. Within 20 calendar days after execution of the contract and prior to recording, the owner or owners shall pay all required inspection, recording, and other fees set forth in the contract.

2. **Denial of Application.** The HPC shall deny the application if it fails to contain the information and evidence required by applicable provision of the Government Code, or if the HPC determines that such evidence and/or information has not been satisfactorily substantiated following inspection of the subject property. The HPC shall also deny the application if he/she determines that granting the application would be inconsistent with any provisions of the Mills Act. At any time prior to denying an application, the HPC may suggest modifications or changes to the application that, if adopted by the applicant, would cause the application to conform to the requirements of this part.

3. **No Administrative Appeal.** The decision of the HPC to deny the application shall be final and shall not be subject to administrative appeal.

G. Exemption from Disqualification. Where a qualified historical property is ineligible to participate in the Program because of any provisions of this article or the Mills Act, the owner or other person authorized by the owner may file a request with the Zoning Administrator for an exemption from the disqualifying provisions pursuant to this section.

1. **Requirements for Exemption Request.** A request for an exemption shall be accompanied by the applicable application fee and the applicable exemption
request fee. The exemption request shall include evidence that, notwithstanding the disqualifying provisions, the subject property is deserving of a Mills Act contract due to its exceptional nature, or because it is subject to special circumstances not generally applicable to other qualified historical properties. After the Zoning Administrator determines that the exemption request application is complete, the Zoning Administrator shall inspect the property and evaluate whether the exemption is warranted due to the exceptional nature of the subject property or because the subject property is subject to special circumstances not generally applicable to other qualified historical properties.

2. **Zoning Administrator's Recommendation.** Upon completion of his/her review of the exemption request and inspection of the subject property, the Zoning Administrator shall make a recommendation to the HPC to approve or deny the request based on the criteria set forth in this article and the Administrator's evaluation of the evidence submitted to show that the subject property has an exceptional nature or is subject to special circumstances not generally applicable to other qualified historical properties that warrant the exemption.

3. **HPC Decision.** The HPC shall be presented with information regarding the application for a Mills Act contract in a Staff report. The HPC may grant the exemption request if it finds that the applicant has substantiated the information and evidence required, and that the work proposed as part of a plan is necessary for and will result in the preservation and, when necessary, the restoration and/or rehabilitation of the subject property. If the HPC grants the exemption request, the decision of the Zoning Administrator shall be considered overruled and the City Manager and all owners shall execute a Mills Act contract.

F. **Required Provisions for Mills Act Contract.** A Mills Act contract must contain all of the provisions required by sections 50280, 50281, and 50282 of the Government Code, including provisions that require:

1. That the preservation, and any restoration and/or rehabilitation of the qualified historical property, conform to any rules and regulations established or adopted by the City regarding the preservation, restoration, and/or rehabilitation of qualified historical properties.

2. An inspection of the interior and exterior of the premises by the Department every five years, or on any more frequent basis as the Zoning Administrator deems necessary, to determine the owner's or owners' compliance with the contract and a full report with images from HPC review is prepared.

3. The owner or owners to provide all information requested by the Zoning Administrator and/or the HPC, for purposes of determining the owner's or owners' compliance with the contract.

4. Such other terms and provisions as the Zoning determines are necessary.
G. **Recordation of a Mills Act Contract.** Not later than 20 calendar days after the execution of property Mills Act contract, the Zoning Administrator shall cause to be recorded with the County Recorder a copy of the contract, which contract must adequately describe the subject property. The Zoning Administrator shall provide all owners with a copy of the recorded contract.

H. **Cancellation of a Mills Act Contract.** A Mills Act contract shall be cancelled under the circumstances and pursuant to the procedures described in State law.
Article 15.04.304   Neighborhood Conservation Overlay District

Sections:
15.04.304.010  Purpose and Applicability
15.04.304.020  Minimum Area; Eligibility for Designation
15.04.304.030  Establishment of -NC Neighborhood Conservation Overlay District; Zoning Map Designators
15.04.304.040  Initiation; Neighborhood Council Consultation
15.04.304.050  Neighborhood Conservation Plan Contents
15.04.304.060  Adoption Procedure
15.04.304.070  Land Use Regulations
15.04.304.080  Development Standards
15.04.304.090  Existing Lots and Structures

15.04.304.010  Purpose and Applicability
The purpose of the -NC Neighborhood Conservation Overlay District is to provide the revitalization or conservation of older residential areas or districts possessing distinctive features, identity, or character worthy of retention and enhancement. The -NC Overlay District takes effect through adoption of a Zoning Map amendment and a Neighborhood Conservation Plan and a set of guidelines that will be used during development review and design approval to facilitate maintenance and protection of the neighborhood character and the development of vacant or underused lots.

15.04.304.020  Minimum Area; Eligibility for Designation
Each -NC Overlay District shall include a minimum contiguous area of 15 acres, including intervening streets and alleys, and shall contain at least 25 separate lots.

A. Residential development in the proposed district must have begun at least 25 years prior to the date the Neighborhood Conservation Overlay District is proposed.

B. At least 75 percent of the land within the proposed boundaries for the district must be developed.

C. The area must possess unifying distinctive elements of a built environment that create an identifiable setting, character and association.

15.04.304.030  Establishment of -NC Neighborhood Conservation Overlay District; Zoning Map Designators
An -NC Neighborhood Conservation Overlay District designation may be applied to any area of the City eligible for designation and combined with any base zoning district. Each -NC designation shall be shown on the Zoning Map by adding an -NC designator to the base
zoning district designation followed by the number of the Overlay District designation, based on its order of adoption with reference to the enacting ordinance.

15.04.304.040 Initiation; Neighborhood Council Consultation

If initiated by residents, an application shall be submitted pursuant to Article 15.04.814 (Amendments to Zoning Map and Text). Prior consultation with the Neighborhood Council is encouraged so their comments can be incorporated into a proposed Neighborhood Conservation Plan.

15.04.304.050 Neighborhood Conservation Plan Contents

Each Neighborhood Conservation Plan shall contain:

A. A map and description of the proposed district, including boundaries; the age, setting, and character of housing; distinctive elements of neighborhood and streetscapes; and proposed objectives to be achieved through the plan;

B. A statement of the unique character of the proposed -NC Neighborhood Conservation Overlay District and the reasons why the land use regulations and development standards of the base zoning district(s) will not conserve that character;

C. A list of specific modifications to base district land use regulations and development standards and any additional design standards that are necessary to protect the unique neighborhood character of the proposed district; and

D. A set of specific development and design guidelines for new construction and alterations necessary to enhance the district’s identity and preserve the character of the proposed district.

15.04.304.060 Adoption Procedure

Adoption of an -NC Overlay District shall be by amendment to the Zoning Map pursuant to Article 15.04.814, (Amendments to Zoning Map and Text), and shall include concurrent approval of a Neighborhood Conservation Plan, which shall be approved by the City Council by resolution at the same time as the Zoning Map amendment is adopted. The plan shall establish standards and conditions for development consistent with the purposes of the plan and may include the following changes in land use regulations and development standards established by the underlying base district(s).

A. Preliminary Review; Study Session and Neighborhood Workshop. The Planning Commission shall consider the proposed -NC Overlay District designation, at a study session, and determine whether to proceed with a neighborhood review process. If the Planning Commission directs City Staff to initiate a neighborhood review process, City staff shall conduct a neighborhood workshop on the proposed district to explain the proposal and the amendment process to neighborhood residents and to solicit community input.

B. Public Hearing. After the neighborhood workshop, the proposed -NC Neighborhood Conservation Overlay District and Neighborhood Conservation Plan
shall be the subject of a public hearing before the Planning Commission and, after the Commission acts, the City Council.

C. **Required Findings.** In addition to the findings for the approval of a rezoning, a rezoning to apply the -NC Neighborhood Conservation Overlay District designation shall require that the Planning Commission and City Council shall also find that the proposed district has a significant neighborhood character that can only be conserved and enhanced through appropriate controls on new development and alterations to existing buildings and landscapes as contained in the proposed Neighborhood Conservation Plan.

15.04.304.070  **Land Use Regulations**

All permitted and conditional uses that are allowed in the underlying base district are allowed in the Neighborhood Conservation Overlay District unless specific limitations or prohibitions are imposed in a Neighborhood Conservation Plan to protect neighborhood character.

15.04.304.080  **Development Standards**

A.  **Maximum Residential Density.**

1. The maximum residential density shall be specified in the Neighborhood Conservation Plan. This density may be less than the maximum set in the General Plan if a lower density is needed to ensure land use compatibility and minimize adverse impacts associated with infill development.

2. In the event of conflicts with an underlying base zoning district, the maximum density in Neighborhood Conservation Plan shall control.

B.  **Setbacks for Yards.** Subject to any other applicable overlay district, the minimum setbacks shall be those specified in the Neighborhood Conservation Plan. If the minimum setbacks in the underlying base zoning district conflicts with the minimum setbacks in the Neighborhood Conservation Plan, the Neighborhood Conservation Plan shall control. Whenever a Neighborhood Conservation Plan fails to specify a setback, the setback standards of the underlying base zoning district shall be applied.

C.  **Height.** Subject to any other applicable overlay district, the maximum heights shall be those specified in the Neighborhood Conservation Plan. This maximum height may be less than the maximum set in the General Plan if a lower height is needed to ensure land use compatibility and minimize adverse impacts associated with infill development. If the maximum heights in the underlying base zoning district conflicts with the maximum heights in the Neighborhood Conservation Plan, the Neighborhood Conservation Plan shall control. Whenever a Neighborhood Conservation Plan fails to specify a height, the height standards of the underlying base zoning district shall be applied.
15.04.304.090 Existing Lots and Structures

All lots and structures existing at the time that the Neighborhood Conservation Overlay District is adopted shall not be deemed a zoning nonconformity solely because of this Overlay District. For example, replacement of existing structures with like structures that otherwise conform to the requirements of the underlying zoning district are allowed. All additions, changes, expansions, and alterations to such existing structures must comply with the regulations of the Neighborhood Conservation Plan unless the Planning Commission approves a modification to the proposed addition, change, expansion or alteration under Article 15.04.809 (Waivers).
Article 15.04.305  Shoreline Overlay District

Sections:
15.04.305.010  Purpose
15.04.305.020  Applicability
15.04.305.030  Permit Requirements
15.04.305.040  Development Regulations
15.04.305.050  Guarantees of Public Access

15.04.305.010  Purpose
The purpose of the -S Shoreline Overlay District is to implement General Plan policies on shoreline protection and public access. More specifically, this overlay district is intended to ensure that any allowable development of the shoreline and tideland areas will protect water quality, wildlife habitats, and native or naturalized vegetation and, where appropriate, provide public access to and enjoyment of the shoreline.

15.04.305.020  Applicability
This overlay district applies to all land within 100 feet of the San Francisco Bay shoreline and tideland areas, excluding lands that have been legally filled or legally developed and, in the case of public, land that are excluded from public access requirements because of federal regulations on homeland security. These regulations shall be combined with the base zoning district and, in the case of conflicts, the more restrictive provisions apply.

15.04.305.030  Permit Requirements
All uses and developments subject to an -S Shoreline Overlay District shall obtain a conditional use permit pursuant to Section 15.04.806 (Use Permits).

15.04.305.040  Development Regulations
A.  Habitat Protection. Development shall avoid encroachments into sensitive wildlife habitats to the extent feasible and shall not limit create barriers to wildlife movement which cut off access to food, water or shelter, or cause damage to fisheries or fish habitats. Access to environmentally sensitive marshland and adjacent upland habitat shall be restricted during spawning and nesting seasons, as appropriate.

1.  Buffers. Buffer areas shall be provided between developments and identified as potential wetland areas based on the following criteria: biological (habitat) significance; sensitivity of habitats or particular species; presence of threatened or endangered species; susceptibility of adjacent site to erosion; topography and configuration of wetland areas; and type and scale of development proposed.

a.  Built features (e.g., roads and dikes) may be considered as buffers, depending upon the constraints analysis and criteria noted above.
b. Buffers between tidal areas and developed uses, except for access and recreation uses, shall be a minimum width of 100 feet from mean highest high water.

2. **Vegetation Removal.** Proposed development shall not involve the unnecessary removal of vegetation that stabilizes soils, increases recharge and provides wildlife habitats. Any cleared area shall be revegetated with indigenous species of plants where the Planning Commission determines that revegetation is environmentally desirable.

3. **Freshwater Habitats.** Freshwater habitats in the shoreline areas associated with freshwater streams, and seasonal wetlands shall be preserved and/or replaced and expanded such that the habitat values and functions are maintained.

B. **Protection from Hazards.** Proposed development shall avoid areas subject to hazards, including differential settlement, slope instability, liquefaction, ground shaking and rupture and other ground failures, and flooding.

C. **Mitigation for Environmental Impacts.** The Planning Commission may impose reasonable mitigation measures as conditions of approval of a conditional use permit, based on environmental review and the Zoning Administrator's recommendations after his/her consultation with state, federal, and regional agencies, to eliminate or reduce the adverse environmental impacts of proposed development.

1. **Wetland Protection.** Wetland impacts shall be mitigated to maintain habitat values and functions with on-site or off-site restoration.

2. **Filling.** Filling of the San Francisco Bay and any areas subject to tidal action shall be permitted only if all of the following conditions are satisfied:
   a. The fill is the minimum necessary to achieve the purpose of the project and no alternative upland location is available for such purpose;
   b. The fill consists of small amounts of earth used solely to improve shoreline appearance or provide new public access to the bay;
   c. Fill content and placement is consistent with recommendations of a soils report prepared by a California-licensed soils engineer stating that no greater risk to persons or property would occur than on inland, stable sites; and
   d. The fill is approved by the Bay Conservation and Development Commission.

3. **Dredging.** Dredging of the bottom of San Francisco Bay, including mud flats, tidelands, marshes, and all wetland areas subject to tidal action, shall be permitted only if all of the following conditions are satisfied, as appropriate:
   a. New water surface or marsh is created by removal of bay fill;
b. Existing navigation channels, basins or areas are maintained;
c. Drainage or an outfall pipe or similar structure is provided;
d. The location and depth of dredging minimizes shoaling and the need for maintenance dredging;
e. An approved plan exists for the disposal of dredge spoils and all subsequent maintenance dredging for the life of the project; and
f. The dredging is approved by the Bay Conservation and Development Commission.

D. Site Planning and Structure Design.

1. Site Planning.

a. Development shall be sited so that it is harmonious with the character of the site and the surrounding environmental setting to the maximum extent feasible. This includes minimizing the area used for vehicle access and providing public access to the shoreline, where appropriate.

b. No use, development or alteration shall create uniform and/or terraced building sites that substantially change existing watercourses and mature trees, native shrub or coastal shrub, marshes or primary wildlife habitats.

2. Structure Design. Buildings, structures, parking lots, and landscaping in shoreline areas shall be oriented and located such that they preserve public views of the Bay from public rights of way, parks and other public spaces.

a. Through design review, building heights may be limited to maintain a low profile. The maximum height of buildings in shoreline areas within 100 feet of the San Francisco Bay shoreline, where the Bay Conservation and Development Commission has permit authority, may be reduced from the maximum set in the base zoning district if the Planning Commission determines that a different maximum height will protect public views from public rights of way, parks, and other public space while also allowing for reasonable use of the land.

b. Visual access to the Bay and scenic vistas of water and distinct shorelines shall be protected, and the Planning Commission may impose reasonable conditions of approval to ensure that this object is met.

c. To the maximum extent feasible, buildings shall be clustered to allow bay views from streets, trails, pathways, and enable continuous animal movement from uplands to marshes.
E. **Signage.** Signage indicating access to public shoreline areas shall conform to San Francisco Bay Conservation and Development Commission Shoreline Signs Public Access Signage Guidelines and the requirements of Article 15.04.609 (Signs).

F. **Allowable Structures.** No structures are permitted outright within the 100-foot tidal buffer. Water-dependent uses, such as marinas, docking and seaport distribution facilities, boat repair, and other marine services may be allowed with an administrative use permit if the Zoning Administrator determines that the use will not adversely affect public views and it will not cause degradation to water quality or water-related habitat. Underground utilities shall be required for these uses unless such underground installation would have a substantial adverse impact on the environment.

G. **Maintenance of Undeveloped Land.** All land that is not developed or altered shall be maintained in a manner that protects, conserves and enhances the natural resources of the site.

15.04.305 **Guarantees of Public Access**

Approval of conditional use permits for development within the -S Overlay District shall require guarantees of public access as prescribed by this section, unless access is restricted by Title 6, Chapter 1, Part 27, Sections 27.100 to 27.410 of the Code of Federal Regulations which require implementation of a security program to address homeland security. Nothing in this section shall constitute a waiver of possible historic rights to public use at the site of an access guarantee.

A. **Access Requirements.** Prior to any discretionary approval for the following developments, the access provisions required by this section shall be found legally sufficient:

1. Development on any land shown on the General Plan or a specific plan where a pathway, an accessway, or a trail segment is proposed;

2. Development on a site on which a lateral accessway extending 25 feet inland from the San Francisco Bay shoreline or to the toe of the bluff would be reachable or potentially reachable by a required vertical or lateral accessway, as determined by the Zoning Administrator. Lateral accessways shall be required where they would be accessible from a vertical accessway on a site that is developed or would be developed with visitor-serving commercial facilities;

3. A subdivision between the first public road and San Francisco Bay;

4. A visitor-serving commercial facility between the first public road and San Francisco Bay.

B. **Design of Public Access.** Where public access is required pursuant to subsection (A) above, it shall meet the following standards:
1. Access to and along the shoreline shall be provided by walkways, trails, or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available. Natural Shoreline trails shall be a minimum five feet in width, except hiking-only shoreline paths may vary from three to five feet in width. Multi-use paths and bicycle paths shall meet Class I bikeway standards.

2. The distance between public shoreline access points shall be no more than 250 feet wherever feasible. Access points include tidal stairs, ramps, piers, floating docks, beach access, waterfront parks, and paths to marsh or tidal flats.

3. Public shoreline access trails and paths shall be set back a minimum of 10 feet from any structure.

4. Where the San Francisco Bay Trail is present or planned, existing or planned Bay Trail location shall be the primary design element of shoreline access.

5. Where appropriate, raised boardwalks and meandering paths may be required to minimize or prevent adverse effects on wildlife, including habitat fragmentation and vegetation trampling.

**FIGURE 15.04.305.050-B: PUBLIC ACCESS TO SHORELINE**

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C. **Design of Staging Areas.**

1. Public access staging areas shall incorporate the following design features, as appropriate:
   
a. Site furnishings, including restrooms, drinking fountains, benches, low walls or balustrades, trash receptacles, and low-level lighting.

   b. Signage with interpretive historical, cultural, and natural information.
c. Enhanced crosswalks on public rights-of-way that lead directly to public shoreline access.

2. Fences, planting, grade changes, and signage may be used to separate public areas from private development.

D. Legal Instruments Required. Prior to approval of a final subdivision map or issuance of an administrative use permit or a conditional use permit, the applicant for development on a site on which access is required shall record one or a combination of the following documents as specified in the conditions of approval or shall pay an in-lieu fee.

1. **Offer of Dedication.** The applicant shall submit a preliminary title report and shall record an irrevocable offer to improve and to dedicate the required accessway to the City as an easement or fee interest free of prior liens and encumbrances. The offer shall be valid for 20 years. Institutions or individuals holding an encumbrance on the property shall execute agreements subordinating their claims to the offer. Title insurance may be required when deemed necessary by the Zoning Administrator to ensure that the offer is an enforceable option.

2. **Outright Grant of Fee Interest or Easement.** If the City is willing to accept the offer made in subsection (D)(1) of this section, a grant of an easement or fee title shall be required.

3. **Deed Restrictions.** Deed restrictions specifying accessway maintenance, improvements, and conditions of public use may be recorded in lieu of an offer of dedication.

4. **Offer to Sell at Appraised Value.** Where a designated accessway on a single parcel requires parking or other land area in addition to land required for vertical and lateral accessways and the excess land required consists of more than two percent of the total remaining parcel area between the first public road and the bay, only the land required for vertical and lateral accessways shall be required to be improved and offered for dedication without financial consideration. The designated remaining land area shall be offered at the appraised value as of the date of approval of the permit with the offer to remain open for 20 years, at interest equal to the prevailing mortgage rate for similarly situated land.

5. **In-Lieu Fee Payments Required.** As a condition of approval of a final subdivision map, zoning compliance certificate or use permit on a parcel between the first public road and the Bay, or in a subdivision containing lots between the first public road and the Bay where no access is feasible, an in-lieu fee shall be paid. The amount to be paid shall be determined by a schedule adopted by the City Council by resolution. In-lieu fees shall be paid to a Richmond Coastal Access Fund to be used for a specific public project identified in a Richmond Shoreline Access Program, should such a program be adopted by City Council subsequent to the passage of the ordinance.
codified in Article XV establishing this provision. Fees collected shall be committed within five years after payment thereof.
Series 400  Form-Based Zoning Districts

Reserved.
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Series 500 Specific Plans

Article 15.04.501 General Provisions

Sections:
15.04.501.010 Purpose and Applicability
15.04.501.020 Preparation, Adoption, and Amendments
15.04.501.030 Review and Approval; Required Findings
15.04.501.040 Post-Approval Administration

15.04.501.010 Purpose and Applicability
Specific plans are regulatory documents established by the City to carry out specific purposes, as authorized by the Government Code, for specific geographic areas shown on the Zoning Map. They are governed by a set of regulations, which address specific subjects, such as land use, physical development, community design, transportation and public improvements, or impose requirements for detailed master plans that may be applicable in sub-areas within the specific plan area. The provisions of a specific plan may be combined with provisions of base or overlay zoning districts for the area to which the specific plan applies and the more restrictive provisions will govern. Specific plan provisions also may be substituted for citywide provisions included in the Zoning Regulations or Subdivision Regulations, as more specifically specified in the specific plan.

15.04.501.020 Preparation, Adoption, and Amendments
A. A specific plan shall be prepared, adopted, amended, and repealed as specified in Section 15.04.813 of this Code, except that a specific plan shall be adopted by resolution and may be amended as often as deemed necessary by the City Council.

15.04.501.030 Review and Approval; Required Findings
The Planning Commission in recommending, and the City Council in adopting a specific plan, must make all of the following findings:

A. The proposed specific plan will contribute to the public health, safety, and general welfare or will be of benefit to the public.
B. The proposed specific plan is consistent with the General Plan goals, unless the goals themselves are proposed to be amended.
C. The proposed specific plan retains the internal consistency of the General Plan and is consistent with other adopted plans, unless concurrent amendments to those plans are also proposed and will result in consistency.
D. The proposed specific plan has been reviewed in compliance with the requirements of the California Environmental Quality Act.

15.04.501.040 Post-Approval Administration
A. Specific plan areas shall be designated on the Zoning Map by number (SP-#) with a reference to the adopting resolution.

B. A specific plan adopted by resolution of the City Council shall be administered as prescribed by the Council, consistent with the Government Code Section 65450-65457.
Series 600  General Standards

Article 15.04.601  General Site Regulations

Sections:
15.04.601.010  Accessory Uses and Structures
15.04.601.020  Building Projections into Yards
15.04.601.030  Development on Lots Divided by District Boundaries
15.04.601.040  Development on Substandard Lots
15.04.601.050  Exceptions to Height Limits
15.04.601.060  Fences and Walls
15.04.601.070  Outdoor Storage
15.04.601.080  Property Maintenance
15.04.601.090  Refuse, Recycling, and Green Waste Storage Areas
15.04.601.100  Screening and Buffering of Common Lot Lines
15.04.601.110  Screening of Equipment
15.04.601.120  Solar Installations
15.04.601.130  Stormwater Management
15.04.601.140  Swimming Pools and Spas
15.04.601.150  Truck Docks, Loading, and Service Areas
15.04.601.160  Underground Utilities
15.04.601.170  Visibility at Intersections and Driveways

15.04.601.010  Accessory Uses and Structures

A. **Applicability.** The following standards shall apply to all detached buildings and structures that are clearly incidental or subordinate to the main building on the same lot. Typical structures include garages, garden sheds, gazebos, greenhouses, guest quarters, pergolas, storage shelters, dish antennas, pay telephone, and covered patios. Secondary dwelling units are regulated by Section 15.04.610.370; solar installations are regulated by Section 15.04.601.120. Accessory uses are regulated by Section 15.04.610.030.

B. **Height.** In residential districts, the maximum allowable height for accessory structures shall be 14 feet. In mixed use, commercial and industrial districts, the maximum allowable height for accessory structures shall not exceed the building height allowed in the base district unless a lower height is set in the base district regulations for such structures.

C. **Location and Setbacks.**

1. The accessory structure may be located anywhere on a lot except within a required front or street side setback with the following exceptions:
a. Accessory structures not occupied by a secondary dwelling unit may also be built to the side or rear lot line provided that no portion of such a structure exceeds 9 ½ feet in height within the required yard setback for the property.

2. An accessory structure shall be no closer than five feet to a main building or less than five feet from any public right-of-way. The width of accessory structures shall not exceed 80 percent of the average width of the rear yard. Accessory structures, such as covered patios, gazebos, or pergolas, that are open on three sides, may encroach into a required interior yard as long as such encroachment does not exceed 50 percent of the area of the required interior yard setback.

3. On lots less than 30 feet in width or with less than 3,000 square feet of area, an accessory structure of not more than 60 square feet in area and 9 ½ feet in height is allowed to encroach into the required interior yard, provided that it is no more than three feet from a rear corner of the lot.

D. Operational Limits. In Residential districts, accessory structures:

1. Shall, where the rear yard abuts the side yard on an adjacent parcel, observe a rear yard setback equal to the side yard setback required on the adjacent lot;

2. When located on a corner lot, shall not project into the required street side yard or its extension to the rear lot line.

3. When located on a lot having a slope of 25 percent or more, an accessory structure may be located in the required front yard, provided every portion is located at least five feet from the front line, and the distance between it and the main building may be reduced to zero; if such lot slopes upward from the street, the accessory structure may encroach upon one side yard if the rear of its roof is at or below the natural ground level.

E. Discontinuance of Use – Pay Telephones. All equipment and improvements associated with an abandoned pay telephone communications facility located on an exterior wall visible from a public right-of-way shall be removed within 90 days of the discontinuation of the use and the building wall to which it was attached shall be restored to its original, pre-installation condition, or as approved by the Zoning Administrator. Written verification of the removal of a pay telephone on private property shall be provided to the Zoning Administrator within 90 days of the discontinuation of the use.

1. If the provider fails to remove the pay telephone from the site as required herein, the property owner shall be responsible for removal. If such facilities are not removed and are visible from a public right-of-way, the pay telephone shall be deemed to be a public nuisance and the City may take such action as it deems appropriate to abate the public nuisance in accordance with this Code and any other applicable provision of law.
2. Failure to inform the Zoning Administrator of cessation of operations of any existing pay telephone shall constitute a violation of the Zoning Ordinance.

15.04.601.020 Building Projections into Yards

Building projections may extend into required yards, according to the standards of Table 15.04.601.020, Allowed Building Projections into Yards. The “Limitations” column states any dimensional, area, or other limitations that apply to such structures when they project into required yards.

<table>
<thead>
<tr>
<th>TABLE 15.04.601.020: ALLOWED BUILDING PROJECTIONS INTO YARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projection</td>
</tr>
<tr>
<td>All projections</td>
</tr>
<tr>
<td>Bay windows; balconies</td>
</tr>
<tr>
<td>Cornices, canopies, eaves, belt courses, and similar architectural features; chimneys.</td>
</tr>
<tr>
<td>Fire escapes required by law or public agency regulation</td>
</tr>
<tr>
<td>Uncovered stairs, ramps, stoops, or landings that service above first floor of building</td>
</tr>
<tr>
<td>Depressed ramps or stairways and supporting structures designed to permit access to parts of buildings that are below average ground level</td>
</tr>
<tr>
<td>Basketball Rims and Backboards</td>
</tr>
<tr>
<td>Decks, porches, and stairs</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
FIGURE 15.04.601.020: ALLOWED BUILDING PROJECTIONS

15.04.601.030 Development on Lots Divided by District Boundaries

A. **General.** Where a lot is divided by a zoning district boundary, the regulations applicable to each district shall be applied to the area within the district, and no use, other than parking serving a principal use on the site, can be located in a district in which it is not a permitted or conditionally permitted use.

B. **Access.** All access to parking serving a use must be from a street abutting that portion of the lot where the use is allowed. Pedestrian or vehicular access from a street to a non-residential use cannot traverse an R District in which the non-residential use is not permitted or conditionally permitted.

C. **Minimum Lot Area and Width.** The minimum lot area and width requirements of the zoning district that covers the greatest portion of the lot area will apply to the entire lot. If the lot area is divided equally between two or more zones, the requirements of the district with greater minimum lot area, width, or frontage shall apply to the entire lot.
D. **Exceptions.** If more than 60 percent of a lot is located in one zoning district, modifications to the provisions of this Section may be granted through Planning Commission approval of a conditional use permit.

**15.04.601.040 Development on Substandard Lots**

Any lot or parcel of land that was legally created through a recorded deed may be used as a building site even when consisting of less area, width, or depth than that required by the regulations for the zoning district in which it is located. However, no substandard lot can be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement. A substandard lot will be subject to the same yard and density requirements as a standard lot.

**15.04.601.050 Exceptions to Height Limits**

The standards of this Section apply to all new development and to all existing structures. The structures listed in Table 15.04.601.050 below may exceed the maximum permitted building height for the zoning district in which they are located, subject to the limitations stated in the Table and further provided that no portion of a structure in excess of the building height limit may be used for sleeping quarters or advertising. Projections not listed in Table 15.04.601.050 and projections in excess of those listed in Table 15.04.601.050 may be allowed with a conditional use permit.

<table>
<thead>
<tr>
<th>Structures Allowed Above the Height Limit</th>
<th>Maximum Vertical Projection Above the Height Limit</th>
<th>Size and Locational Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Skylights</td>
<td>1 foot</td>
<td>None</td>
</tr>
<tr>
<td>Solar panels</td>
<td>Subject to the provisions of § 15.04.601.120</td>
<td></td>
</tr>
<tr>
<td>Other energy production facilities located on rooftop such as wind turbines</td>
<td>5 feet</td>
<td>None</td>
</tr>
<tr>
<td>Chimneys Decorative features such as cupolas, pediments, obelisks, and monuments</td>
<td>20% of base district height limit</td>
<td>Limited to a total of 20% of roof area, including all structures</td>
</tr>
<tr>
<td>- Rooftop open space features such as sun decks, sunshade and windscreen devices, open trellises, and landscaping, excluding detached residential structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elevator and stair towers (for multi-unit and non-residential buildings only)</td>
<td>12 feet</td>
<td>None</td>
</tr>
<tr>
<td>Mechanical equipment penthouses</td>
<td>10 feet</td>
<td>Limited to 60% of roof area</td>
</tr>
<tr>
<td>Flagpoles</td>
<td>Subject to provisions of Article 15.04.609, Signs</td>
<td></td>
</tr>
<tr>
<td>Fire escapes, catwalks, and open railings required by law</td>
<td>No restriction</td>
<td>None</td>
</tr>
</tbody>
</table>
### TABLE 15.04.601.050: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS

<table>
<thead>
<tr>
<th>Structures Allowed Above the Height Limit</th>
<th>Maximum Vertical Projection Above the Height Limit</th>
<th>Size and Locational Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architectural elements, such as spires, bell towers, and domes</td>
<td>5 feet</td>
<td>None</td>
</tr>
<tr>
<td>Parapets, excluding detached residential structures</td>
<td>4 feet</td>
<td>None</td>
</tr>
<tr>
<td>Distribution and transmission towers, lines, and poles</td>
<td>10 feet as an accessory structure; None as a primary use</td>
<td>Limited to 20% of the area of the lot, or 20% of the roof area of all on-site structures, whichever is less; No limit if primary use permitted in the district</td>
</tr>
<tr>
<td>Water tanks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airway beacons</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telecommunications facilities, antennas, and microwave equipment</td>
<td>Subject to provisions of Article 15.04.614, Wireless Communications Facilities.</td>
<td></td>
</tr>
<tr>
<td>Radio towers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Athletic field lighting</td>
<td>Up to a maximum of 60 feet in total height</td>
<td>None</td>
</tr>
</tbody>
</table>

15.04.601.060  Fences and Walls

A. **Permits Required.** All fences require Zoning Conformance approval by the Zoning Administrator. Any fence over six feet in height requires a building permit.

B. **Maintenance.** Fencing shall be continuously maintained, with no sign of rust or disrepair.

C. **Fencing Location.**

1. **Fence Location on a Lot.** Fences may be erected, placed or maintained along or adjacent to a lot line or within a yard. A fence located on a lot line shall be considered as being within the yard adjacent to that lot line. The fence owner shall be responsible for properly locating all lot lines before construction of any fence.

2. **Fence Encroachment onto Public Property.** No portion of any fence, including gate doors, shall encroach upon or project into any public right-of-way or other public property without the fence owner first obtaining from the City an encroachment permit.

3. **Prohibited Fence Locations.** No person shall place, construct, maintain, or cause to be placed any fence that may endanger the public safety, including but not limited to the following:

   a. **Fire Hydrant Access.** No fence shall obstruct free access to any fire hydrant.
b. **Sight Triangle.** No fence that is a visual obstruction may be constructed or maintained within the sight triangle (see Section 15.04.601.160). A fence shall be deemed to be a visual obstruction if any part of it over 42 inches high has opacity in excess of 50 percent.

D. **Maximum Fencing Height in Residential Zone Districts.** Fence height in Residential zoning districts shall be limited by its location as specified below in Table 15.04.601.060-D.

<table>
<thead>
<tr>
<th>Location of Fence</th>
<th>Maximum Basic Height</th>
<th>Maximum Height Exceptions</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>4 feet</td>
<td>6 feet if non-view-obscuring (not in excess of 50% opacity) above 4 feet</td>
<td>Front yard fences above 4 feet in height require the approval of the Zoning Administrator.</td>
</tr>
<tr>
<td>Side yard</td>
<td>6 feet</td>
<td>8 feet</td>
<td>8 feet is allowed only if both abutting residential structures have at least 10-foot side yard setbacks, or if a residential lot abuts a mixed use, commercial or industrial use.</td>
</tr>
<tr>
<td>Rear yard</td>
<td>6 feet</td>
<td>8 feet</td>
<td>8 feet is allowed only when a rear yard abuts an interior side yard.</td>
</tr>
<tr>
<td>Within the sight triangle</td>
<td>42 inches</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

E. **Fence Design in Residential Zoning Districts.** Fences in Residential zoning districts shall be constructed, designed and maintained as follows:

1. **Permitted Materials.** Fences shall be constructed of wood, metal, polyvinyl chloride (PVC), masonry or other permanent materials designed for permanent fencing. No more than two types of related fencing materials shall be used in any fence or wall. Fences constructed of wood shall have posts in contact with ground of preservative-treated wood conforming to ASTM D1760 treated with waterborne preservatives to a minimum retention of 6.4 kilograms per cubic meter (0.40 pounds per cubic feet) and components not in contact with the ground treated with waterborne preservatives to a minimum retention of 4.0 kilograms per cubic meter (0.25 pounds per cubic feet) or shall be of heartwood of a decay-resistant species such as redwood or cedar.

2. **Hazardous and Prohibited Materials.** Fences shall not incorporate electrically charged wire, barbed wire and razor wire, chain link (with or without slats or vinyl or other coatings), unfinished plywood or similar unfinished materials, woven wire mesh ("chicken wire"), welded wire mesh, woven wire ("hog wire") rope, cable, railroad ties, landscape timbers, utility
poles or any other similar materials or materials not specifically manufactured for permanent fencing.

3. **Posts and Supporting Members.** All fence posts and related supporting members of the fence shall be erected so that the finished side or sides of the fence shall be facing the adjacent lot or public right-of-way.

4. **Painting and Staining.** All wood fences shall be painted or stained, except when constructed of the heartwood of a decay-resistant species such as redwood or cedar. All ferrous metal fences, except hot-dipped galvanized steel) shall be painted with a three-coat system consisting of a corrosion-resistant primer and two finish coats, with preparation and application as recommended by the manufacturer. All other metal fences, including aluminum hot-dipped galvanized steel, shall be painted with at least a two-coat system intended for that purpose.

5. **Gates.**
   a. Gates with locks that are routinely locked shall be equipped with a doorbell device capable of notifying the occupants within the residential structure or a telephone number that can be used to notify the occupants.
   b. Entry features over front yard gates (e.g., open latticed arbors and trellises), not exceeding eight feet in height, three feet in depth or five feet in width are allowed when located within the required front yard but outside the sight triangle.
   c. When a rear yard abuts an alley, the alley facing side of a solid fence shall be clearly labeled with the house address number.

F. **Fence Design in Mixed Use, Commercial and Industrial Districts.**

1. **Solid Fencing.** Any activity may have a solid fence. All outside storage/maintenance areas are required to be screened from public streets by a painted, view-obscuring wood board fence or masonry wall. The following specifications for low solid screen, high solid screen and/or solid screen fencing shall also apply.
   a. **Low Solid Screen.** A fence or wall three to four feet high and fully sight-obscuring is permitted. It may be painted, view-obscuring wood board fence or masonry wall of uniform material and must be designed and constructed to withstand a 15 pound-per-square foot wind load and deterioration resulting from contact with soil, vermin and weathering.
   b. **High Solid Screen.** A screening source or wall six to eight feet high and sight-obscuring is permitted. It may be painted, view-obscuring wood board fence or masonry wall of uniform material and must be designed and constructed to withstand a 15 pound-per-square foot
wind load and deterioration resulting from contact with soil, vermin and weathering. This screening wall may also be a masonry wall with lattice work resulting from an open brick pattern or use of open masonry blocks.

c. **Wire Fence with Planting.** Wire fences with dark colored, durable, matte finishes (both wire and posts) and vinyl slats are permitted if fast growing trees, hedge plants, upright shrubs or evergreen vines are planted alongside and used in combination with green growing ground cover or low hedge landscaping.

d. **Solid Wall.** A wall 6 to 8 feet high and fully sight-obscuring is permitted. The wall may be masonry, brick, concrete or exposed aggregate; it must be designed and constructed to withstand a 15 pound-per-square foot wind load and deterioration resulting from contact with soil, vermin and weathering. Masonry walls shall include split-face or other decorative treatment.

2. **Open or Semi-Open Fencing.** A chain-link (nonmetallic finish) fence with or without vinyl slats may be used if a solid fence is not required. No fence or wall that adjoins a residential lot or residential zoning district or fronts on a public street or highway shall incorporate barbed wire or other sharp, protruding objects.

G. **Exceptions to Fence Height Regulations.** The Zoning Administrator may grant an exception to the front yard fence height requirements imposed by this Section. Such exception shall be made only after public noticing of the proposed fence adjustment to side yard abutting property owners, the completion of a site visit, and administrative design review pursuant to Section 15.04.930 if he/she makes all of the following findings:

1. The proposed fence will not create or exacerbate a public safety hazard;

2. The proposed fence is of design, materials, scale and color that are compatible and harmonious with the subject site, site improvements and other properties within the immediate vicinity; and

3. Front yard fencing that prohibits access to the home shall be equipped with a doorbell device.

H. **Nonconforming Fences.**

1. **Existing Nonconforming Fences Deemed Approved.** Existing nonconforming fences existing prior to the date of adoption of the ordinance codified in this section shall be deemed approved unless they are one of the types of fences listed in Subsection 2, below. The deemed approved status shall continue until the property owner requests approval of new construction, of a structural alteration, of an addition that requires discretionary review, or the property is sold, at which point, the fence shall
be modified to conform to the standards for fences in this section or be removed.

2. **Other Nonconforming Fences.** The following fences do not qualify as deemed approved and must be modified or removed.
   a. Front yard fencing over 6 feet in height;
   b. Front yard fencing which is solid (in excess of 50 percent opacity) over 4’ in height;
   c. Any portion of fencing in the sight triangle established by Section 15.04.601.170 that is over 3’ 6” high with an opacity of more than 20 percent; and
   d. Any dilapidated fencing or fencing constructed of materials or components not allowed by this Section.

**15.04.601.070  Outdoor Storage**

Open storage of goods, materials, machines, equipment, and vehicles or parts outside of a building for more than 72 hours must conform to the standards of this Section. The regulations of this Section do not apply to processing equipment, tanks, or other equipment fixed to the ground, to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit, and to agricultural/farming equipment used for agriculture or farming on the property.

A. **Permitted Locations.** Table 15.04.601.070-A states where outdoor storage is permitted.

<table>
<thead>
<tr>
<th>Districts</th>
<th>Permissibility of Open Storage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, Mixed Use, and Commercial</td>
<td>All storage must be within an enclosed building, except as allowed for Outdoor Sales or otherwise specifically permitted.</td>
</tr>
<tr>
<td>Industrial and Public, Cultural and Institutional</td>
<td>Not permitted in front or street side yards. Permitted in interior side and rear yards, or outside of required yards, subject to the standards of this Article.</td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td>Permitted if screened, subject to the standards of this Article.</td>
</tr>
<tr>
<td>Agricultural</td>
<td>Permitted if associated with a permitted agricultural use, located outside of all required setbacks, and screened subject to the standards of this Section from adjacent residential properties and public rights-of-way.</td>
</tr>
<tr>
<td>Open Space</td>
<td>Not permitted.</td>
</tr>
</tbody>
</table>

B. **Screening and Setbacks.** Storage areas visible from public streets that are not separated from the street by intervening building(s) must be screened.
1. **Screening Walls.** Screening walls and fences must be high enough to sufficiently screen stored material. Fences and walls must not exceed the maximum allowable fence heights unless allowed pursuant to administrative use permit approval.

2. **Setback.** A setback must be provided for outdoor stored material at the ratio of 1:1 from all lot lines equal to the total height of stored material above required screen wall.

C. **Storage Containers.** See Section 15.04.610.400 (Storage Containers).

**FIGURE 15.04.601.070-C: SCREENING AND SETBACKS—OUTDOOR STORAGE**

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15.04.601.080  **Property Maintenance**

Each person, company or corporation residing in and/or using a property in the City of Richmond shall, at all times, maintain such property in good order. This shall include a litter management program and repair and maintenance of all structures, fences, signs, walks, driveways, paving, striping, lawns, landscaping, painting, etc., as may be necessary to preserve a quality environment.

15.04.601.090  **Refuse, Recycling, and Green Waste Storage Areas**

This Section establishes design and locational criteria for the construction of refuse, solid waste, recycling, and green waste container storage areas. Refuse, solid waste, recycling, and green waste are collectively referred to as “solid waste and recycling.”

A. **General Requirements and Alternatives.** All trash, garbage, green waste, and recycling materials must be placed in an appropriate receptacle. All garbage cans, mobile trash bins, and receptacles must be maintained and stored in accord with this Section.

1. **Applicability.** Solid waste and recycling-container enclosures are required for new dwelling groups of three or more dwelling units and for all new non-residential development and additions and remodels of non-residential buildings.
2. **Alternatives.** Projects with 10 or fewer residential units may have individual solid waste and recycling containers for each unit, provided that there is a designated screened location for each individual container adjacent to the dwelling unit or within garage areas and provided that solid waste and recycling containers for each unit are brought to the curbside for regular collection.

B. **Size.** Solid waste and recycling-container enclosures must be sized to accommodate all trash, garbage, recyclables, and green waste until such items are picked up by the City or its contracted solid waste and recycling collector(s).

C. **Location and Orientation.** All solid waste and recycling-container enclosures must meet the following requirements, unless the Zoning Administrator determines that compliance is infeasible. A Building Permit shall not be issued for a project until documentation of approval of the location is provided by the Zoning Administrator.

   1. **Location.** The solid waste and recycling storage area shall not be located within any required front yard, street side yard, any required parking and landscaped areas, or any other area that is required to be constructed or maintained unencumbered.

   2. **Visibility.** The solid waste and recycling enclosure cannot be visible from a public right-of-way.

   3. **Consolidation and Distance for Buildings Served.** Solid waste and recycling areas must be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the building spaces they serve. For multi-unit residential projects, there must be at least one trash enclosure per 20 units, and the enclosure must be located within 100 feet of the residential units.

   4. **Accessibility.** Solid waste and recycling storage areas must be accessible so that trucks and equipment used by the contracted solid waste and recycling collector(s) have sufficient maneuvering areas and, if feasible, so that the collection equipment can avoid backing up.

D. **Materials, Construction, and Design.**

   1. **Minimum Height of Screening.** Solid waste and recycling storage areas located outside or on the exterior of any building must be screened with a solid enclosure at least six feet high and include a roof structure.

   2. **Enclosure Material.** Enclosure material must be wood, solid masonry, or concrete tilt-up with decorated exterior-surface finish. The trash enclosure must match and complement the color scheme and architecture of the building.

   3. **Gate Material.** Latching, view-obscuring gates must be provided to screen trash enclosure openings.
4. **Access to Enclosure from Residential Projects.** Each solid waste and recycling enclosure serving a residential project must be designed to allow disposal to the appropriate receptacle without having to open the main enclosure gate.

5. **Enclosure Pad.** Pads must be a minimum of four-inch-thick concrete.

6. **Bumpers.** Bumpers must be two inches by six inches thick and made of concrete, steel, or other suitable material, and must be anchored to the concrete pad.

7. **Protection for Enclosures.** Concrete curbs or the equivalent must protect enclosures from adjacent vehicle parking and travel ways.

8. **Clear Zone.** The area in front of and surrounding all enclosure types must be kept clear of obstructions, and must be painted, striped, and marked “No Parking.”

9. **Drainage.** The floor of the enclosure must have a drain that connects to the sanitary sewer system.

10. **Travelways and Area in Front of Enclosure.** The travelways and area in front of the enclosure must be designed to have an adequate engineered base meeting the City’s Building Code for the likely truck use and capable of supporting a maximum fully-loaded gross vehicle weight of at least 62,000 pounds. The minimum pavement engineering standard shall be 100 pounds per square foot “live load” unless the applicant can present a report from a California-registered civil engineer justifying a different design load factor.

### 15.04.601.100 Screening and Buffering of Common Lot Lines

Screening and landscaped buffer yards must be provided in accordance with this Section at the time of new construction or expansion of buildings, or a change from one use classification to another non-residential use classification. Screening and buffer yards must be installed and maintained along interior side and rear lot lines between differing land uses.

A. **Required Screening and Landscape Buffer Yards.** Table 15.04.601.100-A, Required Screening and Landscape Buffers, shows when a buffer and screening treatment is required, and of what type, based on the proposed and the adjoining use. Only the proposed use is required to provide the screening and buffer yard. Adjoining uses are not required to provide the screening and buffer yard. The type of screening buffer yard required refers to screening and buffer yard-type designations, as shown in Table 15.04.601.100-B, Screening and Buffer Yard Requirements. “-” means that screening and a buffer yard are not required.
TABLE 15.04.601.100-A: REQUIRED SCREENING AND LANDSCAPE BUFFERS

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Park or Open</th>
<th>Single-Unit Residential</th>
<th>Multiple-Unit Residential</th>
<th>Commercial and Office</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Unit Residential</td>
<td>Type 1</td>
<td>Type 1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Multiple Unit Residential</td>
<td>Type 2</td>
<td>Type 2</td>
<td>Type 2</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Commercial</td>
<td>Type 2</td>
<td>Type 2</td>
<td>-</td>
<td>-</td>
<td>Type 1</td>
</tr>
<tr>
<td>Office</td>
<td>Type 2</td>
<td>Type 2</td>
<td>Type 2</td>
<td>-</td>
<td>Type 2</td>
</tr>
<tr>
<td>Industrial</td>
<td>Type 2</td>
<td>Type 2</td>
<td>Type 2</td>
<td>Type 2</td>
<td>-</td>
</tr>
</tbody>
</table>

B. Screening and Buffer Types. Table 15.04.601.100-B, Screening and Buffer Type Requirements, describes the minimum width, plant materials, and wall requirements for each type of screening and buffer yard. The listed number of trees and shrubs are required for each 100 lineal feet of buffer yard. Trees must be planted at no more than 40 feet from center of tree to center of tree; see Figure 15.04.601.100-B. Natural areas with native vegetation or alternative planting materials that achieve equivalent buffering effects may be approved by the Zoning Administrator.

TABLE 15.04.601.100-B: SCREENING AND BUFFER TYPES REQUIREMENTS

<table>
<thead>
<tr>
<th>Buffer Yard Type</th>
<th>Minimum Width (ft.)</th>
<th>Trees</th>
<th>Shrubs</th>
<th>Screening Wall Height (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Mature height of 40 ft. or more</td>
<td>Mature height of less than 40 ft.</td>
<td>Mature spread of 2 ft. or more</td>
</tr>
<tr>
<td>Type 1</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Type 2</td>
<td>10</td>
<td>2</td>
<td>3</td>
<td>6</td>
</tr>
</tbody>
</table>
C. **Width Reduction for Adjacent Landscaped Buffer.** If an equivalent landscape buffer exists on the adjacent lot, the width of the required buffer may be reduced 50 percent provided that the abutting property owners have provided and recorded a written agreement restricting the use of the adjacent landscape buffer.

D. **Location.** Screening walls and buffer yards must follow the lot line of the lot to be screened or be so arranged within the boundaries of the lot so as to substantially hide from adjoining lots, the building, facility, or activity required to be screened. Openings in screening walls are allowed for pedestrian access.

E. **Screening Wall Materials.** Industrial uses must provide a solid screening wall of stucco, decorative block, or concrete panel. Screening walls for other uses may be constructed of stucco, decorative block, concrete panel, wood or other substantially equivalent material. Chain-link fencing is prohibited.

F. **Berms.** A vegetated earthen berm may be used in combination with the above types of screening walls, but not more than two-thirds of the required height of such screening may be provided by the berm.

**15.04.601.110 Screening of Equipment**

The standards of this Section apply to new development, replacement equipment that is added to serve existing buildings, and condominium conversions; they do not apply to existing equipment that serves existing buildings. The Zoning Administrator may waive or modify screening requirements for upgrades to existing mechanical equipment.
A. **General Requirements.** All exterior mechanical equipment, whether on a roof, on the side of a structure, or located on the ground, must be screened from public view. Exterior mechanical equipment to be screened includes, without limitation, heating, ventilation, air conditioning, refrigeration equipment, plumbing lines, ductwork, transformers, smoke exhaust fans, water meters, backflow preventers, service entry section, and similar utility devices.

1. Screening must be architecturally integrated into the main structure with regard to materials, color, shape, and size to appear as an integral part of the building or structure.

2. Equipment must be screened on all sides, and screening materials must be opaque.

3. When screening with plants, evergreen types of vegetation must be planted and maintained. Plant material sizes and types must be selected and installed so that, at the time of building occupancy, such plants effectively screen their respective equipment.

4. The use of wood, expanded metal lath, and chain link for the purpose of screening is prohibited.

B. **Requirements for Specific Types of Mechanical Equipment.** The following additional screening standards apply to the specified types of mechanical equipment:

1. **Roof-Mounted Equipment.**
   
   a. Whenever feasible, roof-mounted equipment screening must be constructed as an encompassing monolithic unit or a series of architecturally similar screening units on large roofs, rather than as several individual screens (i.e., multiple equipment screens, or “hats,” surrounding individual elements will not be permitted).

   b. The height of the screening element must equal or exceed the height of the structure's tallest piece of installed equipment.

**FIGURE 15.04.601.110-B(1): SCREENING OF ROOF MOUNTED EQUIPMENT**
2. **Ground-Mounted Equipment.** Ground-mounted equipment that faces a street must be screened to a height of 12 inches above the equipment, unless such screening conflicts with utility access, in which case reasonable accommodation must be allowed.

   a. Acceptable screening devices consist of decorative walls and/or berms (3:1 maximum slope) with supplemental plant materials, including trees, shrubs, and groundcovers.

   b. For screen walls that are three feet high or lower, vegetative materials may be substituted for 50 percent of the screening device.

   c. This requirement does not apply to incidental equipment in the interior of a lot that is not visible from the street. However, electrical substations, water tanks, sewer pump stations, and similar utilities are required to be screened and secured with an eight-foot-high wall.

   ![FIGURE 15.04.601.110-B(2): SCREENING OF GROUND MOUNTED EQUIPMENT](image)

3. **Exterior Wall Equipment.** Wall-mounted equipment, including, without limitation, electrical meters, electrical distribution cabinets, service entry sections, and valves and cabinets that face a street or public parking and are not recessed and/or separated from the street by intervening building(s) or walls or gates, must be screened. Screening devices must incorporate elements of the building design (e.g. shape, color, texture and material). For screen walls that are three feet in height or lower, vegetative materials may be substituted for 50 percent of the screening device. This requirement does not apply to fire-related elements.

   ![FIGURE 15.04.601.110-B(2): SCREENING OF GROUND MOUNTED EQUIPMENT](image)

C. **Exceptions in the IG and IW Zoning Districts.** Due to its size, some outdoor equipment that is ancillary to operations in IG and IW zoning districts may not be fully screened from view. In these cases, operators of such equipment shall only be required to provide screening that is consistent with provisions of 15.04.601.110 to the extent feasible.
15.04.601.120 Solar Installations

This Section establishes development standards for solar energy systems.

A. Height.

1. On Single-Unit Lots. Photovoltaic solar energy systems may extend up to five feet above the height limit in the zoning district. Solar water or swimming pool heating systems may extend up to seven feet above the height limit in the district.

2. On All Other Lots. Photovoltaic solar energy systems may extend up to five feet above the roof surface on which they are installed, even if this exceeds the maximum height limit in the district in which it is located. Solar water or swimming pool heating systems may extend up to seven feet above the roof surface on which they are installed even if this exceeds the maximum height limit in the district in which it is located.

B. Required Setback. Excluding solar collector panels, solar energy system equipment may be installed within a required side and rear setback, but must not be closer than three feet to any property line.

15.04.601.130 Stormwater Management

A. Incorporation of Best Management Practices for Stormwater Management. New development must be designed to minimize impacts to water quality from increased runoff volumes and discharges of pollutants from nonpoint sources to the maximum extent feasible. Post-construction best management practices must be designed to treat, infiltrate, or filter stormwater runoff, in accordance with applicable standards as required by law. Examples of best management practices include:

1. Retention and detention basins.
2. Vegetated swales.
3. Infiltration galleries or injection wells.
4. Use of permeable paving materials.
5. Mechanical devices such as oil-water separators and filters.
6. Revegetation of graded or disturbed areas.

B. Stormwater Management Requirements. The following requirements apply to specific types of development:

1. Non-residential and multi-unit development must use best management practices to control polluted runoff from structures, parking, and loading areas.
2. Eating and drinking establishments must incorporate best management practices designed to prevent runoff of oil and grease, solvents, phosphates, and suspended solids to the storm drain system.

3. Automobile/vehicle sales and services uses must incorporate best management practices designed to prevent runoff of oil and grease, solvents, car battery acid, engine coolants, and gasoline to the stormwater system.

4. Outdoor storage areas must be designed to incorporate best management practices to prevent stormwater contamination from stored materials.

5. Trash storage areas must be designed using best management practices to prevent stormwater contamination by loose trash and debris.

C. Maintenance of Stormwater Management Facilities. New development is required to provide ongoing maintenance of best management practice measures where maintenance is necessary for their effective operation. The permittee and/or owner, including successors in interest, is responsible for all structural treatment controls and devices as follows:

1. All structural best management practices must be inspected, cleaned, and repaired when necessary prior to September 30th of each year or as specified in a City-approved operations and maintenance agreement.

2. Additional inspections, repairs, and maintenance must be performed after storms, as needed, throughout the rainy season, with any major repairs completed prior to the beginning of the next rainy season.

3. Public streets and parking lots must be swept, as needed and financially feasible, to remove debris and contaminated residue.

4. The homeowners association, or other private owner, must be responsible for sweeping of private streets and parking lots.

15.04.601.140 Swimming Pools and Spas

This Section establishes standards for swimming pools and spas.

A. Filtration Equipment. Swimming pool or spa filtration equipment and pumps shall not be located in the front or street side yard and cannot be closer than 15 feet to the main building on an adjoining lot. All equipment must be mounted and enclosed/screened so that its sound is in compliance with Article 15.04.605 (Noise).

B. Pool Setbacks and Covers. The outside wall of the water-containing portion of any swimming pool or spa must be a minimum of 15 feet from street side lot lines, five feet from all interior lot lines, and five feet from the residence and any accessory dwelling unit on the site. All pools must be equipped with an approved safety pool cover meeting the standards of the American Society for Testing and Materials or have another drowning prevention safety feature, as required by the California Health and Safety Code.
C. **Elevated Swimming Pools.** All elevated swimming pools constructed on the ground may not be higher than four feet.

D. **Public and Semi-Public Pools.** A conditional use permit must be obtained before the construction of any pool for use by the general public.

### 15.04.601.150 Truck Docks, Loading, and Service Areas

In addition to the requirements outlined in Article 15.04.607 (Parking and Loading Standards), all truck docks, loading, and service areas must be located and screened as follows:

A. **Minimum Distance from Residential District.** Truck docks, loading, and service areas are not permitted within 50 feet of the boundary of any R District.

B. **Location on Lot.** In all districts except the Agricultural and Industrial Districts, truck docks, loading areas, and service areas must be located at the rear or interior side of buildings, rather than facing a street.

C. **Screening.** Truck docks, loading areas, and service areas located in any zoning district must be screened from any adjacent R District. Docks, loading, and service areas in any district, except the Industrial Districts, must be screened from view of adjacent streets. Screening must consist of a solid masonry wall at least eight feet in height or opaque automated gates.

### 15.04.601.160 Underground Utilities

All electrical, telephone, cable television, fiber-optic cable, gas, water, sewer, irrigation/recycled water, and similar distribution lines providing direct service to a project must be installed underground within the site. This requirement may be waived by the Zoning Administrator upon determining that underground installation is infeasible or the electrical line is otherwise exempt from an undergrounding requirement.

### 15.04.601.170 Visibility at Intersections and Driveways

A. **Street Intersections.** Vegetation and structures, including signs, must not exceed a height of three feet within the sight distance triangular area formed by the intersecting curb lines (or edge of pavement when no curbs exist) and a line joining points on these curb lines at a distance of 10 feet along both lines from their intersection, unless there is a “transparency” feature, such as open railings or well-pruned climbing plants, allowing for sight visibility. Trees that are located within this sight distance triangle must have a minimum clearance of 13 feet high between the lowest portion of the canopy and street.

1. Subsection (A) does not apply to unsignalized intersections of local streets, unless specifically required by the Zoning Administrator.
B. **Driveways and Alleys.** Visibility of a driveway crossing a street lot line must not be blocked above a height of three feet within the sight distance triangular area formed by the intersecting curb lines (or edge of pavement when no curbs exist) and a line joining points on these curb lines a distance of 12 feet along both lines from their intersection. Street trees that are pruned at least seven feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers are permitted.

C. **Exempt Structures and Plantings.** The regulations of this Section do not apply to existing buildings; public utility poles; saplings or plant species of open growth habits and not planted in the form of a hedge that are so planted and trimmed as to leave at all seasons a clear and unobstructed cross view; official warning signs or signals; or places where the contour of the ground is such that there can be no cross visibility at the intersection.
Purpose and Applicability

The purpose of this Article is to provide increased residential densities for projects that guarantee that a portion of the housing units, constructed in a housing development, will be restricted to senior citizens or affordable to moderate, lower, very low, or extremely low income persons or for the donation of land for very low income housing.

General Provisions

A. State Law Governs. Where a conflict occurs between the provisions of this Article and State law, State law will govern.

B. Compatibility. All affordable housing units must be dispersed within market-rate projects whenever feasible. Affordable housing units within market-rate projects must be comparable with the design and appearance of market-rate units in appearance, use of materials, and finish quality.

C. Availability. All affordable housing units must be constructed concurrently with, and made available for qualified occupants at the same time as, the market-rate housing units within the same project, unless both the City and the developer agree in the Density Bonus Agreement to an alternative schedule for development.

D. Density Bonus Agreement. A Density Bonus Agreement will be made a condition of the discretionary permits for all projects granted a density bonus, pursuant to this Article. The Agreement must be recorded as a restriction on the parcel or parcels on which the affordable housing units will be constructed. The Agreement must be consistent with Section 15.04.602.060.

E. Effect of Granting Density Bonus. The granting of a density bonus will not, in and of itself, be interpreted to require a General Plan amendment, Zoning Text or Map change, or other discretionary approval.

Criteria and Standards for Density Bonus and Incentive(s) or Concession(s)

A. Minimum Requirements for Density Bonus. The City shall grant one density bonus when a housing developer seeks and agrees to construct a housing development with five or more units, excluding any units permitted by the density
bonus awarded, that will contain housing for any one of the following household income groups, as defined by State law, and satisfies the findings outlined in this section:

1. **Low Income Households.** Ten percent of the total dwelling units of a housing development for lower-income households.

2. **Very Low Income Households.** Five percent of the total dwelling units of a housing development for very low income households.

3. **Extremely Low Income Households.** Five percent of the total dwelling units of a housing development for extremely low income households.

4. **Senior Households.** A senior citizen housing development or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

5. **Common Interest Developments.** Ten percent of the total dwelling units in a common interest development for persons and families of moderate income provided that all units in the development are offered to the public for purchase.

**B. Calculation of Density Bonus.** The amount of density bonus to which the developer is entitled shall vary according to the amount by which the percentage of affordable housing units equals or exceeds the percentage established in Table 15.04.602-B. The density bonus shall not be included when determining the number of housing units which are to be affordable.

1. **Density Bonus.** The density bonus for housing developments shall be calculated as shown in Table 15.04.602.030-B:

<table>
<thead>
<tr>
<th>Level of Affordability and Type of Housing Unit</th>
<th>Percentage of Units out of Total Units</th>
<th>Percentage Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Extremely Low Income</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>For each additional 1% increase above 5% in the proportion of units affordable to extremely low income households, the density bonus shall be increased by 1% up to a maximum of 40%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td><strong>Very Low Income</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>For each additional 1% increase above 5% in the proportion of units affordable to very low income households, the density bonus shall be increased by 2.5% up to a maximum of 35%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>35</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 15.04.602.030-B: POTENTIAL DENSITY BONUS

<table>
<thead>
<tr>
<th>Level of Affordability and Type of Housing Unit</th>
<th>Percentage of Units out of Total Units</th>
<th>Percentage Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Income</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>For each additional 1% increase above 10% in the proportion of units affordable to low income households, the density bonus shall be increased by 1.5% up to a maximum of 35%</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>20</td>
<td>35</td>
</tr>
<tr>
<td>Moderate Income</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For common interest developments only</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>For each additional 1% increase above 10% in the proportion of units affordable to moderate income households, the density bonus shall be increased by 1% up to a maximum of 35%</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>40</td>
<td>35</td>
</tr>
<tr>
<td>Senior Housing</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>100</td>
<td>20</td>
</tr>
<tr>
<td>Senior Housing with Income Restrictions or Housing for Persons with Disabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extremely Low Income</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Very Low Income</td>
<td>15</td>
<td>40</td>
</tr>
<tr>
<td>Low Income</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>More than 4 Bedrooms per Unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Extremely Low Income</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Very Low Income</td>
<td>10</td>
<td>35</td>
</tr>
<tr>
<td>Low Income</td>
<td>15</td>
<td></td>
</tr>
</tbody>
</table>

2. **Density Bonus for Common Interest Developments.** The density bonus for common interest developments with moderate income units shall be calculated as follows:

<table>
<thead>
<tr>
<th>Percentage Moderate Income Units in a Common Interest Development</th>
<th>Percent Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>For each additional 1% increase above 10% in the proportion of units affordable to moderate income households, the density bonus shall be increased by 1% up to a maximum of 35%</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>35</td>
</tr>
</tbody>
</table>
3. **Rounding of Fractional Units.** All density bonus calculations resulting in fractional units shall be rounded up to the next whole number.

4. **Density Bonus for Land Donations.** When the developer for a tentative subdivision map, parcel map, or other residential development approval donates land to the City in return for providing housing for very low income households, the developer shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning district for the entire development, as follows:

<table>
<thead>
<tr>
<th>Percentage Very Low Income</th>
<th>Percentage Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>15</td>
</tr>
</tbody>
</table>

For each additional 1% increase above 10% in the proportion of units affordable to very low income households, the density bonus shall be increased by 1% up to a maximum of 35%

| 30 | 35 |

This increase shall be in addition to any increase in density otherwise mandated, up to a maximum combined mandated density increase of 35 percent if the developer seeks both the increase required pursuant to this section and a density bonus. The developer shall be eligible for the increased density bonus described in this paragraph 4 if all the following conditions are met:

a. The developer shall donate and transfer lands no later than the date of approval of the final subdivision map, parcel map, or residential development application.

b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in the amount not less than 10 percent of the number of residential units of the proposed development.

c. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The transferred lands shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units prior to the date of approval of the final subdivision map, parcel map, or the residential development.

d. The transferred lands and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with this Article, which shall be recorded on the property at the time of dedication.
e. The land is transferred to the City or to a housing developer approved by the City. The City may require the developer to identify and transfer the land to the developer.

f. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.

5. Density Bonus for Development with a Childcare Facility.
   a. When a developer proposes to construct a housing development that conforms to the requirements of subsection 15.04.602.030(A) and includes a child care facility that will be located on the site of, as part of, or adjacent to, the project, the City shall grant either of the following:
      i. An additional density bonus that is an amount of square feet of residential space that is equal to the amount of square feet in the child care facility; or
      ii. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.
   b. The City shall require, as a condition of approving a density bonus housing development with a child care facility that the following shall occur:
      i. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
      ii. Of the children who attend the child care facility, the children of extremely low income, very low income households, lower-income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for extremely low income, very low income households, lower-income households, or families of moderate income pursuant to this section.
   c. The City shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the surrounding neighborhood has adequate child care facilities.

C. Possible Incentives or Concessions. When a developer seeks and agrees to construct any one of the housing specified in subsections 15.04.602.030(A) and (B), the City shall grant incentives or concessions as described below, if requested by the
developer, in addition to a density bonus, unless the City makes written findings per subsection 15.04.602.050(C) of this Article:

1. A reduction in site development standards or a modification of zoning requirements or design requirements that exceed the minimum building standards approved by the California Standards Commission as provided for in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code including, but not limited to the following:
   a. Reduced minimum lot sizes and/or dimensions;
   b. Reduced minimum setbacks;
   c. Reduced minimum common and/or private outdoor open space;
   d. Increased maximum lot coverage;
   e. Increased maximum building height and/or stories;
   f. Reduced on-site parking standards;
   g. Reduced minimum building separation requirements;
   h. Reduced street standards, including street widths;
   i. Approval of mixed-use zoning within the housing development where it is demonstrated that commercial, office, or other nonresidential land uses will reduce housing costs over residential-only uses on a site and will be compatible with the existing and planned housing units on the site and the surrounding neighborhood where the proposed housing development will be located.

2. Other incentives proposed by the developer or the City that result in identifiable, financially sufficient, and actual cost reductions, including, but not limited to, the following:
   a. Expedited "fast track" processing of development applications and permits (e.g. allowing plan check to begin during planning appeal period);
   b. Waiver of filing or processing fees on development applications and permits, or other development fees, following established City fee waiver processes or policies;
   c. Use of public financing; or
   d. Other regulatory incentives or concessions that result in identifiable cost reductions.

There is no limit or requirement, however, for the City to provide any direct financial incentives for the housing development, to waive fees and/or dedication requirements, or to provide publicly-owned land for a housing development.
D. **Number of Concessions Available.** The developer shall receive the number of incentives or concessions shown in Table 15.04.602.030-D, in addition to a density bonus:

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<th>Minimum Percentage of Total Units</th>
<th>Level of Affordability and Type of Housing Unit</th>
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<tr>
<td><strong>1 Concession</strong></td>
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<td>10%</td>
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<td><strong>2 Concessions</strong></td>
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<td><strong>3 Concessions</strong></td>
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<tr>
<td>30%</td>
<td>Low income</td>
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E. **No Maximum Density Bonus or Number of Concessions.** Nothing in this Article shall be construed to prohibit the City from granting a density bonus greater than what is described in this section or a greater number of concessions or incentives than what is described in this section for a development that meets the requirements of this section.

F. **Standards for Density Bonus and Incentives.** The following standards shall apply to the granting of the density bonus and incentives:

1. **Duration of Affordability.** For the purposes of this section, "total units" or "total dwelling units" does not include units added by a density bonus awarded pursuant to this section or any other Municipal Code provision granting a greater density bonus.

   a. An applicant shall agree to, and City shall ensure, the continued affordability of all extremely low, very low and low-income rental
units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

b. An applicant shall agree to, and the City shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of extremely low, very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5. The following provisions must be included in an equity sharing agreement:

a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller’s proportionate share of appreciation. The City shall recapture any initial subsidy, as defined in subsection ii below, and its proportionate share of appreciation, as defined in subsection iii below, which amount shall be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership.

i. The City’s initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

ii. The City’s proportionate share of appreciation shall be equal to the ratio of the City’s initial subsidy to the fair market value of the home at the time of initial sale.

3. **Protection of Existing Rental Units.** An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to
levels affordable to persons and families of low, very low, or extremely low income; subject to any other form of rent or price control through the City’s valid exercise of its police power; or occupied by low, very low, or extremely low income households, unless the proposed housing development replaces those units, and either of the following applies:

a. The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subsection 15.04.030.030(B).

b. Each unit in the development, exclusive of a manager’s unit or units, is affordable to, and occupied by, either a lower or very low income household.

c. For the purposes of this paragraph, “replace” shall mean the following:

i. If any dwelling units described in paragraph 15.04.030.030(F)(3) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. For unoccupied dwelling units described in paragraph 15.04.030.030(F)(3) in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units.

ii. If all dwelling units described in subparagraph (i) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low income persons and families and one-half of the required units shall be made available for rent at affordable
housing costs to, and occupied by, low income persons and families.

iii. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to an equity sharing agreement pursuant to paragraph 15.04.602.030(F)(2).

d. If any dwelling units described in paragraph 15.04.602.030(F)(3) are occupied on the date of application, each household of extremely low, very low, low, or moderately low income residing in the dwelling units must be offered the right to return to a comparable unit in the proposed housing development with rent for the first 12 months subsequent to that return being the lower of the following: up to 5 percent higher than the rent at the time of application, or up to 30 percent of household income.

e. Paragraph 15.04.602.030(F)(3) does not apply to an applicant seeking a density bonus for a proposed housing development if his or her application was submitted to, or processed by, the City before January 1, 2015.

4. **Location and Design of Affordable Housing Units.** The affordable housing units shall be integrated with other housing units in the housing development with regard to siting and placement within buildings, and shall not differ in exterior appearance from the other housing units. The location of the affordable housing units may or may not be on contiguous parcels within the site. In no event shall the affordable housing units be located in only one portion of the housing development or situated in one building of a multi-building development;

5. **Location of Density Bonus Units.** The density bonus units can be located in geographic areas of the development site other than the areas where the units for the affordable housing units are located, and can be located only on parcels for which the density bonus was granted;

6. **Zoning Basis.** The maximum units allowed in the underlying zoning district of the project site and the net acreage of the project site shall be the basis on which the density bonus is determined unless the project is in a specific plan area, a Form-Based code zone, or a Planned Area District, in which case the density bonus shall be determined based on the maximum residential density for the General Plan designation for the site.
G. **Vehicular Parking Ratio.**

1. **Maximum Parking Ratio.** Upon the request of the developer, the City shall not require a vehicular parking ratio, inclusive of parking for disabled persons and guest parking, of a development meeting the criteria of subsection 15.04.613.020(B) that exceeds the following ratios:

   a. **Zero to one bedrooms:** one on-site parking space;
   b. **Two to three bedrooms:** two on-site parking spaces; and
   c. **Four or more bedrooms:** two and one-half parking spaces.

2. **Maximum Parking Ratio for Projects Near Transit.** If a development includes the maximum percentage of extremely low, low or very low income units provided for in subsection 15.04.613.020(B) and is located within one-half mile of the Richmond BART/Intermodal Terminal, and the El Cerrito Del Norte BART Station, measured from the station platform, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, the vehicular parking ratio, inclusive of handicapped and guest parking, shall not exceed 0.25 spaces per bedroom or the ratios set below, whichever are lower. For purposes of this paragraph, a development is considered to have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

   a. If a development consists solely of rental units, exclusive of a manager's unit(s), with an affordable housing cost to lower income families, then, upon the request of the developer, the number of required parking spaces, inclusive of parking for disabled persons and guest parking, shall not exceed the following ratios:

      i. If the development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development: 0.25 spaces per unit.
      
      ii. If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code: 0.25 spaces per unit, provided the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
      
      iii. If the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code: no parking is required, provided the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
b. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

c. For purposes of this subsection, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.

d. This subdivision does not preclude the City from reducing or eliminating a parking requirement for development projects of any type in any location.

3. **Parking Study.** Notwithstanding paragraph (2), if the City or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last seven years, then the City may impose a higher vehicular parking ratio, based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low, very low, and extremely low income individuals, including seniors and special needs individuals.

**15.04.602.040 Alternative to Density Bonus and Incentive**

When a developer agrees to construct affordable housing as specified in this section, the City may provide other incentives of equivalent financial value which make the affordable housing units economically feasible, instead of granting the density bonus and incentive(s) from the above section.

**15.04.602.050 Procedures**

A. **Preliminary Proposal.** A developer requesting a density bonus or incentive(s) pursuant to this Article may submit a preliminary proposal for feedback prior to the submittal of any formal requests for approval of a density bonus and incentive and other planning approvals, such as a General Plan amendment, subdivision map, development plan, or design review. The purpose of the preliminary proposal is to determine whether the proposed housing development is in substantial compliance with applicable planning regulations and to establish the basis and procedures for granting the incentive(s) or concession(s). Approval of a preliminary proposal does not constitute approval of the housing development, but indicates that the housing development nominally complies with the City’s zoning regulations, and establishes the type of incentive(s) or concession(s) and agreement to ensure compliance with this Article to be recommended by staff.

1. The following information is required to be submitted for a preliminary proposal:
a. A concise written description of the project, including location, number and type of housing units, including affordable units and bonus units, and the planning approval(s) required;

b. A site map showing the location and general layout of the proposed housing development and surrounding land uses and roadways;

c. A written request for the specific incentive(s) or concession(s) sought accompanied by a rationale and accurate supporting information sufficient to demonstrate that any requested incentive is required in order to provide for affordable housing costs or for rents for the targeted units to be set as specified above. If applicable, the developer shall identify the proposed use of any housing subventions or programs for the housing development, such as California Housing Community Development programs or other sources of funding.

2. Within 90 days of receipt of a complete preliminary proposal, the Zoning Administrator shall notify the developer in writing what the staff will recommend as to how the City will comply with this Article, and shall indicate whether or not the housing development complies with this Article and with the applicable planning and zoning regulations.

B. **Housing Density Bonus and Incentive Application.** An application for a housing density bonus and, if requested, an incentive or concession must include:

1. **Documentation for a Requested Density Bonus.**
   a. Evidence that the project includes the qualifying percentages of residential units set forth in Table 15.04.602.030-B, excluding the units added by the granted density bonus;
   b. Calculations showing the maximum base density;
   c. Number or percentage of affordable units and the income level at which the units will be restricted to;
   d. Number of market rate units that will result from the granted density bonus;
   e. Resulting density, described in units per square foot; and
   f. A written acknowledgement that the project will be subject to the affordability restrictions and other provisions set forth in this Article.

2. **Documentation of Requested Incentives or Concessions.**
   a. A pro forma or other report demonstrating that the requested incentives and concessions result in identifiable, financially sufficient and actual cost reductions necessary to ensure the financial feasibility of the proposed units shall be prepared. The City may require that an
independent financial review be conducted at the expense of the applicant.

b. A description of any proposed waivers of development standards or other zoning requirements and why they are necessary for making the project physically possible.

3. If the housing development is proposed as a Planned Area District, the density bonus and incentive(s) shall be reviewed concurrently with the rezoning application. If the housing development is not proposed as a Planned Area District, a conditional use permit shall be required for the density bonus and incentive(s) or concession(s).

C. Housing Density Bonus and Incentive Approval. The City shall grant the concession or incentive requested unless the City makes a written finding, based upon substantial evidence, that:

1. The concession or incentive is not required in order to provide for affordable housing costs or for rents for the targeted units to be set as specified above; or

2. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historic Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate-income households; or

3. The concession or incentive would be contrary to State or federal law.

D. Standards Must Not Preclude Development. In no case will the City apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subsection 15.04.602.030(A) at the densities or with the concessions or incentives permitted by this Article. An applicant may submit a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subsection 15.04.602.030(A) at the densities or with the concessions or incentives permitted, and the Planning Commission shall consider that request at the same time as it reviews the application. A proposal for the waiver or reduction of development standards pursuant to this section shall not include a request to reduce nor increase the number of incentives or concessions to which the applicant is otherwise entitled.

15.04.602.060 Required Affordable Housing Density Bonus Agreement

Prior to the issuance of a building permit for any dwelling unit in a development for which a density bonus has been awarded or incentives or concessions have been granted, the developer shall enter into a written agreement with the City for the duration of affordability. The terms and conditions of the agreement shall be binding upon the successor in interest of
the developer, and shall be recorded in the Contra Costa County Clerk Recorder's Office, County Recorder Division. The agreement shall be approved by the City Attorney and shall include provisions for the following:

A. The number and proportion of housing units affordable to moderate-income, lower-income, very low income, and extremely low income households by type, location and number of bedrooms;

B. Standards for maximum qualifying household incomes and maximum rents or sale prices;

C. The party responsible for certifying rents and sales prices of affordable housing units;

D. The process that will be used to certify incomes of tenants or purchasers of the affordable housing units;

E. The manner in which vacancies will be marketed and filled, including the screening and qualifying of prospective renters and purchasers of the affordable units;

F. Deed restrictions on the affordable housing units binding on property upon sale or transfer;

G. Enforcement mechanisms to ensure that the affordable units are continuously occupied by eligible households and are not sold, rented, leased, sublet, assigned, or otherwise transferred to non-eligible households;

H. Project phasing, including the timing of completions, and rental or sale of the affordable housing units, in relation to the timing of the market-rate units; and

I. For Common Interest Development. An equity-sharing agreement for moderate-income units that are directly related to the receipt of the density bonus in the common interest development, unless it is in conflict with the requirements of another public funding source or law. The following provisions must be included pursuant to paragraph 15.04.602.030(F)(2): (1) Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. (2) The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.
Article 15.04.603  Inclusionary Housing

Sections:
15.04.603.010  Findings
15.04.603.020  Purpose and Applicability
15.04.603.030  General Requirements for Inclusionary Housing
15.04.603.040  Inclusionary Requirements for Rental Residential Development
15.04.603.050  Inclusionary Requirements for Ownership Residential Development
15.04.603.060  Supplemental Requirements
15.04.603.070  In-Lieu Fee
15.04.603.080  Inclusionary Housing Agreement
15.04.603.090  Resale Controls on Ownership Units
15.04.603.100  Appeals for Reductions, Adjustments, or Waivers

15.04.603.010  Findings

A. The San Francisco Bay Area Regional Housing Need Plan, mandated by California Government Code Section 65584 and prepared by the Association of Bay Area Governments, shows that at least 47 percent of new housing in the City over the 2014-2022 period should be affordable to extremely low, very low, lower, and moderate income households.

B. According to the most recent 2014-2022 Regional Housing Needs Allocation (RHNA) determined by the Association of Bay Area Governments (ABAG), the City has a total need of 2,435 units through the year 2022, out of which just over 29 percent is for low and moderate income households and another 18 percent is for very low and extremely low income households. The City believes that these are minimum requirements and more must be done to meet the community’s housing needs.

C. Because of the shortage of affordable housing in Richmond, many households in Richmond overpay for their housing. The 2014 American Community Survey 5-Year Estimate found that approximately 37 percent of Richmond households who own their homes pay 30 percent or more of income for their mortgage, while 56 percent of renter households pay more than 30 percent of income for housing. These households are overpaying for their housing, according to standards of the United States Department of Housing and Urban Development.

D. It is the lowest income households that spend the most on housing in Richmond. Of households with an income of less than $35,000, 68 percent of owner-occupied households and 88 percent of renter-occupied household spend more than 30 percent of their income on housing. In comparison, of households with an income of more than $75,000, 20 percent of owner-occupied households and only 2 percent of renter-occupied households spend more than 30 percent of their income on housing.
E. Based on these findings, the City has determined that there is a critical shortage of housing opportunities available to very low, low, and moderate-income households. As a consequence, a goal of the General Plan is to achieve a balanced community with housing available for households of a range of income levels. Increasingly, persons with very low, low and moderate incomes who work and/or live within the City are unable to locate housing at prices they can afford and are increasingly excluded from living in the City.

F. The City also finds that the high cost of newly constructed housing in Richmond does not, to any appreciable extent, provide housing affordable by very low, low, and moderate households, and that continued new development that does not include nor contribute toward lower cost housing will serve to further aggravate the current housing problems by reducing the supply of developable land.

G. The City further finds that the housing shortage for persons of very low, low, and moderate incomes is detrimental to the public health, safety and welfare, and that it is a public purpose of the City, and a public policy of the State of California as mandated by the requirements for a Housing Element of the City’s General Plan, to make available an adequate supply of housing for persons of all economic segments of the community.

15.04.603.020 Purpose and Applicability

The purpose of this Article is to assist in meeting the City’s regional housing obligations by constructing affordable housing and providing funding for the City's affordable housing programs. These regulations are intended to enhance the public welfare and assure compatibility between future housing development, and implement the Housing Element of the General Plan through increasing the production of housing units affordable to persons and households of very low, low, and moderate-income.

15.04.603.030 General Requirements for Inclusionary Housing

Any discretionary approval for a new residential development project of ten or more dwelling units or lots including, but not limited to, single family dwellings, apartments, condominium developments, townhouse developments, mixed use developments, and land divisions shall have conditions attached that will assure compliance with the provisions of this Article. Such conditions shall specify the timing of in-lieu fees and/or the construction of the inclusionary units, the number of inclusionary units at appropriate price levels, provision for income certification, screening of potential purchasers and/or renters of inclusionary units, and a resale control mechanism.

A. All inclusionary units in a project and phases of a project shall be constructed concurrently with or prior to the construction of non-inclusionary units, unless the decision-making body finds that extenuating circumstances exist and approves different timing.

B. All inclusionary units shall be sold or rented to qualifying moderate, low, or very low income households.
C. Unless the decision-making body finds compelling reasons to the contrary, the inclusionary units shall be reasonably dispersed throughout the development, shall contain on average the same number of bedrooms as the non-inclusionary units in the development, and shall be compatible with the design of the market rate units in terms of appearance, materials, and finished quality.

D. With Planning Commission approval, the applicant shall have the option of reducing the interior amenity level of the inclusionary units below that of the market rate units, provided such units conform to the requirements of applicable building and housing codes.

E. With Planning Commission approval, the applicant shall have the option of reducing the square footage of the inclusionary units below that of the market rate units, provided all units conform to the requirements of applicable building and housing codes.

F. If the Planning Commission finds that the construction of the required inclusionary units or that the payment of in-lieu fees is not feasible or appropriate as part of a development project, the applicant shall have the option to construct the inclusionary units on a site or sites within the incorporated area of the City not contiguous with the development.

G. If the City finds that the construction of the required inclusionary units or that the payment of in-lieu fees is not feasible or appropriate as part of a development project, the applicant shall have the option of donating land on-site or off-site as an alternative to providing the inclusionary units on-site.

H. Prior to Planning Commission approval of the options set forth in subsections (F) and (G) above, the Planning Commission must also find that the particular option will result in at least equivalent contribution toward, and is consistent with, the City housing goals and policies, as expressed in the Housing Element of the General Plan.

I. With Planning Commission approval, the applicant shall have the option, in a homeownership project, of providing rental units in a number sufficient to meet the inclusionary requirements of this Article. The Housing Authority will assist the applicant in obtaining available financing and/or subsidies for such a project.

J. The Planning Commission may grant requests to reduce the total number of required moderate income inclusionary units within a project, or increase the number of market rate units or lots, if some or all of the units are sold or rented at prices affordable to low income households.

K. The Planning Commission may grant requests for additional market rate units or lots for moderate income units provided in excess of the number of moderate income units required to be developed.

L. Prior to Planning Commission approval of the options set forth in subsections (J) and (L) above, the Planning Commission must find that the request will provide at least an equivalent contribution toward the City’s housing goals and is consistent with the environmental constraints of the site.
M. In calculating the number of required inclusionary affordable units, any decimal fraction greater than 0.50 shall be construed as requiring one dwelling unit.

15.04.603.040 Inclusionary Requirements for Rental Residential Development

A. Applicants for rental residential projects of ten or more dwelling units shall pay an in-lieu fee as stipulated in Section 15.04.603.070 (In-Lieu Fee).

B. As an alternative to paying the in-lieu fee, or where an applicant voluntarily elects to initially rent all of the units in a residential ownership project, an applicant may propose to provide dwelling units in the residential development project as rental inclusionary units based on the following provisions:

1. The inclusionary rental units shall be offered at rent levels not exceeding the maximum housing unit rental price affordable by moderate income households at 30 percent of gross income. If housing assistance rental subsidies are available, units shall be made available to lower income households.

2. The Housing Authority shall screen applicants for the inclusionary rental units and refer eligible households to the developer or owner. The developer or owner shall retain final discretion in the selection of the eligible households; provided, that the same rental terms and conditions (except rent levels and income) are applied to tenants of inclusionary units as are applied to all other tenants, except as required to comply with government subsidy programs.

3. The Housing Authority shall have the authority to require guarantees, to enter into recorded agreements with developers, and to take other appropriate steps necessary to assure that the required moderate income rental dwelling units are provided and that they are rented to moderate, low, or very low income households. When this has been assured to the satisfaction of the Housing Authority, the Housing Authority shall prepare a certification indicating that the developer has complied with the requirements of this section, and shall transmit this certification to the City.

4. To ensure compliance with the Costa Hawkins Act (Chapter 2.7 of Title 5 of Part 4 of Division 3 of the Civil Code), the City may only approve a proposal to provide rental affordable units if the applicant agrees in a recorded agreement with the City to limit rents in consideration for a direct financial contribution or a form of assistance that exceeds what is specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code. Such a proposal must be made by the applicant and not by the City. In the event that a court finds that this subsection would violate the Costa-Hawkins Act, the court shall sever this subsection from the remainder of the ordinance codified in this Article, and the remainder of this Article, including, but not limited to, the requirement that an applicant pay the in-lieu fee, shall remain in full force and effect.
15.04.603.050 Inclusionary Requirements for Ownership Residential Development

A. In ownership residential projects of ten or more new dwelling units, applicants shall be required to provide inclusionary housing as follows:
   1. At least 17 percent of the new total housing units shall be available to moderate-income households at an affordable housing cost; or
   2. At least 15 percent of the new total housing units shall be available to low income households at an affordable housing cost; or
   3. At least 10 percent of the new total housing units shall be available to very low income households at an affordable housing cost; or
   4. At least 12.5 percent of the new total housing units shall be available to a combination of very low and low income households at an affordable housing cost; including at least two units affordable to very low income households; or
   5. In the case of a senior citizen housing development project, at least 25 percent of the new total housing units shall be available to very low or low income senior citizen households at an affordable housing cost.

B. The applicant shall be required to offer to the Housing Authority all such inclusionary units as are required by this section for sale to eligible purchasers for a period of not less than 90 days from the date of the City’s permission to occupy. Sale restrictions are removed in the event the Housing Authority does not complete the sale to an eligible purchaser (purchase contingent on a one percent of sales price refundable cash deposit and initiation of escrow within 30 days of submission of cash deposit) within 90 days from the date of project completion. The Housing Authority shall advise all prospective purchasers of the resale restriction applicable to ownership inclusionary units.

C. The Housing Authority shall review the assets and household income of prospective purchasers of the ownership inclusionary units on a project-by-project basis. The Housing Authority shall advertise the inclusionary units to the general public. Upon notification of the availability of ownership units by the developer, the Housing Authority shall seek and screen qualified purchasers through a process involving applications and interviews. Where necessary, the Housing Authority shall hold a lottery to select purchasers. In general, the selection process shall be designed to give preference first to employees of the City of Richmond and the West Contra Costa Unified School District, then to current residents of the City, and then to people employed in the City.

D. The Housing Authority shall be given the responsibility to monitor the occupancy of each inclusionary unit in a discrete fashion to guard against potential program abuses and violations of the deed restrictions. Any irregularities or suspected abuses will be reported to the City in writing for any action it deems appropriate.
15.04.603.060 Supplemental Requirements

A. For projects receiving a density bonus, the number of inclusionary units required shall be calculated based on the total number of units proposed to be built, including the density bonus units.

B. A separate exhibit for an application for a Tentative Map or residential development for a project subject to inclusionary housing requirements of this Article shall explicitly identify those residential parcels or units within the project that are intended to fulfill the requirements of this Article. This material shall be used by staff to determine compliance with the provisions of this Article and shall be kept in the project file for reference.

C. All inclusionary ownership units shall be subject to a deed restriction requiring that the unit be owner-occupied for a continuous period of not less than 30 years starting from the date of initial occupancy.

D. Developers of inclusionary rental units shall enter into an agreement with the Housing Authority and shall agree and bind any heirs, assigns, or successors in interest to maintain units at very low, low or moderate-income rental limits, calculated pursuant to State law, for a continuous period of not less than 30 years, subject to annual review by the City and any other applicable restrictions. This agreement shall be reviewed and approved by the City Attorney and be recorded in the Contra Costa County Clerk Recorder's Office, County Recorder Division.

15.04.603.070 In-Lieu Fee

The in-lieu fee, to be established by the City following completion of a “nexus” study in order to support the City's affordable housing programs, shall be charged on percentage a basis of the projected construction costs of non-inclusionary dwelling units. Construction costs shall be calculated separately for each dwelling unit subject to this Article, and the appropriate fee shall be paid for each unit within the project. The specific fee and the percentage basis shall be established by resolution of the City Council based on the findings of the nexus study.

15.04.603.080 Inclusionary Housing Agreement

Prior to the issuance of a building permit for any residential development subject to the Inclusionary Housing Program established by this Article, which includes inclusionary units, the developer shall enter into a written agreement with the City for the duration of affordability. An agreement is not required for developers who pay an in-lieu fee. The terms and conditions of the agreement shall be binding upon the successor in interest of the developer, and shall be recorded in the Contra Costa County Clerk Recorder's Office, County Recorder Division. The agreement shall be approved by the City Attorney and shall include provisions for the following:

A. The number and proportion of housing units affordable to moderate-income, lower-income, very low income, and extremely low income households by type, location and number of bedrooms;
B. The party responsible for certifying rents and sales prices of affordable housing units and certifying incomes of tenants or purchasers of the affordable housing units (e.g. the City of Richmond Housing Authority);

C. The manner in which vacancies will be marketed and filled, including the screening and qualifying of prospective renters and purchasers of the affordable units;

D. Deed restrictions on the affordable housing units binding on property upon sale or transfer, including resale controls prescribed by Section 15.04.603.090;

E. Enforcement mechanisms to ensure that the affordable units are continuously occupied by eligible households and are not sold, rented, leased, sublet, assigned, or otherwise transferred to non-eligible households; and

F. Project phasing, including the timing of completions, and rental or sale of the affordable housing units, in relation to the timing of the market-rate units.

The agreement shall be subject to administrative review by the Housing Authority for at least 30 years for the purpose of verifying that the inclusionary units are maintained at affordable rates within the affordability category originally established for the project.

15.04.603.090 Resale Controls on Ownership Units

In order to maintain the availability of inclusionary units constructed pursuant to this Article, one of the following resale controls shall apply to units sold by the original purchaser and all subsequent purchasers:

A. The resale price of inclusionary unit shall be in the amount equal to the price affordable to a very low, low or moderate-income household, as adjusted from time to time based on the consumer price index for Contra Costa County. For example, if the unit was originally sold to a low income household, the unit must be resold to another low income household.

B. Inclusionary units offered for sale pursuant to this Article by the original purchaser and all subsequent purchasers shall be offered for sale first to the City of Richmond or its designee.

C. For the first resale of an inclusionary unit during the 30-year term of the agreement, the unit may be sold as a market-rate unit provided the difference between the inclusionary unit and the market-rate unit price is deposited in the City's affordable housing fund. A purchaser of an inclusionary unit who pays a market-rate price shall not be subject to the provisions of this section.

15.04.603.100 Appeals for Reductions, Adjustments, or Waivers

A. A developer of any project subject to the requirements of this Article may appeal to the City Council for a reduction, adjustment or waiver of the requirements based upon the absence of any reasonable relationship between the impact of the development and either the amount of the in-lieu fee charged or the inclusionary requirement.
B. A developer subject to the requirements of this Article who has received an approved tentative subdivision or parcel map, use permit or similar discretionary approval for the same property may appeal for a reduction, adjustment or waiver of the requirements with respect to the number of lots or square footage of construction previously approved.

C. Any such appeal shall be made in writing and filed with the City Clerk not later than ten days after the public hearing granting the discretionary approval or permit for the development, or if no such discretionary approval or permit is required, or if the action complained of occurs after the first public hearing on such permit or approval, then the appeal shall be filed within ten days after payment of the fees objected to by the developer. The appeal shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment.

D. The City Council shall consider the appeal at the public hearing on the permit application or at a separate public hearing within 60 days after the filing of the appeal, whichever is later. The appellant shall bear the burden of presenting substantial evidence to support the appeal, including comparable technical information to support appellant's position. No waiver shall be approved by the City Council for a new tentative subdivision or parcel map, use permit or similar discretionary approval on property with an approved tentative subdivision or parcel map, use permit or similar discretionary permit unless the City Council finds that the new tentative subdivision or parcel map, use permit or similar discretionary approval is superior to the approved project, both in its design and its mitigation of environmental impacts.

E. The decision of the Council shall be final. If a reduction, adjustment, or waiver is granted, any subsequent change in use within the project shall invalidate the waiver, adjustment, or reduction of the fee or inclusionary requirement.
Article 15.04.604 Lighting and Illumination

Sections:
15.04.604.010 Purpose
15.04.604.020 Applicability; Lighting Zones and Classes of Lighting
15.04.604.030 Exemptions
15.04.604.040 Prohibitions
15.04.604.050 General Requirements
15.04.604.060 Supplemental Requirements

15.04.604.010 Purpose

The purpose of this Article is to control outdoor lighting in order to maintain adequate visibility and safety, conserve energy, and protect against direct glare and excessive lighting.

15.04.604.020 Applicability; Lighting Zones and Classes of Lighting

A. The standards of this Article apply to all new development and to exterior alterations and additions that involve replacement light fixtures or systems. The total outdoor light output shall not exceed that allowed on the site for individual lighting zones, except as provided in the “Exemptions” subsection below.

1. Lighting Zones. The following lighting zones are established to tailor illumination standards to land use:

   a. Lighting Zone LZ3. Areas of high ambient lighting levels. This Zone includes the CM-3, CM-4, and CM-5, CG, CR, IL, IG, and IW zoning districts.
   
   b. Lighting Zone LZ2. Areas of medium ambient lighting levels. This Zone includes the RL2, RM, CM-1, CM-2, LW, CC, ILL and PCI zoning districts.
   
   c. Lighting Zone LZ1. Areas of low ambient lighting levels. This Zone includes the RH, RL1, PR, OS, and AG zoning districts.

2. Classes of Lighting.

   a. Class 1 Lighting. All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity. Designation of lighting as Class 1 requires a finding by the Zoning Administrator of the essential nature of color rendition for the application. Recognized Class 1 uses are: outdoor eating and retail food or beverage service areas; outdoor maintenance areas; display lots; assembly areas such as concert or theater amphitheaters.
b. **Class 2 Lighting.** All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

c. **Class 3 Lighting.** Any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, etc.

### 15.04.604.030 Exemptions

**A. General Exemptions.** The following lighting is exempt from the provisions of this Article.

1. **Emergency Lighting.** Temporary emergency lighting needed by police, fire, and other emergency services.

2. **Holiday Lights.** Holiday lighting from October 30th to February 1st, provided that no individual lamp exceeds 10 watts and 70 lumens. Flashing holiday lights are prohibited on commercial properties.

3. **Nonconformance.** All other outdoor light fixtures lawfully installed prior to and operable on the effective date of this Article are exempt from all requirements of this Article. There shall be no change in use or lamp type, or any replacement (except for same-type and same-output lamp replacement) or structural alteration made, without conforming to all applicable requirements of this Article. Further, if the property is abandoned, or if there is a change in use of the property, the provisions of this Article will apply when the abandonment ceases or the new use commences.

**B. Other Exemptions.**

1. **Swimming Pool and Fountain Lighting.** Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards, though it must conform to all other provisions of this code.

2. **Solar-powered Lighting.** Solar-powered lights of 5 watts or less per fixture used in residential landscaping applications and to illuminate walkways are exempt from applicable lamp type and shielding standards and are excluded from the total lumen calculations for the site.

3. **Temporary Exemptions.** Any individual may submit a written request to the Zoning Administrator for a temporary exemption from the requirements of this Article. If approved, such exemption will be valid for up to 30 days, and is renewable at the discretion of the Zoning Administrator. The request for a temporary exemption must describe:

   a. Specific exemptions requested;

   b. Type and use of exterior light involved;
c. Duration of time for requested exemption;
d. Type of lamp and calculated lumens;
e. Total wattage of lamp or lamps;
f. Proposed location of exterior light;
g. Previous temporary exemptions, if any; and
h. Physical size of exterior light and type of shielding provided.

15.04.604.040 Prohibitions

The following are prohibited:

A. Searchlights. The operation of searchlights for advertising purposes.

B. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.

C. Advertising Sign or Landscape Illumination. The unshielded outdoor illumination of any outdoor advertising sign or landscaping. However, low voltage accent landscape lighting is allowed.

D. Mercury Vapor. The installation of new mercury vapor fixtures. Existing mercury vapor fixtures must be removed and replaced with compliant lighting fixtures wherever substantial alterations and additions are undertaken, exclusive of ordinary maintenance and repair.

E. Other Light Types. Blinking, flashing, revolving, flickering, changing intensity of illumination, and changing color lights. This prohibition does not apply to holiday lights or digital displays that are regulated by Article 15.04.609 (Signs).

15.04.604.050 General Requirements

A. Design of Fixtures. Fixtures must be appropriate to the style and scale of the architecture. The top of the fixture must not exceed the height of the parapet or roof or eave of roof.

B. Efficient Use. All outdoor lighting in non-residential development must be turned off during daylight hours and during any hours when the building is not in use and the lighting is not required for security. Time clocks or photo-sensor systems may be required as a condition of approval of a discretionary permit.

C. Entrances in Multi-Unit Dwelling Development. All entrances to multi-unit residential buildings containing more than 4 units shall be lighted with low intensity fixtures to ensure the safety of persons and the security of the building.

D. Shielding. All nonexempt outdoor lighting fixtures shall have shielding as shown in Table 15.04.604.050-D.
Use Codes:

A = all types of fixtures allowed; shielding not required but highly recommended, except that any spot or flood-light must be aimed no higher than 45 degrees above straight down

F = only fully shielded fixtures allowed

X = not allowed

<table>
<thead>
<tr>
<th>TABLE 15.04.604.050-D: LAMP TYPE AND SHIELDING STANDARDS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use Class and Lamp Type</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Class 1 Lighting (Color Rendition)</strong></td>
</tr>
<tr>
<td>Initial output greater than or equal to 2000 lumens</td>
</tr>
<tr>
<td>Initial output below 2000 lumens</td>
</tr>
<tr>
<td><strong>Class 2 Lighting (General Illumination)</strong></td>
</tr>
<tr>
<td>Initial output greater than or equal to 2000 lumens</td>
</tr>
<tr>
<td>Initial output below 2000 lumens</td>
</tr>
<tr>
<td><strong>Class 3 Lighting (Decorative)</strong></td>
</tr>
<tr>
<td>Initial output greater than or equal to 2000 lumens</td>
</tr>
<tr>
<td>Initial output below 2000 lumens</td>
</tr>
<tr>
<td><strong>Residential Lighting (all Classes)†</strong></td>
</tr>
<tr>
<td>Initial output greater than or equal to 3000 lumens</td>
</tr>
<tr>
<td>Initial output below 3000 lumens³</td>
</tr>
</tbody>
</table>

Notes:
1. Residential refers to all RR, RL1 and RL2 zoning districts and single-unit dwellings in RM zoning districts. Multi-family residential uses must use standards for Class 1, 2, and 3 lighting.
2. Any lamp installed on a residential lot must be fully shielded such that the lamp itself is not directly visible from any abutting residential lot.

E. **Total Outdoor Light Output Standards.** Total non-exempt outdoor light output shall not exceed the limits in Table 15.04.604.050-B. Lighting used for external illumination of signs is counted, while lighting used for internal illumination of signs is not counted.
### TABLE 15.04.604.050-B: MAXIMUM TOTAL OUTDOOR LIGHT OUTPUT STANDARDS

<table>
<thead>
<tr>
<th>Lumen Caps-Initial Lamp Lumens per Net Acre</th>
<th>Lighting Zone</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LZ3</td>
<td>LZ2</td>
</tr>
<tr>
<td><strong>Commercial and Industrial Zoning</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total (fully shielded &amp; unshielded)</td>
<td>200,000</td>
<td>100,000</td>
</tr>
<tr>
<td>Unshielded only</td>
<td>10,000</td>
<td>10,000</td>
</tr>
<tr>
<td><strong>Residential and Mixed Use Zoning</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total (fully shielded &amp; unshielded)</td>
<td>20,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Unshielded only</td>
<td>5,000</td>
<td>5,000</td>
</tr>
</tbody>
</table>

**Notes:**
1. This refers to all land-use zoning classifications for commercial and industrial uses.
2. This refers to all residential land-use zoning classifications, including all densities and types of housing such as single-family detached and duplexes, apartments, and mixed use development.
3. Each residential single-family detached home or duplex is allowed up to 5,500 total lumens, or the amount indicated in this Table based on the lot’s acreage, whichever is larger. All residential spot or flood lamps permitted are to be aimed no higher than 45 degrees above straight down (half-way between straight down and straight to the side).

1. Outdoor light fixtures installed on poles (such as parking lot luminaires) and light fixtures installed on the sides of buildings or other structures, when not shielded from above by the structure itself are to be included in the total outdoor light output by simply adding the initial lumen outputs of the lamps.
2. Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located at least five feet but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (0.25) of the lamp’s rated initial lumen output.
3. Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs, or roof eaves where all parts of the lamp or luminaire are located at least 10 feet but less than 30 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-tenth (0.10) of the lamp’s rated initial lumen output.
4. Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs, or roof eaves where all parts of the lamp or luminaire are located 30 or more feet from the nearest edge of the canopy or overhang are not to be included in the total outdoor light output.

F. **Multi-Class Lighting Standard.** Multi-class lighting must conform to the shielding and timing restrictions, if any, that apply to the most restrictive Class.
15.04.604.060 Supplemental Requirements

A. Outdoor Recreational Facilities. Light fixtures in outdoor recreational facilities such as ball fields, and other outdoor nighttime facilities may exceed the height limits of the zoning district.

1. All lighting for outdoor recreations facilities shall require an administrative use permit.

2. Lighting for outdoor athletic fields, courts or tracks shall be considered Class 1 (Color Rendition), and shall be exempt from the lumens per acre limits of subsection 15.04.604.050(E).

3. **Shielding.** Fully shielded lighting is required for all fields, unless another type of luminaire will not cause light trespass in adjacent residential neighborhoods.

4. **Illuminance.** All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

5. **Off-Site Spill.** The installation shall also limit off-site spill (off the site containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design.

6. **Certification.** Every such lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Article.

B. Exterior Display/Sales Areas. Lighting levels on exterior display/sales areas must be adequate to facilitate the activities taking place in such locations and cannot be used to attract attention to the business.

1. **Display Lots.** Lighting for display lots shall be considered Class 1 (Color Rendition), and shall be exempt from the lumens per acre limits of paragraph 15.04.604.050(E)(4).

2. **Shielding.** All display lot lighting shall utilize fully shielded luminaires that are installed in a fashion that maintains the fully shielded characteristics.

3. **Illuminance.** The display lot shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

4. **Off-Site Spill.** The display lot shall limit off-site spill (off the parcel containing the display lot) to a maximum of 5 lux (0.5 fc) at any location on any non-residential property, and 0.5 lux (0.05 fc) at any location on any residential property, as measurable from any orientation of the measuring device.

5. **Curfew.** Display lot lighting exceeding the lumens per acre cap shall be turned off or within thirty minutes after closing of the business. Lighting in
the display lot after this time shall be considered Class 2 lighting, and shall conform to all restrictions of this Article applicable for this Class, including the lumens per acre caps.

C. **Gasoline Station/Convenience Store Aprons and Canopies.** Lighting levels on gasoline station/convenience store aprons and under canopies must be adequate to facilitate the activities taking place in such locations.

1. **Service Stations.** Lighting for service station canopies shall be considered Class 2 lighting (General Illumination.)

2. **Shielding.** Light fixtures mounted on canopies must be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy.

3. **Total Under-Canopy Output.** The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.
Article 15.04.605  Noise

Sections:
15.04.605.010  Purpose
15.04.605.020  Exemptions
15.04.605.030  General Standard
15.04.605.040  Noise Limits
15.04.605.050  Additional Regulations for Specific Activities
15.04.605.060  Noise Measurement
15.04.605.070  Acoustical Studies - When Required
15.04.605.080  Noise Attenuation Measures
15.04.605.090  Equipment Maintenance for Noise Control

15.04.605.010  Purpose

The purpose of this Article is to establish standards for maximum noise limits and procedures for enforcing them to ensure that the General Plan limits on noise exposure and land use compatibility policies are achieved and maintained.

15.04.605.020  Exemptions

This Article does not apply to:

A.  **Emergencies.** The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

B.  **Warning Devices.** Warning devices necessary for the protection of the public safety, such as police, fire, and ambulance sirens.

C.  **Special Events.** Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided that such events are conducted pursuant to a permit or license issued by the City.

D.  **Religious Institutions and Other Similar Organizations.** Unamplified bells, chimes, or other similar devices used by religious institutions and other houses of religious worship.

E.  **Municipal Solid Waste Collection.** Collection of solid waste, vegetative waste, and recyclable materials by the City or under contract with the City.

F.  **Public Works Construction Projects, Maintenance, and Repair.** Street, utility, and similar construction projects undertaken by or under contract to or direction of the City, or the State of California or a public utility regulated by the California Public Utilities Commission, as well as maintenance and repair operations conducted by such parties, including street sweeping, debris and litter removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers,
vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, and sidewalks.

G. **Utility Facilities.** Facilities including without limitation 60-cycle electric power transformers and related equipment, sewer lift stations, municipal wells, and pumping stations.

**15.04.605.030 General Standard**

No person shall make, or cause to suffer, or permit to be made upon any public property, public right-of-way or private property, any excessive noise, annoying noise, amplified sound or vibrations that are physically annoying to reasonable persons of normal sensitivity or that are so harsh or so prolonged or unnatural or unusual in their use, time or place as to cause or contribute to the unnecessary and unreasonable discomfort of any persons of normal sensitivity located at the lot line of the property from which these noises emanate or that interfere with the peace and comfort of residents or their guests, or the operators or customers in places of business in the vicinity, or that may detrimentally or adversely affect such residences or places of business.

**15.04.605.040 Noise Limits**

A. **Designated Noise Zones.** The land uses listed below are assigned to the following noise zones:

1. **Noise Zone 1:** All hospitals, libraries, churches, schools and single-unit residential uses.
2. **Noise Zone 2:** Outdoor sports and recreation uses, parks and playgrounds.
3. **Noise Zone 3:** All multi-family residential, mixed use, professional office, and public institutional properties.
4. **Noise Zone 4:** All commercial uses, excluding professional office and mixed use development
5. **Noise Zone 5:** All industrial uses.

B. **Exterior and Interior Noise Standards.**

1. The noise standards established in Table 15.04.605.040, unless otherwise specifically indicated, shall apply to all land within a designated noise zone.
### TABLE 15.04.605.040: NOISE STANDARDS DB(A) – NOISE LEVELS FOR A TIME PERIOD NOT EXCEEDING (MINUTES/HOUR)

<table>
<thead>
<tr>
<th>Noise Zone</th>
<th>Time Period</th>
<th>Minutes/Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>30</td>
</tr>
<tr>
<td>1 Exterior</td>
<td>7:00 a.m.—10:00 p.m.</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m.—7:00 a.m.</td>
<td>50</td>
</tr>
<tr>
<td>Interior</td>
<td>7:00 a.m.—10:00 p.m.</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m.—7:00 a.m.</td>
<td>—</td>
</tr>
<tr>
<td>2 Exterior</td>
<td>7:00 a.m.—10:00 p.m.</td>
<td>65</td>
</tr>
<tr>
<td></td>
<td>10:00 p.m.—7:00 a.m.</td>
<td>50</td>
</tr>
<tr>
<td>3 Interior</td>
<td>Any time</td>
<td>55</td>
</tr>
<tr>
<td>4 Exterior</td>
<td>Any time</td>
<td>—</td>
</tr>
<tr>
<td>Interior</td>
<td>Any time</td>
<td>—</td>
</tr>
<tr>
<td>5 Exterior</td>
<td>Any time</td>
<td>70</td>
</tr>
<tr>
<td>Interior</td>
<td>Any time</td>
<td>—</td>
</tr>
</tbody>
</table>

1 This standard does not apply to private balconies of multi-family residences. Multi-family developments with balconies that do not meet the 65 CNEL are required to provide occupancy disclosure notices to all future tenants regarding potential noise impacts.

2. It shall be unlawful for any person at any location within the City to create any noise or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person which causes the noise level when measured on any property within designated noise zones to exceed the applicable noise standard.

3. In the event that the noise source and the affected property are within different noise zones, the noise standards of the affected property shall apply.

4. These noise standards may justify denial of an application and/or imposition of conditions of approval to minimize or eliminate incompatibilities. Proposals for new development that would cause a specified standard to be exceeded may only be approved if the project would provide a substantial benefit to the City.

5. The noise exposure limits specified in Table 15.04.605.040 do not apply to noise generated by automobile traffic or other mobile noise sources in the public right-of-way.

6. In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the applicable standards shall be adjusted so as to equal the ambient noise level.

7. New development must incorporate noise-attenuation measures to achieve the applicable interior noise levels. See subsection 15.04.605.070(C).
15.04.605.050 Additional Regulations for Specific Activities

A. General construction noise shall be limited to weekdays from 7:00 a.m. to 6:00 p.m. Pile driving and similar loud activities shall be limited to weekdays from 8:00 a.m. to 5:00 p.m. General construction noise on projects repairing, renovating, or adding to residential structures with one to five dwelling units shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays, Sundays and federal holidays. Pre-construction activities, including loading and unloading, cleaning of mechanical toilets, deliveries, truck idling, backup beeps, yelling, and radios also are limited to these construction noise hours.

1. No noise-producing construction activities shall be permitted outside of these hours or on Sundays and federal holidays unless a temporary waiver is granted by the Building Official or his or her authorized representative.

2. More restrictive construction noise hours may be established as a conditional of approval of an administrative use permit or a conditional use permit when appropriate, given the surrounding neighborhood, the type of noise, or other unique factors.

3. Trucks, vehicles, and equipment that are making or are involved with material deliveries, loading, or transfer of materials, equipment service, maintenance of any devices or appurtenances for or within any construction project in the City shall not be operated or driven on City streets outside of these hours or on Sundays and federal holidays unless a temporary waiver is granted by the Building Official.

4. Any waiver granted shall take the potential noise impacts upon the surrounding neighborhood and the larger community into consideration.

5. No construction or agricultural activity shall be permitted outside of these hours that creates construction noise, except in emergencies, including maintenance work on the City rights-of-way that might be required.

B. Deliveries to or pickups from any commercial use sharing a lot line with any residential use may occur between 7:00 a.m. and 10:00 p.m. daily. No deliveries to or pickups from any such use shall occur outside of these hours unless specifically authorized by a conditional use permit.

C. Maintenance of real property operations may exceed the noise standards between 7:00 a.m. and 7:00 p.m. on any day except Sundays and between 9:00 a.m. and 6:00 p.m. on Sundays or a federal holiday.

D. The use of leaf blowers shall be regulated as follows:

1. **Definition of Leaf Blower.** Leaf blowers are defined as portable power equipment that is powered by fuel or electricity and used in any landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, dispersing or redistributing dust, dirt, leaves, grass clippings, cuttings and trimmings from trees and shrubs or other debris.
2. **Limitations on Use.**

   a. All leaf blowers shall be equipped with a permanently installed limiter that restricts the individual equipment motor performance to half throttle speed or less, and will produce not more than 70 decibels dB(A) measured at the midpoint of a wall area 20 feet long and 10 feet high and at a horizontal distance 50 feet away from the midpoint of the wall, or not more than 76 dB(A) at a horizontal distance of 25 feet using a sound level meter set at level A.

   b. The use of leaf blowers is prohibited except between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday.

   c. Leaf blower operations shall not cause dirt, dust, debris, leaves, grass clippings, cuttings or trimmings from trees or shrubs to be blown or deposited on any adjacent or other parcel of land, lot, or public right-of-way/property other than the parcel, land, or lot upon which the leaf blower is being operated. Deposits of dirt, dust, leaves, grass clippings, debris, cuttings or trimmings from trees or shrubs shall be removed and disposed of in a sanitary manner which will prevent disbursement by wind, vandalism or similar means within six hours of deposit by the user or property occupant.

   d. Leaf blowers shall not be operated within a horizontal distance of 10 feet of any operable window, door, or mechanical air intake opening or duct.

   e. No person using leaf blowers shall exceed noise limitations set by this Article.

**15.04.605.060 Noise Measurement**

Noise shall be measured with a sound level meter that meets the standards of the American National Standards Institute. Noise levels shall be measured in decibels (dBA) on a sound level meter using the A-weighted filter network. Exterior noise shall be measured at the lot line. Interior noise shall be measured in the center of a habitable room with an exterior window on the side of the building with the loudest ambient exterior noise. All noise measurements shall be made when there is no noise source present inside the room at a point five feet above the floor level. A calibration check of the instrument shall be made at the time any noise measurement is made. Excluded from these standards are occasional sounds generated by the movement of railroad equipment or warning devices.

**15.04.605.070 Acoustical Studies – When Required**

A. **Scope of Study.** The Zoning Administrator shall require an acoustical study, to be paid for by the applicant, that includes field measurement of noise levels for any proposed project that would locate a noise source with the potential to increase noise levels to levels exceeding limits in Table 15.04.605.040 or locate a noise sensitive land
use near an existing known or potentially known intrusive noise source, such as a railroad crossing, freeway, or industrial facility. Acoustical studies must identify noise sources and magnitudes, describe existing and future noise exposure, and propose mitigation measures for any on-site generated noise in order to ensure that the noise exposure limits in Table 15.04.605.040 are not exceeded.

B. **For Residential Development.** Acoustical studies for new residential development and other noise sensitive uses near railroad crossings or other sources of brief loud noise must include an analysis of both 24-hour average noise and maximum instantaneous noise on interior noise levels and any effects on sleep disturbance and other essential human functions. The study shall also evaluate the effectiveness of potential mitigation measures, including noise-abating materials, technology and construction standards to minimize noise from these sources.

C. **Establishing Ambient Noise.** When the Director has determined that there could be cause to make adjustments to the standards, an acoustical study shall be performed to establish ambient noise levels. In order to determine if adjustments to the standards should be made either upwards or downwards, a minimum 24-hour duration noise measurement shall be conducted. The noise measurements shall collect data utilizing noise metrics that are consistent with the noise standards presented in Table 15.04.605.040. An arithmetic average of these ambient noise levels during the three quietest hours shall be made to demonstrate that the ambient noise levels are regularly 10 or more decibels below the respective noise standards. Similarly, an arithmetic average of ambient noise levels during the three loudest hours should be made to demonstrate that ambient noise levels regularly exceed the noise standards.

**15.04.605.080 Noise Attenuation Measures**

Any project subject to the acoustic study requirements of Section 15.04.605.060 (Noise Measurement) may be required as a condition of approval to incorporate noise attenuation measures deemed necessary to ensure that noise standards are not exceeded.

A. New noise-sensitive uses must incorporate noise-attenuation measures to achieve and maintain an interior noise level as listed in Table 15.04.605.040.

B. Noise-attenuation measures identified in an acoustical study must be incorporated into the project to reduce noise at the lot line and on the site of noise sensitive use to acceptable levels, conforming to the noise exposure limits in Table 15.04.605.040.

C. The preferred noise attenuation measures are those based on site planning and building orientation along with state-of-the-art noise-abating materials, technology and construction standards to minimize noise. The use of noise barriers for attenuation will be considered only after all feasible design-related noise measures have been incorporated into the project. Where noise barriers are used, they must provide noise reduction to meet the limits in Table 15.04.605.040.
15.04.605.090 Equipment Maintenance for Noise Control

New and existing heating, ventilation, and air conditioning equipment and other commercial/industrial equipment must be adequately maintained in proper working order so that noise levels emitted by such equipment remain minimal. The Zoning Administrator may require noise shielding or insulation for such equipment if the operation of the equipment results in objectionable noise levels at adjacent properties.
Article 15.04.606  Nonconforming Uses, Structures and Lots

Sections:
15.04.606.010  Purpose and Applicability
15.04.606.020  Establishment of Lawful Nonconforming Uses, Lots and Structures
15.04.606.030  Exemptions
15.04.606.040  Nonconforming Uses
15.04.606.050  Limited Exception for Nonconforming Industrial Uses in Specific Plan Areas
15.04.606.060  Abandonment of Nonconforming Use
15.04.606.070  Nonconforming Structures
15.04.606.080  Restoration of Damaged Uses or Structures
15.04.606.090  Nonconforming Lots
15.04.606.100  Nonconforming Site Features and Other Special Circumstances

15.04.606.010  Purpose and Applicability

A.  **Purpose.** This Article establishes regulations for nonconforming uses, structures, and lots. The purpose of these regulations is to regulate uses of land, lots, and structures that were legal before the adoption or amendment of Article XV, but are no longer in compliance with the standards and requirements of Article XV or any applicable specific plan adopted by the City Council. It is the intent of this Article to distinguish between incompatible nonconformities that are detrimental to public health, safety, and general welfare and nonconformities that are economically productive and compatible with surrounding development despite being inconsistent with the long-term future of an area, as expressed in the General Plan, the use regulations or development standards of Article XV or any applicable specific plan.

B.  **Applicability.** The provisions of this Article apply to structures, land, and uses that have become nonconforming by adoption of Article XV, as well as structures, land, and uses that become nonconforming due to subsequent amendments to Article XV’s text or to the Zoning Map or adoption of a specific plan.

15.04.606.020  Establishment of Lawful Nonconforming Uses, Lots and Structures

A.  **Nonconformities, Generally.** A nonconforming use, lot, or structure (“nonconformity”) is any use of land, use of a structure, lot, or structure that was legally established prior to the adoption of the current provisions in Article XV or of any subsequent rezoning or other amendments thereto, but that does not conform to the provisions of Article XV or any applicable specific plan.

1.  A nonconformity may result from any inconsistency with the requirements of Article XV or any applicable specific plan, including but not limited to
location, density, floor area ratio (FAR), height, setback, usable open space, parking, or performance standards.

2. Nonconforming uses include:
   a. Uses made nonconforming by the addition of a standard or requirement in Article XV or any applicable specific plan that was not previously required for such use; and
   b. Uses that were previously permitted by right and are subject to a discretionary permit under the requirements of Article XV and any applicable specific plan.

3. Nonconforming lots include any lot that is smaller than the minimum lot size required by Article XV or does not meet any of the applicable dimensional requirements.

B. Right to Continue. A nonconformity may be continued and maintained indefinitely, and the right to the nonconformity shall run with the land, except as otherwise specified in the nonconforming use regulations. Nonconformities may be continued, maintained, repaired, altered, expanded, restored, or reestablished only in conformance with the requirements of this Article.

C. Illegal Use. An illegal use is a use of land, use of structure, lot, or structure that was not legally established under Article XV that was applicable at the time that such use of land, use of structure, lot, or structure was established. Any and all illegal uses are a public nuisance and must be discontinued or legalized within 90 days of receiving written notice from the Zoning Administrator.

15.04.606.030 Exemptions

A. For Limited Parking. Residential structures with at least one parking space per dwelling unit are not considered nonconforming due to inadequate parking.

B. For Certain Residential Uses. Any residential use, lot, or structure that was legally established prior to the adoption of Article XV and that has been continuously maintained in residential use in compliance with the requirements of all applicable codes is considered is classified as a conforming use, lot, or structure. However, any enlargement or replacement of such use must conform to Article XV and any applicable specific plan.

C. For Certain Nonconforming Features. A use, lot, or structure shall not be deemed nonconforming solely because it does not conform with standards for parking and loading, landscaping and planting requirements, screening, standards for projections above the top of buildings, or restrictions on features allowed in required yards, or because of other deviations from the requirements of Article XV or any applicable specific plan that are determined to be minor by the Zoning Administrator.

D. For Specific Repairs and Improvements. Nothing in this Article prevents repairs or maintenance, including in replacement of building features, that are necessary to
comply with the Municipal Code or to strengthen or restore to a safe condition any building, structure, or part thereof declared to be unsafe by the Building Official. More specifically, this Article does not prohibit the following solely because a use, lot or structure is nonconforming: internal improvements, safety improvements to address earthquake, flood, fire, criminal activity or other hazards; improvements to mitigate nuisance characteristics either from or to other properties or the environment, including but not limited to noise and vibration, light and glare, air emissions, stormwater flows, and aesthetic and visual impacts; or improvements related to conservation of resources, including but not limited to reduction of water, gas and electricity use, improvement of indoor air quality, reduction of waste, or similar safety, environmental and conservation measures.

15.04.606.040 Nonconforming Uses

A. Changes of Use. A nonconforming use can be changed to a different use based on the future use as follows:

1. New Use Permitted by Right. Any nonconforming use may be changed to a use that is allowed by right in the zoning district in which it is located (or subarea of a specific plan) and complies with all applicable standards for such use.

2. New Use Requires a Use Permit. No nonconforming use can be changed to a use not allowed by right without approval of a conditional use permit. This requirement does not apply to a change of ownership, tenancy, or management where the new use is in the same use type as the previous use, as defined in Article XV, and the use is not expanded.

3. New Use Not Permitted. No nonconforming use shall be changed to a different nonconforming use.

B. Absence of a Use Permit. Any use that is nonconforming solely by reason of the absence of a Use Permit may become a conforming use by obtaining a Use Permit.

C. Expansion of Nonconforming Uses. No lawful nonconforming use may be expanded without the approval of a conditional use permit, subject to the following requirements:

1. Within a Conforming Structure. A nonconforming use in a structure that conforms to the applicable requirements of Article XV and to the Building Code may expand the floor area that it occupies.

2. Within a Structure That Does Not Conform to the Building Code. Any nonconforming use in a structure that does not conform to the Building Code may not expand the area it occupies until and unless the structure is brought into conformance with all applicable Building Code requirements.

3. Within a Structure That Does Not Conform to Article XV. A nonconforming use in a structure that does not conform to the requirements
of Article XV but does conform to the requirements of the Building Code, may expand the floor area it occupies.

4. **Expansions to Other Structures or Lots.** A nonconforming use may not be expanded to occupy all or a part of another structure or another lot that it did not occupy on the effective date of Article XV.

5. **Required Findings.** The Planning Commission may only approve a conditional use permit for an expansion of a nonconforming use after making all the following findings:
   
   a. The nonconforming use was lawfully established;
   
   b. The proposed expansion is compatible with surrounding uses;
   
   c. The proposed expansion will not preclude or interfere with implementation of the General Plan and any applicable specific plan;
   
   d. No useful purpose would be served by strict application of the provisions or requirements of Article XV and any applicable specific plan with which the use does not conform;
   
   e. The nonconforming use does not include the storage, processing, use, or generation of hazardous materials, products, or waste; and
   
   f. The nonconforming use is not an Adult-Oriented Business.

**15.04.606.050 Limited Exception for Nonconforming Industrial Uses in Specific Plan Areas**

This Article establishes provisions to allow for reinvestment in nonconforming industrial uses in order to achieve public safety or environmental benefits or short- to mid-term economic and fiscal benefits envisioned by the General Plan, notwithstanding the longer term goals of the City for a specific plan area. These exceptions may be granted if limited expansion of a nonconforming industrial use can be tolerated by existing uses in the surrounding area and such enlargement, extension or intensification would not impede orderly development over the long term under an applicable specific plan.

A. **Limited Exception Determinations for Certain Nonconforming Industrial Uses.** The City finds that the need may exist to continue to support industrial development and to improve the safety or reduce the environmental effects of certain nonconforming industrial uses by allowing changes that could result in minor enlargements, extensions, expansions or structural alterations to buildings or structures dedicated to such nonconforming uses, despite the fact that they do not conform to all current provisions of Article XV and any applicable specific plan. Therefore, an improvement comprising minor enlargements, extensions, expansions, or structural alterations of a building or structure dedicated to a nonconforming industrial use may be allowed with a conditional use permit, subject to the following process and findings:
1. **Process.** No conditional use permit will be granted unless the Planning Commission makes the findings for a Limited Exception Determination established in this Section. Where a discretionary permit has been previously issued, changes to that permit may be made pursuant to this Section and the appropriate non-discretionary permits may be issued after a Limited Exception Determination has been granted.

2. **Information Required.** Unless specifically waived by the Zoning Administrator, the following information must be submitted to support a Limited Exception Determination:
   
a. Statement of project objectives;
b. Project description, including construction requirements (schedule, equipment, labor, parking), physical changes to existing facilities, and any changes to facility operations or ancillary operations (truck trips, hazardous materials storage, etc.) as a result of the improvement;
c. A map showing contiguous properties, including Assessor Parcel Numbers and property owners' names;
d. Site plan to scale showing all existing and proposed facilities on the site and any modifications to existing equipment;
e. Design specifications for any new components;
f. Estimated expenditures for the improvement, including materials, labor, and equipment;
g. Written justification and such data, report(s), and documentation that demonstrates and verifies the improvement's economic or fiscal benefits or public health and safety or environmental benefits; and
h. Any other supplemental data or information requested by the Zoning Administrator.

B. **Benefit Assessment.** Upon acceptance of a complete application, the Zoning Administrator will conduct an assessment of the economic and fiscal benefits, public health and safety, and/or environmental benefits of the application and prepare a report to the Planning Commission for its consideration of an application for a Limited Exception Determination.

C. **Limited Exception Determination Findings.** After a duly-noticed public hearing, the Planning Commission may approve or conditionally approve a Limited Exception Determination and the associated conditional use permit only if all of the following findings are made in addition to the findings required for the conditional use permit:

1. The improvement has a demonstrable economic, fiscal, public health, safety, and/or environmental benefit.
2. The improvement does not result in any new unmitigated significant environmental impacts.
3. The improvement does not result in a significant increase in the overall intensity of use beyond the existing permitted use.
4. The improvement does not extend or expand the existing developed industrial site.
5. The improvement does not result in a substantial expansion or extension of life of the nonconforming use due to increased capacity of the structure dedicated to the nonconforming use. Any extension in the life of the nonconforming use affected by the improvement results solely from improved operational efficiency and is incidental to the primary purpose of improving public health and safety or providing a fiscal or environmental benefit.
6. The improvement will not impede implementation of the General Plan and the applicable specific plan over the longer term.
7. If prior Limited Exception Determinations have been made for the same nonconforming use under this Section, the successive Limited Exception Determinations cumulatively provide a public health and safety or fiscal or environmental benefit.

D. Appeals. The Planning Commission’s decision may be appealed to the City Council pursuant to Article 15.04.803 (Common Procedures).

15.04.606.060 Abandonment of Nonconforming Use

No nonconforming use may be resumed, reestablished, reopened, or replaced by any other nonconforming use after it has been abandoned or vacated for a period of one year, except as provided for in this section.

A. Abandonment. The one-year period commences when the use ceases and any one of the following occurs:

1. The site is vacated;
2. The business license lapses;
3. Utilities are terminated; or
4. The lease is terminated.

B. Reestablishment. The nonconforming use of a legally established structure may be reestablished after abandonment if the Planning Commission approves a conditional use permit after making all the following findings in addition to the findings required in Article 15.04.806 (Use Permits). As a condition of approving the resumption of such nonconforming use, the Commission may impose a time limit on its duration if necessary in order to make the required findings.
1. The structure cannot be used for any conforming use because of its original design or because of lawful structural changes made for a previous nonconforming use;

2. The structure can be reasonably expected to remain in active use for a period of 20 years without requiring repairs or maintenance in excess of 50 percent of the replacement cost of the structure, as determined by the Building Official, within any five-year period; and

3. The continuation of the use or structure will not be incompatible with or detrimental to surrounding conforming uses.

C. **Vehicle Service Stations.** Where the nonconforming use is a vehicle service station, this use must be reestablished within a six-month period of the use being abandoned.

D. **Exceptions.** The nonconforming status of a single-unit dwelling will not lapse, regardless of the length of time of non-use.

15.04.606.070 **Nonconforming Structures**

A. **Right to Continue.** Any nonconforming building or structure may only be continued and maintained provided there is no alteration, enlargement, or addition; no increase in occupant load except as provided in this Section. The right to continue to use a nonconforming building or structure attaches to the land and is not affected by a change in ownership or short-term vacancy.

B. **Right to Repair or Restore.** Nonconforming structures may be repaired, maintained, or restored in compliance with the requirements of this Article, unless deemed to be a public nuisance under Chapter 9.22 of the Municipal Code.

C. **Enlargements or Alterations.** Nonconforming structures may be enlarged, extended, structurally altered, or repaired in compliance with all applicable laws only under the following provisions:

1. Alterations and enlargements that are consistent with the current requirements of the zoning district in which the structure is located or with the standards of an applicable specific plan only require Zoning Administrator approval.

2. Alterations and enlargements that extend into a nonconforming yard may be allowed with Planning Commission approval of a conditional use permit provided that the alteration or enlargement would not:

   a. Further reduce any existing nonconforming yard, meaning the alteration or extension occurs on top of an existing structural element or feature that already extends into an existing nonconforming yard;

   b. Exceed applicable building height limits;

   c. Further increase any existing nonconforming lot coverage; or
d. Increase the required number of off-street parking spaces unless parking is provided under current standards set in Article XV for the additional floor area.

D. **Maintenance and Nonstructural Repairs and Alterations.** Maintenance and nonstructural repairs and alterations are permitted to a nonconforming structure or to a structure occupied by a nonconforming use, so long as the repairs and alterations do not enlarge the structure.

E. **Structural Repairs.**

1. **Generally.** Structural repairs that do not enlarge the structure, including modification or repair of bearing walls, columns, beams, or girders, may be undertaken only when the Building Official determines that such modification or repair is immediately necessary to protect public health and safety of the occupants of the nonconforming structure, or occupants of adjacent property, or when the cost of such work does not, within a 12-month period, exceed 50 percent of the replacement cost of the nonconforming structure as determined by the Building Official. All other structural repairs require a conditional use permit.

2. **Single-Unit Residential Structures.** Structural repairs are permitted as-of-right for single-unit residential structures, regardless of valuation, if the structural change meets the following criteria:
   a. The dwelling is located in a residential zoning district;
   b. The dwelling has an existing garage that meets minimum dimensional requirements of Article XV; and
   c. The improvement will not add new habitable space to the dwelling exceeding 10 percent of the existing gross floor area.

15.04.606.080 **Restoration of Damaged Uses or Structures**

A nonconforming use or structure that is damaged or destroyed by fire, explosion, earthquake, or natural disaster that is not caused by an act or deliberate omission of the property owner, his or her agent, or person acting on his or her behalf or in concert may be restored or rebuilt subject to the following provisions:

A. **Restoration or Reconstruction When Damage is 75 Percent or Less of Replacement Cost.** If the cost of repair or reconstruction does not exceed 75 percent of the replacement cost of the building or structure, replacement of the damaged portion of the building is allowed by right, provided that the replaced portions are the same size, extent, and configuration as previously existed and a building permit is obtained.

B. **Restoration When Damage Exceeds 75 Percent of Replacement Cost.** If the cost of repair or reconstruction exceeds 75 percent of the replacement cost of the
building or structure, the land and building will be subject to all of the requirements of Article XV and any applicable specific plan, except as provided below.

1. **Non-Residential Structures.** The Planning Commission may approve a conditional use permit for the structure to be rebuilt to the same size, extent, and configuration as previously existed. In such cases, any expansion or change to the previous use must conform to the requirements of this Article, but need not conform to the requirements of an applicable specific plan.

2. **Residential Structures.** Any nonconforming residential use may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and the nonconforming use, if any, may be resumed subject to a Zoning Compliance Review under Article 15.04.804 in the case of single-unit dwellings or a conditional use permit under Article 15.04.806 in the case of other residential uses, unless the Zoning Administrator finds that:
   a. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood; or
   b. The existing nonconforming use of the building or structure can be more appropriately moved to a zoning district in which the use is permitted, or that there no longer exists a district in which the existing nonconforming use is permitted.

3. Any reconstruction, restoration, or rebuilding undertaken pursuant to this Section must conform to all applicable Building Code requirements, and a Building Permit must be obtained within two years after the date of the damage or destruction.

4. Any application for a conditional use permit must be submitted within one year of the date of the damage to the use or structure.

C. **Replacement Cost.** The Chief Building Inspector will determine the replacement cost of the damaged use or structure.

15.04.606.090 **Nonconforming Lots**

Any legally created lot that fails to meet the current standards for area or dimensions of the district in which it is located may be developed, subject to the following.

A. **General.** Any lot that is smaller than the minimum lot size or width required by Article XV may be developed subject to all other requirements of Article XV and any applicable specific plan if it is described in the official records on file in the Contra Costa County Clerk-Recorder’s Office, County Recorder Division as a lot of record.
B. **Exception.** Where a lot is less than 50 feet in width or where a lot of less than 5,000 square feet exists and the lot has been recorded under separate ownership from all adjacent lots continuously since January 31, 1949, and the lot is level (having an average longitudinal and cross slope of less than 5 percent), such lot may be developed into any use permitted in the base zoning district or any applicable specific plan.

1. Any such lot that is 3,300 square feet or less in area, and/or is 33 feet or less in average width can only be developed for one single-unit dwelling.

2. Any such lot that exceeds the dimensions and area enumerated in (1) immediately above, but which is 3,700 square feet or less in area, and/or is 37.5 feet or less in average width can be a building site for one or two dwelling units.

**15.04.606.100 Nonconforming Site Features and Other Special Circumstances**

**A.** Uses or structures defined as nonconforming due to inadequate parking, screening, and/or landscaping may be enlarged, altered, moved, extended or reconstructed within the following limits:

1. Where no major building other than an accessory building is involved, the cost of such change may not exceed the total current assessed value of the land.

2. Where a principal building is involved, the cost of such change may not exceed the current replacement cost of the original building(s).

**B.** Restrictions on the nonconforming use of the land where no building other than an accessory building is involved: the nonconforming use may be continued up to five years after it became a nonconforming use subject to the following conditions:

1. The nonconforming use of land shall not be expanded or extended.

2. If the nonconforming use is discontinued or changed, any further use of land shall be in conformity with the provisions of Article XV and any applicable specific plan.

**C.** In any district where residences are prohibited, additions and alterations to an existing single or two-unit dwelling are permitted, providing all of the following conditions are met:

1. Such structural changes can be made only if in conformity with all the regulations of use, height, area, yard, interior yard space, off-street parking, etc., as required for a multi-family residential district.

2. No additional dwelling units shall be created nor a conversion of the building allowed that would create a lodging house, care home, or similar residential use.
3. Floor area added shall not exceed 50 percent of the total floor area existing in the dwelling at the time the regulations prohibiting residences became effective for the site in question.

4. No addition shall be permitted if any portion of the existing dwelling is converted to commercial or industrial use subsequent to when the regulations prohibiting residences became effective for the site in question.


Article 15.04.607  Parking and Loading Standards

Sections:
15.04.607.010  Purpose
15.04.607.020  Applicability
15.04.607.030  General Regulations and Standards
15.04.607.040  Calculation of Parking Requirement
15.04.607.050  Shared Parking
15.04.607.060  Design Standards for Parking Lots and Structures
15.04.607.070  Alternative Compliance with Parking Requirements
15.04.607.080  Bicycle Parking
15.04.607.090  Loading Spaces

15.04.607.010  Purpose

The purposes of the off-street parking and loading regulations are to:

A. Ensure that off-street parking and loading facilities are provided for new uses and major alterations to existing uses;

B. Avoid or minimize negative impacts associated with spillover parking into adjacent neighborhoods;

C. Minimize the negative environmental and urban design impacts that can result from parking lots, driveways, and drive aisles within parking lots;

D. Address the needs of people traveling by bicycle or on foot by promoting development of active land uses and activities in place of surface parking lots, and where parking is to be provided, promoting parking lot designs that offer safe, attractive, and direct pedestrian routes and secure bicycle parking.

E. Support bicycling and address the circulation, access, and security needs of people traveling by bicycle by requiring short-term and long-term bicycle parking and storage, and requiring parking lot designs that offer safe bicycle access routes;

F. Establish standards and regulations for safe and well-designed parking, loading, and vehicle circulation areas that minimize conflicts between pedestrian and vehicles within parking lots and, where appropriate, create buffers from surrounding land uses;

G. Offer flexible means of minimizing the amount of land area devoted to parking of automobiles by (1) allowing reductions in the number of required parking spaces in the most transit accessible areas, areas with a diverse mix of land uses with offsetting periods of peak parking demand, for shared parking facilities, and for other situations expected to have lower vehicle parking demand; and (2) establishing limits on the number of private off-street parking spaces that can be provided in association with certain land uses and in certain locations, with allowance for
provision of additional parking spaces above these established maximums provided that such spaces are shared and publicly accessible.

H. Reduce urban stormwater run-off and heat island effect.

15.04.607.020 Applicability

A. New Development. Unless otherwise specified, the parking and loading requirements of this Article apply to all new buildings and to all new conditionally permitted uses in existing buildings.

B. Reconstruction, Expansion and Change in Use of Existing Non-Residential Buildings.

1. Changes in use, expansions of a use, or expansions of floor area that create an increase of more than three required parking spaces or more than 10 percent of required spaces, whichever is greater, shall provide on-site automobile parking, bicycle parking, and loading space according to the provisions of this Article. A building shall be granted no more than one expansion with no required increase in parking under this provision.

2. Existing parking shall be maintained, and additional parking shall be required only for such addition, enlargement, or change in use and not for the entire building or site. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use.

3. A change of use shall provide the difference between the required parking ratio of the proposed use and one parking space per 300 square feet.

4. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification (use type) than the former occupant.

C. Reconstruction, Expansion and Change in Use of Existing Residential Buildings.

1. For any new commercial, cultural, medical office, or health use of an existing residential building or structure, parking spaces in the number specified in Section 15.04.607.040 (Calculation of Parking Requirements) shall be provided for the entire site.

2. For any new residential or educational use of an existing residential building or structure such that the new residential or educational use will require a greater number of parking spaces as compared to the previous use, parking spaces in the number specified in Section 15.04.607.040 (Calculation of Parking Requirements) shall be provided for the new use.

D. Alterations that Increase the Number of Dwelling Units. The creation of additional dwelling units through the alteration of an existing building or
construction of an additional structure or structures requires the provision of on-site parking to serve the new dwelling units in compliance with the provisions of this Article. This requirement does not apply when sufficient on-site parking exists to provide the number of spaces required for the existing and new dwelling units in compliance with all applicable requirements.

E. Conversion of Existing Parking Facilities for Shared Use. An existing parking facility is not required to be maintained for the exclusive private use of the land use for which it was constructed as accessory parking. A property owner may submit to the Zoning Administrator a parking inventory and occupancy study of off-street parking and on-street parking in the vicinity of the project, conducted by an independent transportation planning and/or engineering consultant, to demonstrate that a certain share of the existing parking spaces on his/her property are infrequently utilized. On the basis of this study, the Zoning Administrator may grant the property owner authorization to dedicate the underutilized portion of his/her off-street parking to other, non-accessory uses, including leasing such spaces to other individuals, or to other property owners or developers of projects within a one-quarter mile walking distance of the facility to provide some or all of their required off-street parking obligations.

F. Construction Timing. On-site parking facilities required by this Article shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.

G. Damage or Destruction. When a use that has been involuntarily damaged or destroyed is re-established, off-street parking and loading facilities must also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities in excess of those required by this Article.

H. Exceptions.

1. Neighborhood Retail. Commercial uses having a gross floor area of 5,000 square feet or less are exempt from the off-street parking and loading requirements of this Article.

2. BART Station Area. Within one-half mile of the Richmond BART/Intermodal Terminal, and the El Cerrito Del Norte BART Station measured from the station platform, the minimum and maximum parking requirements shall be reduced to 50 percent of the requirements set forth in this Article, and minimum parking requirements may be further reduced or eliminated upon the granting of a conditional use permit.

3. Alternative Access and Parking Plans. If an alternative access and parking plan is approved pursuant to Section 15.04.607.070, the off-street parking requirements shall be subject to the provisions of that plan.
15.04.607.030  General Regulations and Standards

A. **No Reduction in Off-Street Parking and Loading Spaces.** Off-street parking and loading spaces established as of the effective date of the ordinance codified in this Article shall not be reduced in number during the life of such building or land use below that which would be required for a new building or use of a similar type under the requirements of this Article. All such off-street parking and loading spaces shall remain permanently available and accessible for the parking or loading of vehicles by occupants of the property, except that any surplus spaces may be rented out to nonoccupants, or otherwise made publicly accessible with the provision that such spaces must be vacated on 30 days’ notice if they become needed by occupants of the property.

B. **Separate Parking and Loading Spaces.** No area may be utilized and counted both as a required parking space and a required loading space. However, maneuvering aisles and driveways may serve both required parking spaces and loading spaces if they meet the requirements specified in this Article for both parking and loading facilities.

C. **Location of Parking.**

1. Off-street parking spaces for nonresidential uses shall be located on the same site or within a distance not to exceed 1,500 feet from the lot line of the property where the use for which the parking spaces are required. The applicant shall be required to show evidence that the off-site parking is reserved for the applicant’s use, if such parking is on private property.

2. In Industrial zoning districts, surface parking lots shall be paved and set back from public streets as follows:

   a. For lots 20,000 square feet or larger the minimum setbacks required are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Minor Streets</th>
<th>Collector Streets</th>
</tr>
</thead>
<tbody>
<tr>
<td>ILL and IL</td>
<td>15 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td>IG and IW</td>
<td>5 ft.</td>
<td>25 ft.</td>
</tr>
<tr>
<td><strong>Setback may be reduced to 10 ft. in conjunction with a landscaped berm.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   b. For lots under 20,000 square feet, a minimum 10 feet setback is required from both minor and collector streets.

D. **Parking for Disabled Persons.** Parking spaces intended for the exclusive use of Disabled Person permitted vehicles and provision of access for disabled persons shall be provided as required by the California Building Code, Division 11, Site Accessibility. Such spaces will be counted towards the parking requirements of this Article.

1. **Number.** The number of the required off-street parking spaces required for any use by this Article to be reserved and be designed for Disabled Person...
permit holders shall be provided in accord with State law and the following standards:

<table>
<thead>
<tr>
<th>Total Number of Required Parking Spaces</th>
<th>Number of Spaces for Disabled Person Permit Holders</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-25</td>
<td>1</td>
</tr>
<tr>
<td>26-50</td>
<td>2</td>
</tr>
<tr>
<td>51-75</td>
<td>3</td>
</tr>
<tr>
<td>76-100</td>
<td>4</td>
</tr>
<tr>
<td>101-150</td>
<td>5</td>
</tr>
<tr>
<td>151-200</td>
<td>6</td>
</tr>
<tr>
<td>201-300</td>
<td>7</td>
</tr>
<tr>
<td>301-400</td>
<td>8</td>
</tr>
<tr>
<td>401-500</td>
<td>9</td>
</tr>
<tr>
<td>501-1,000</td>
<td>2% of total</td>
</tr>
<tr>
<td>Over 1,000</td>
<td>20 plus 1 for each 100 spaces provided over 1,000</td>
</tr>
</tbody>
</table>

2. **Design, Designation, and Location.** All parking spaces for Disabled Person permit holders shall, at a minimum, comply with the requirements of the California Building Code, Division 11, Site Accessibility.

E. **Nonconforming Parking Facilities.** Existing land uses with off-street parking and loading facilities that do not conform to the requirements of this Article may be enlarged or expanded; provided, that additional parking and loading facilities shall be added so that the enlarged or expanded portion of the building conforms to the requirements of this Article, subject to the applicable provisions for nonconforming uses and structures in Article 15.04.606 (Nonconforming Uses, Structures, and Lots).

F. **Unbundled Parking.** The following rules shall apply to the sale or rental of parking spaces in new Multi-Unit Residential buildings with ten or more units:

1. All off-street parking spaces shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space(s).

2. In cases where there are fewer parking spaces than dwelling units, the parking spaces shall be offered first to the potential buyers or renters of three bedroom or more units, second to potential buyers or renters of two bedroom units, and then to potential buyers and renters of other units.

3. Potential buyers and renters of affordable units shall have an equal opportunity to buy or rent a parking space on the same terms and conditions as offered to potential buyers and renters of market-rate units, at a price
proportional to the sale or rental price of their units as compared to comparable market-rate units. This stipulation shall be included in any agreement recorded between the City and developer pertaining to the affordable housing units pursuant to Article 15.04.603 (Inclusionary Housing).

4. Parking spaces shall be offered only to residents of the dwelling units served by the off-street parking, except that any surplus spaces may be rented out to non-residents, or otherwise made available for public use, with the provision that such spaces must be vacated on 30 days’ notice if they are needed by residents. Required visitor spaces shall not be rented out, but may be made available for public use.

The Zoning Administrator may grant an exception from the requirements of this subsection for affordable units that include financing for affordable housing that requires that costs for parking and housing be bundled together.

G. Garages/Carports/Uncovered Residential Parking. For residential uses, required off-street parking located in the front half of a lot or within 25 feet of the side street on a corner lot shall be covered with carport, garage or roofed structure except as allowed below or for secondary dwelling units, for which one uncovered parking space may be provided in the required front yard if the parking pad and driveways are decoratively paved with aggregate, brick, pavers or similar material.

1. For single-family residences, the interior dimension of a garage for each required parking space (if provided) shall not be less than 10 feet by 20 feet. Such private parking areas shall be located as part of the main building or in accordance with the requirements for accessory buildings.

2. Uncovered off-street parking may be located in the rear half of the lot when more than 25 feet from a side street.

H. Surface Parking Lots. Surface parking lots shall be subject to the following restrictions and standards. The area of a surface parking lot shall include all features within the lot’s outer edges, including all parking spaces, maneuvering aisles, access driveways, and perimeter and interior landscaping, walkways, and other features.

1. Large Parking Lots. New or expanded surface parking lots of more than two acres are prohibited, except in shopping centers and in industrial zoning districts. If on-site parking for more than 250 spaces is needed, such parking facilities shall be provided within buildings or parking structures or in separate lots that are each less than two acres in size, or shall be otherwise covered by a structure that serves a non-parking function, such as solar panels, recreational facilities, roof deck, or green roof.

2. Medium Parking Lots. New or expanded surface parking lots of greater than one-acre but not more than two acres may be allowed with a conditional use permit. To grant such a conditional use permit, the following findings
must be made in addition to the findings required by Article 15.04.806 (Use Permits):

a. That the applicant has convincingly demonstrated that it is infeasible to provide the parking within a building or parking structure, or to otherwise cover it;

b. That the applicant has convincingly demonstrated that every reasonable effort has been made to minimize the size of the parking lot; and

c. That the parking spaces comply with the requirements of this Article including the design standards of Section 15.04.607.060.

3. **Small Parking Lots.** New or expanded surface parking lots of no more than one acre are permitted subject to the requirements of this Article including the design standards of Section 15.04.607.060.

4. **Pedestrian Circulation.** Parking lots containing 50 or more spaces shall have walkways separated from motor vehicle maneuvering aisles and driveways connecting the principal building or buildings served by the lot to the farthest point of the lot from the main pedestrian entrance of such building or buildings.

a. **Materials and Width.** Walkways shall provide at least four feet of unobstructed width and be hard-surfaced.

b. **Identification.** Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, curb separation, different paving material, or similar method.

c. **Separation.** Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised and separated from the travel lane by a raised curb at least six inches high, bollards, or other physical barrier.

### 15.04.607.040 Calculation of Parking Requirement

The minimum number of parking spaces required and the maximum number of parking spaces allowed shall be based on the estimated peak period parking demand by use type as listed in Table 15.04.607.040. The following rules apply when calculating the estimated peak period parking demand:

A. **Multiple Uses.** When two or more principal uses are located on the same lot, the estimated peak period parking demand shall be the sum of the estimated demand of the various individual uses during the period of peak combined demand for all uses, as determined through a parking study prepared by an independent transportation planning or engineering firm and based on the latest edition of the Urban Land
Institute’s Shared Parking methodology, a comparable shared parking model, and/or local data sources.

B. **Area-Based Estimates.** All area-based estimated peak period parking demands shall be computed on the basis of gross floor area, excluding parking and loading areas.

C. **Exclusion of First 2,000 Square Feet.** For all nonresidential uses in Mixed Use Zones with area-based estimated peak period parking demands, the first 2,000 square feet shall be subtracted from the gross square footage of the use when calculating the estimated parking demand. When there are multiple principal uses on the same lot with separate estimated parking demands, pursuant to subsection (A) of this section, the first 2,000 square feet shall be subtracted from each such use, meaning that any use in a Mixed Use Zone that occupies 2,000 square feet or less is not required to provide off-street parking.

D. **Parking Credit for Reuse of Historically Significant Structures.** Projects that convert a historically significant structure designated by the City Council that has a legal nonconforming parking deficiency to a different use shall receive a credit equal to the number of required automobile parking spaces unmet by the previous use.

E. **Motorcycle Parking.** There shall be a credit of one automobile parking space for every four motorcycle parking spaces provided, not to exceed five percent of the total number of automobile parking spaces required. Motorcycle parking spaces shall be no less than four feet wide by eight feet long with an aisle width of no less than 10 feet and shall be clearly marked.

F. **If Estimated Parking Demand is “TBD - To Be Determined.”**
   1. If Table 15.04.607.040 indicates that the estimated parking demand is to be determined (“TBD”), the estimated parking demand shall be determined based on the characteristics of the specific use in question and other similar uses. Where no Planning Commission approval is required, the Zoning Administrator shall determine the estimated parking demand; the Zoning Administrator’s determination may be appealed to the Planning Commission in accordance with the appeal procedures in Article 15.04.803 (Common Procedures). Where Planning Commission approval is required, the Commission shall determine the estimated parking demand based on a recommendation from the Zoning Administrator.
   2. If the proposed use is not listed in Table 15.04.607.040, the estimated parking demand may be determined pursuant to paragraph (F)(1) of this section.

G. **Minimum Parking Requirements.** Except as otherwise provided in this section, no less than the minimum number of parking spaces, as required by this subsection, shall be provided for each use or site. The minimum number of parking spaces required shall be 33 percent less than the estimated parking demand as indicated in Table 15.04.607.040.
H. **Maximum Private Parking Requirements.** Except as otherwise provided in this section, no more than the maximum number of private, off-street parking spaces, as specified in this subsection, shall be provided for each use or site. The maximum number of private parking spaces allowed shall equal to the estimated peak period parking demand as indicated in Table 15.04.607.040.

1. **Excess Parking to be Shared.** Off-street parking spaces may be provided in excess of the maximum number of spaces specified in this subsection (equal to the estimated peak period parking demand as indicated in Table 15.04.607.040), provided that all such excess spaces are designed and operated to be shared and publicly accessible parking spaces available for public use at any time. Property owners may charge an hourly, daily, or monthly fee for use of any such public access parking provided in excess of the maximum off-street parking limits of this subsection.

I. **Parking Spaces Below the Minimum or Above the Maximum.** Parking spaces less than the required minimum or more than the allowed maximum may be provided upon the granting of a conditional use permit as set forth below.

1. **Parking Spaces Less Than the Minimum.** To grant a conditional use permit to provide less than the minimum number of parking spaces required by subsection (G) of this section, including elimination of all parking spaces, the following findings must be made in addition to the findings otherwise required by Article 15.04.806:
   a. That adequate measures will be put in place to reduce parking demand, such as promoting use of public transit, bicycling, and walking, and allowing modified working hours and telecommuting; and
   b. That the reduction or elimination of the required parking spaces will not substantially reduce the availability of on-street parking for the occupants of nearby commercial and, or residential buildings.

2. **Parking Spaces More Than the Maximum.** To grant a conditional use permit to provide more than the maximum number of private parking spaces allowed by subsection (G) of this section, the following findings must be made in addition to the findings required by Article 15.04.806:
   a. That the applicant has convincingly demonstrated that the additional parking is required to meet the anticipated parking demand of the proposed uses; and
   b. That the provision of the additional parking will not result in an overdependence on automobiles and will not adversely affect transit, bicycle, or pedestrian access to the site or other adjacent uses.
### TABLE 15.04.607.040: ESTIMATED PARKING DEMAND BY USE TYPE

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Number of Spaces</th>
<th>Per</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Use Types</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Unit</td>
<td>2</td>
<td>dwelling unit</td>
</tr>
<tr>
<td>Duplexes or 2 or more attached units</td>
<td>1.5</td>
<td>dwelling unit</td>
</tr>
<tr>
<td>Junior accessory dwelling unit</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td><strong>Multi-Unit Dwelling except senior(^2) and long term care(^3)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One bedroom</td>
<td>1</td>
<td>dwelling unit</td>
</tr>
<tr>
<td>Two bedroom</td>
<td>1.5</td>
<td>dwelling unit</td>
</tr>
<tr>
<td>Three or more bedrooms</td>
<td>2</td>
<td>dwelling unit</td>
</tr>
<tr>
<td>Efficiency Unit</td>
<td>0.5</td>
<td>dwelling unit</td>
</tr>
<tr>
<td>Guest parking for developments with five or more dwelling units</td>
<td>0.2</td>
<td>dwelling unit</td>
</tr>
<tr>
<td><strong>Senior(^2) housing</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resident parking</td>
<td>0.5</td>
<td>dwelling unit plus 1 per employee</td>
</tr>
<tr>
<td>Guest parking for developments with five or more dwelling units</td>
<td>0.2</td>
<td>dwelling unit</td>
</tr>
<tr>
<td><strong>Domestic Violence Shelter</strong></td>
<td>0.25</td>
<td>bed</td>
</tr>
<tr>
<td><strong>Elderly and Long Term Care</strong></td>
<td>TBD(^1)</td>
<td></td>
</tr>
<tr>
<td><strong>Group Residential</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small (6 or fewer persons)</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>Large</td>
<td>0.25</td>
<td>bed</td>
</tr>
<tr>
<td>Mobile Home Park</td>
<td>1</td>
<td>mobile home</td>
</tr>
<tr>
<td>Planned Residential Group</td>
<td>TBD(^1)</td>
<td></td>
</tr>
<tr>
<td><strong>Residential Facility</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limited</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>General, Senior</td>
<td>0.25</td>
<td>bed</td>
</tr>
<tr>
<td>Supportive Housing</td>
<td>0.25</td>
<td>bed</td>
</tr>
<tr>
<td>Transitional Housing</td>
<td>0.25</td>
<td>bed</td>
</tr>
<tr>
<td><strong>Commercial and Institutional Use Types</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Adult Businesses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>3</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Performance</td>
<td>5</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td><strong>Animal Sales and Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinic/Hospital</td>
<td>TBD(^1)</td>
<td></td>
</tr>
<tr>
<td>Grooming</td>
<td>TBD(^1)</td>
<td></td>
</tr>
</tbody>
</table>
TABLE 15.04.607.040: ESTIMATED PARKING DEMAND BY USE TYPE

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Number of Spaces</th>
<th>Per</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Sales (Pet Stores); Veterinary Services</td>
<td>3</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Auto/Vehicle Sales and Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rentals</td>
<td>1</td>
<td>rental vehicle to be stored on-site</td>
</tr>
<tr>
<td>Sales and Leasing</td>
<td>1</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Repair and Service</td>
<td>1</td>
<td>service bay</td>
</tr>
<tr>
<td>Service station</td>
<td>1.2</td>
<td>fueling station</td>
</tr>
<tr>
<td>Banks and Financial Institutions</td>
<td>3</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Business Services</td>
<td>3</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Commercial Entertainment and Recreation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cinema</td>
<td>0.25</td>
<td>seat</td>
</tr>
<tr>
<td>Large-scale and Small-scale</td>
<td>TBD\textsuperscript{1}</td>
<td></td>
</tr>
<tr>
<td>Theatre</td>
<td>0.33</td>
<td>seat</td>
</tr>
<tr>
<td>Eating and Drinking Establishments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bars/Nightclubs/Lounges</td>
<td>8</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Restaurants, Full Service</td>
<td>5</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Drive-in, fast food, take-out</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Mobile Food Vendors</td>
<td>TBD\textsuperscript{1}</td>
<td></td>
</tr>
<tr>
<td>Finance, Insurance and Real Estate Services</td>
<td>2.5</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Food and Beverage Sales</td>
<td>3</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Funeral Homes, Mortuaries and Mausoleums</td>
<td></td>
<td></td>
</tr>
<tr>
<td>With fixed seats</td>
<td>0.2</td>
<td>seat\textsuperscript{4}</td>
</tr>
<tr>
<td>Without fixed seats</td>
<td>10</td>
<td>1,000 gross square feet of indoor assembly area</td>
</tr>
<tr>
<td>Instructional Services</td>
<td>0.2</td>
<td>student</td>
</tr>
<tr>
<td>Live-Work</td>
<td>1.0</td>
<td>dwelling unit</td>
</tr>
<tr>
<td>Maintenance and Repair</td>
<td>2</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Media Production</td>
<td>2.5</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Offices, Business and Professional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical and Dental</td>
<td>2.25</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>General</td>
<td>2.0</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Walk-in Clientele</td>
<td>2.25</td>
<td>1,000 gross square feet</td>
</tr>
</tbody>
</table>
### TABLE 15.04.607.040: ESTIMATED PARKING DEMAND BY USE TYPE

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Number of Spaces</th>
<th>Per</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personal Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Personal Services; Massage; Tattoo</td>
<td>2.0</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Health/Fitness Facility</td>
<td>5</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Printing and Publishing</td>
<td>1</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Repair Services</td>
<td>3</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Retail less than 60,000 square feet</td>
<td>3</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Retail 60,000 square feet or more</td>
<td>4</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Transitional Lodging</td>
<td>0.5</td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>TBD(^1)</td>
<td></td>
</tr>
<tr>
<td>Hotel and Motel</td>
<td>0.5</td>
<td>room</td>
</tr>
<tr>
<td><strong>Institutional and Community Facilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colleges and Trade Schools</td>
<td>0.2</td>
<td>population on site at any one time, including students, teachers, and staff</td>
</tr>
<tr>
<td><strong>Community Assembly</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>Large</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-With fixed seats</td>
<td>0.2</td>
<td></td>
</tr>
<tr>
<td>-Without fixed seats</td>
<td>10</td>
<td>1,000 gross square feet of indoor assembly area</td>
</tr>
<tr>
<td>Community Garden</td>
<td>TBD(^1)</td>
<td></td>
</tr>
<tr>
<td>Cultural Facility</td>
<td>1</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Day Care Centers</td>
<td>3</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Emergency Shelters</td>
<td>TBD(^1)</td>
<td></td>
</tr>
<tr>
<td>Hospitals and Clinics</td>
<td>3</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Clinic</td>
<td>5</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Hospital</td>
<td>3</td>
<td>bed</td>
</tr>
<tr>
<td><strong>Schools</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursery School; Elementary School</td>
<td>0.17</td>
<td>student</td>
</tr>
<tr>
<td>Middle School; Jr. High; High School</td>
<td>0.09</td>
<td>student</td>
</tr>
<tr>
<td>Social Service Center</td>
<td>3</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td><strong>Industrial Use Types</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Artisans/Small-scale Manufacturing</td>
<td>0.75</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Artist’s Studio</td>
<td>1</td>
<td>1,000 gross square feet</td>
</tr>
</tbody>
</table>
### TABLE 15.04.607.040: ESTIMATED PARKING DEMAND BY USE TYPE

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Number of Spaces</th>
<th>Per</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Kitchens</td>
<td>1</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Limited Industrial</td>
<td>1</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limited, Light</td>
<td>0.75</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>General</td>
<td>1</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Water-related</td>
<td>0.5</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Recycling Facilities – All</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>Research and Development</td>
<td>1.5</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Salvage and Wrecking</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>Storage and Distribution</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor</td>
<td>0.5</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Outdoor</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>Warehousing, Wholesaling, Storage and Distribution</td>
<td>0.5</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Mini-Storage</td>
<td>0.15</td>
<td>1,000 gross square feet</td>
</tr>
<tr>
<td>Agricultural Use Types</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor and Outdoor Agriculture</td>
<td>TBD</td>
<td></td>
</tr>
<tr>
<td>Communication, Transportation, and Utilities Use Types</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communications Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transmission Towers</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>Equipment within Buildings</td>
<td>0.5</td>
<td>maximum number of employees on site at any one time</td>
</tr>
<tr>
<td>Transportation and Delivery Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freight/Truck Terminal and Warehouse</td>
<td>0.5</td>
<td>maximum number of employees on site at any one time</td>
</tr>
<tr>
<td>Light Fleet-Based Services</td>
<td>1</td>
<td>maximum number of fleet vehicles on site at any one time</td>
</tr>
<tr>
<td>plus</td>
<td>0.5</td>
<td>maximum number of employees on site at any one time</td>
</tr>
<tr>
<td>Utility Services</td>
<td>TBD</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. TBD = To be determined by the Zoning Administrator.
2. Senior housing means housing that is restricted to older adults in which at least one resident of each unit must be a “senior citizen” as defined in the Civil Code Section 51.3.
15.04.607.050 Shared Parking

Shared parking represents an arrangement in which drivers seeking access to two or more nonresidential uses on the same lot with different peak parking demand periods use the same off-street parking spaces. Where shared parking is proposed, or planned for, off-street parking requirements must be adjusted.

A. Calculation of Parking Requirement for Shared Parking. Within a shared parking environment, peak period parking demand shall be calculated by estimating the parking demand for all uses at the combined peak period of demand for the site. The estimated parking demand for each use shall be calculated for each hour of a 24-hour period, based on the percent of peak demand for each hour. The hourly demand for all uses shall be totaled for each hour, and the greatest resulting hourly demand shall be the required number of parking spaces. This required number may be reduced or increased. The hourly demand for each use shall be based on the most recent edition of *Parking Generation* published by the Institute of Transportation Engineers, *Shared Parking*, published by the Urban Land Institute, or other equivalent information. See Table 15.04.607.050 for an example.

15.04.607.060 Design Standards for Parking Lots and Structures

The parking area design standards of this section apply to all off-street parking areas. All required parking spaces and associated maneuvering aisles, driveways, and other related features shall be designed and arranged so as to provide motor vehicles with adequate ingress to and egress from all required parking spaces, and to provide pedestrians with adequate access to parked vehicles.

A. Parking Layout and Dimensions. The layout and dimensions of off-street parking facilities shall be as set forth in Figure 15.04.607.060 and Table 15.04.607.060, as further provided below.

1. Regulatory and Calculated Dimensions. Stall width, stall length, and aisle width, as shown in Table 15.04.607.060, are regulatory. Other dimensions shown in Table 15.04.607.060 are calculated from these required dimensions, and are provided for convenience.

2. Stall Width and Length. As indicated in Table 15.04.607.060, the required minimum stall width and length for various parking angles are as set forth below. Compact spaces with an eight-foot width and 16-foot length are permitted for up to 25 percent of the required spaces.

   a. Width. For parking angles of more than 30 degrees the required minimum stall width is eight feet six inches. For parking angles of 30 degrees or less, the required minimum stall width is eight feet.

   b. Length. For all parking angles other than parallel parking, the required minimum stall length is 18 feet. For parallel parking, the required minimum stall length is 20 feet.
### TABLE 15.04.607.050: EXAMPLE OF SHARED PARKING CALCULATION

<table>
<thead>
<tr>
<th>Use</th>
<th>Office</th>
<th>Retail</th>
<th>Hotel</th>
<th>TOTAL without shared parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>100,000 gross square feet</td>
<td>20,000 gross square feet</td>
<td>150 rooms</td>
<td></td>
</tr>
<tr>
<td>Estimated Parking Demand</td>
<td>240 spaces</td>
<td>60 spaces</td>
<td>75 spaces</td>
<td>375 spaces</td>
</tr>
<tr>
<td>Hour Beginning</td>
<td>Percent of Peak Period</td>
<td>Parking Demand</td>
<td>Percent of Peak Period</td>
<td>Parking Demand</td>
</tr>
<tr>
<td>12:00 - 4:00 a.m.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>5:00 a.m.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>6:00 a.m.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7:00 a.m.</td>
<td>19%</td>
<td>46</td>
<td>5%</td>
<td>3</td>
</tr>
<tr>
<td>8:00 a.m.</td>
<td>64%</td>
<td>154</td>
<td>18%</td>
<td>11</td>
</tr>
<tr>
<td>9:00 a.m.</td>
<td>91%</td>
<td>218</td>
<td>38%</td>
<td>23</td>
</tr>
<tr>
<td>10:00 a.m.</td>
<td>99%</td>
<td>238</td>
<td>68%</td>
<td>41</td>
</tr>
<tr>
<td>11:00 a.m.</td>
<td>99%</td>
<td>238</td>
<td>91%</td>
<td>55</td>
</tr>
<tr>
<td>12:00 p.m.</td>
<td>98%</td>
<td>235</td>
<td>100%</td>
<td>60</td>
</tr>
<tr>
<td>1:00 p.m.</td>
<td>96%</td>
<td>230</td>
<td>97%</td>
<td>58</td>
</tr>
<tr>
<td>2:00 p.m.</td>
<td>100%</td>
<td>240</td>
<td>95%</td>
<td>57</td>
</tr>
<tr>
<td>3:00 p.m.</td>
<td>96%</td>
<td>230</td>
<td>88%</td>
<td>53</td>
</tr>
<tr>
<td>4:00 p.m.</td>
<td>90%</td>
<td>216</td>
<td>78%</td>
<td>47</td>
</tr>
<tr>
<td>5:00 p.m.</td>
<td>58%</td>
<td>139</td>
<td>62%</td>
<td>37</td>
</tr>
<tr>
<td>6:00 p.m.</td>
<td>--</td>
<td>--</td>
<td>64%</td>
<td>38</td>
</tr>
<tr>
<td>7:00 p.m.</td>
<td>--</td>
<td>--</td>
<td>77%</td>
<td>46</td>
</tr>
<tr>
<td>8:00 p.m.</td>
<td>--</td>
<td>--</td>
<td>70%</td>
<td>42</td>
</tr>
<tr>
<td>9:00 p.m.</td>
<td>--</td>
<td>--</td>
<td>42%</td>
<td>25</td>
</tr>
<tr>
<td>10:00 p.m.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>11:00 p.m.</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

3. **Aisle Width for Parking Angles Not Shown.** For parking angles not shown in Table 15.04.607.060, the required aisle width shall be interpolated from the values in the table. For example, for a parking angle of 70 degrees, which is two-thirds of the increment between 60 degrees and 75 degrees, the required one-way aisle width is 18 feet eight inches, which is two-thirds of the increment between the required aisle widths for 60 degree parking and 75 degree parking, 16 feet and 20 feet respectively.
4. **Alternate Maneuvering Aisle and Parking Space Widths.** For parking angles equal to or greater than 45 degrees and less than 90 degrees, one-way aisle width may be decreased by three inches for each one-inch increase in stall width, up to a maximum stall width of nine feet two inches. For 90 degree parking, one-way and two-way aisle width may be decreased by three inches for each one-inch increase in stall width, up to a maximum stall width of nine feet two inches and a minimum aisle width of twenty-two feet.

5. **Two-Way Modules.** Table 15.04.607.060 provides the dimensions for parking modules with one-way traffic. For parking modules with two-way traffic, add the difference in width between a two-way aisle and a one-way aisle. For example, for a two-way module with a parking angle of 45-degrees, add eight feet, which is the difference between a two-way aisle (20 feet) and a one-way aisle (12 feet).

6. **Overhang.** Parking stall lengths, except for parallel spaces, may be reduced by two feet where the parking stall is designed to abut a landscaped area a minimum of five feet wide, such that the front of the vehicle can overhang the landscaped area.

7. **Spaces Abutting Walls or Posts.** For each side of a parking space abutting a wall or post, an additional foot of width shall be required.

---

**FIGURE 15.04.607.060: PARKING LAYOUT**
**TABLE 15.04.607.060: PARKING DIMENSIONS**

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width</th>
<th>Stall Length</th>
<th>Aisle Width</th>
<th>Stall Depth</th>
<th>Module (one-way)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Regulatory</td>
<td>Calculated for Reference</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Stall Width</td>
<td>Stall Length</td>
<td>One-Way</td>
<td>Two-Way</td>
<td>Stall Width Parallel to Aisle</td>
</tr>
<tr>
<td>Parallel</td>
<td>8'-0&quot;</td>
<td>20'-0&quot;</td>
<td>12'-0&quot;</td>
<td>20'-0&quot;</td>
<td>- -</td>
</tr>
<tr>
<td>30°</td>
<td>8'-0&quot;</td>
<td>18'-0&quot;</td>
<td>12'-0&quot;</td>
<td>20'-0&quot;</td>
<td>16'-0&quot;</td>
</tr>
<tr>
<td>45°</td>
<td>8'-6&quot;</td>
<td>18'-0&quot;</td>
<td>12'-0&quot;</td>
<td>20'-0&quot;</td>
<td>12'-0&quot;</td>
</tr>
<tr>
<td>60°</td>
<td>8'-6&quot;</td>
<td>18'-0&quot;</td>
<td>16'-0&quot;</td>
<td>20'-0&quot;</td>
<td>9'-10&quot;</td>
</tr>
<tr>
<td>75°</td>
<td>8'-6&quot;</td>
<td>18'-0&quot;</td>
<td>20'-0&quot;</td>
<td>20'-0&quot;</td>
<td>8'-10&quot;</td>
</tr>
<tr>
<td>90°</td>
<td>8'-6&quot;</td>
<td>18'-0&quot;</td>
<td>24'-0&quot;</td>
<td>24'-0&quot;</td>
<td>8'-6&quot;</td>
</tr>
</tbody>
</table>

Notes:
1 One side is interlocking and the other side is non-interlocking, similar to the parking layout illustrated in Figure 15.04.607.060.

**B. Recreation Vehicle Parking Standards.** The off-street parking of operable recreational vehicles, boats and trailers in residential districts shall be allowed as follows:

1. No recreational vehicle, boat or trailer that exceeds 2.5 tons in dry weight, 36 feet in length or 14 feet in height, not including rooftop equipment, shall be parked, stored or loaded in a Residential zoning district.

2. Permitted recreational vehicles may be parked, stored or loaded on an approved parking space, in any location in which passenger vehicles may be parked, stored or loaded, as long as it does not block the sidewalk and/or driveway. Further, recreational vehicles may be parked, stored or loaded in other location as indicated below, provided that no other location on the site ordinarily available for vehicle parking can accommodate the recreational vehicle because access to those locations is blocked by a permanent building element such as a structural wall, an eave or a roof. These locations are:

a. In areas blocking access to required parking spaces, provided that the spaces being blocked are for a single-family dwelling only and the owner of the recreational vehicle resides in that dwelling; and

b. In the side yard setback area, provided that:

i. The recreational vehicle is located as far as physically feasible from the side lot line, consistent with requirements for light and ventilation into adjoining rooms.

ii. The recreational vehicle is located as far to the rear of the lot as is physically consistent with maintaining access to the garage.
C. **Location of Parking Areas.** Excerpt as provided for off-site parking, required parking spaces must be located on the same lot as the use to be served by the parking. Additionally, parking areas shall be located in accordance with the following standards:

1. No vehicle shall be required to cross a loading space or another parking space in order to gain access to a required parking space, except for any tandem parking permitted.

2. No off-street parking shall be located in required front or street side yards.

3. No off-street parking spaces shall be located between the front lot line and the front wall of a building or its projection across the lot, except upon the granting of an administrative use permit. To grant such a use permit, the Zoning Administrator must make the following findings in addition to the findings otherwise required:
   a. That there is no other feasible way to provide the required parking;
   b. That all applicable provisions of the design standards have been met;
   c. That the applicable landscaping and screening requirements have been met; and
   d. That on-street parking availability is limited, such that accommodation of all auto access and vehicle parking demand on-street is impractical.

D. **Driveways and Access.**

1. **Driveway Width.**
   a. Parking facilities containing fewer than 15 required parking spaces shall have only a single driveway of no less than nine feet and no more than 10 feet in width.
   b. Parking facilities containing 15 or more required parking spaces may have one lane driveways of no less than nine feet and no more than 10 feet in width, and two-lane driveways of no less than 18 feet and no more than 20 feet in width.

2. **Vehicle Flow.**
   a. Except for those serving four or fewer residential units, all parking areas shall be designed so that a motor vehicle leaving the parking area will enter the public right-of-way traveling in a forward direction.
   b. Parking areas shall be designed so that a vehicle will not have to enter a public right-of-way to move from one location to another within the parking area.

E. **Surface.** All outdoor parking spaces, driveways, and maneuvering areas shall be designed, built and permanently maintained to avoid dust, mud and standing water.
and to maximize permeability. These surfaces may include pervious pavements, sand-set pavers, supported turf systems, and vegetation. A combination of surfaces may be used; for example, two track driveways of concrete strips with pervious areas between the strips and on the edges.

1. **Cross-grades.** Cross-grades shall be designed for slower stormwater flow and to direct stormwater toward landscaping, bio-retention areas, or other water collection/treatment areas.

2. **Landscaping Alternative.** Up to two feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving.

3. **Permeable Paving.** Permeable paving shall be used in all overflow parking areas and installed in accordance with manufacturer recommended specifications.

4. **Turf Grids/Grassy Pavers.** Turf grids/grassy pavers shall be installed in areas of low traffic or infrequent use wherever feasible.

F. **Striping and Marking.** In all parking facilities with four or more spaces, each parking space shall be clearly striped with paint or similar distinguishable material, except that the Zoning Administrator may approve alternate means of marking spaces.

G. **Perimeter Curbing.** A six-inch wide and six-inch high concrete curb shall be provided along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.

H. **Separation from On-Site Buildings.** Parking areas must be separated from the front and side exterior walls of on-site buildings by walkways a minimum of four feet in width. Commercial buildings with 25,000 square feet or more of gross floor area must be separated from on-site parking on all sides by a walkway a minimum of five feet in width, as well as a planter area at least three feet in width. These requirements do not apply to parking areas containing five or fewer spaces.

I. **Heat Island Reduction.** A heat island is the increase in ambient temperature that occurs over large paved areas compared to natural landscape. In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, of light colored materials with a Solar Reflectance Index of at least 29, or a combination of shading and light colored materials.

   1. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years.

   2. Trees shall be selected from a list maintained by the Parks Division.
J. **Vertical Clearance.** All covered parking shall have a minimum vertical clearance of seven feet six inches except for spaces in parking lifts; the minimum vertical clearance for disabled parking shall be as required by the Building Code.

K. **Slope.** The maximum slope of parking facilities shall be as set forth below unless the Zoning Administrator approves a greater slope based upon the advice of a California-registered civil engineer or other qualified professional.

1. **Parking Spaces.** All parking spaces and abutting access aisles shall have a maximum slope of five percent measured in any direction.

2. **Driveways and Ramps.** The maximum slope of any driveway or ramp shall be 20 percent. If the slope of such driveway or ramp exceeds 10 percent, transitions shall be provided at each end not less than eight feet in length and having a slope equal to one-half the driveway or ramp slope.

L. **Tandem Parking.** Required parking may be arranged as tandem spaces; provided, that pairs of spaces in tandem are assigned to the same residential unit or to employees of the same nonresidential establishment, or that a full-time parking attendant supervises the parking arrangements during periods of peak demand for the uses served. The required stall width, stall length, and aisle width shall apply to tandem spaces, except that the stall length shall be doubled for each pair of tandem spaces.

M. **Parking Lifts.** Required parking may be provided in parking lifts; provided, that if it is necessary to remove one vehicle from the lift to access another vehicle, the parking shall be subject to the provisions applicable to tandem parking. Parking lifts allowing each vehicle to be independently accessed have no such restrictions. The dimensional standards for 90-degree parking shall apply to parking lifts, including the requirement for an aisle of 24 feet. Exterior parking lifts shall be screened from public view.

N. **Landscaping and Screening.** Landscaping of parking areas shall be provided and maintained according to the general standards of Article 15.04.613 (Water-Efficient Landscaping), as well as the standards of this subsection for all uses except Single-Unit Dwellings and Duplexes.

1. **Landscape Area Required.** A minimum of 10 percent of the interior of any parking lot area shall be landscaped.

2. **Minimum Planter Dimension.** No landscape planter that is to be counted toward the required landscape area shall be smaller than 25 square feet in area, or four feet in any horizontal dimension, excluding curbing.

3. **Layout.** Landscaped areas shall be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:

   a. Landscaped planting strips at least four feet wide between rows of parking stalls;
b. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;

c. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and

d. On-site landscaping at the parking lot perimeter.

4. **Required Landscaped Islands.** A landscaped island at least six feet in all interior dimensions and containing at least one 15-gallon-size tree shall be provided at each end of each interior row of parking stalls and between every six consecutive parking stalls.

5. **Landscaped Buffer for Open Parking Adjacent to Right-of-Way.** A landscaped area at least five feet wide shall be provided between any surface parking area and any property line adjacent to a public street, unless a different dimension is specified in the base district standards applicable to a site.

6. **Landscaped Buffer for Open Parking Abutting Interior Lot Line.** A landscaped area at least three feet wide shall be provided between any surface parking area and any adjacent lot for the length of the parking area.

7. **Landscaped Buffer for Parking Garages.** A parking garage that does not incorporate ground-floor nonresidential or residential use or is not otherwise screened or concealed at street frontages on the ground level, must provide a landscaped area at least 10 feet wide between the parking garage and public street.

8. **Parking Garage Rooftop Planting.** Uncovered parking on the top level of a parking structure shall have rooftop planters with a minimum dimension of 24 inches around the entire perimeter of the top floor.

9. **Trees.**

   a. **Number Required.** One for each five parking spaces.

   b. **Distribution.** Trees shall be distributed relatively evenly throughout the parking area.

   c. **Species.** Tree species shall be selected from a list maintained by the Parks Division.

   d. **Size.** All trees shall be a minimum 15-gallon size with a one-inch diameter at 48 inches above natural grade.

   e. **Minimum Planter Size.** Any planting area for a tree must have a minimum interior horizontal dimension of five feet. Additional space may be required for some tree species.
10. **Protection of Vegetation.**

a. *Clearance from Vehicles.* All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb.
b. **Planters.** All required parking lot landscaping shall be within planters bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.

**FIGURE 15.04.607.060-N(10): PROTECTION OF VEGETATION**

11. **Visibility and Clearance.** Landscaping in planters at the end of parking aisles shall not obstruct driver’s vision of vehicular and pedestrian cross-traffic. Mature trees shall have a foliage clearance maintained at eight feet from the surface of the parking area. Other plant materials located in the interior of a parking lot shall not exceed 30 inches in height.

O. **Screening.** Parking areas shall be screened from view from public streets and adjacent lots in a more restrictive district, according to the following standards.

1. **Height.** Screening of parking lots from adjacent public streets shall be three feet in height. Screening of parking lots along interior lot lines that abut residential districts shall be six feet in height, except within the required front setback of the applicable zoning district, where screening shall be three feet in height.

2. **Materials.** Screening may consist of one or any combination of the methods listed below.

   a. **Walls.** Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Zoning Administrator, and including a decorative cap or top finish as well as edge detail at wall
ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Zoning Administrator.

b. **Fences.** An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.

c. **Planting.** Plant materials consisting of compact evergreen plants that form an opaque screen. Such plant materials must achieve a minimum height of two feet within 18 months after initial installation.

d. **Berms.** Berms planted with grass, ground cover, or other low-growing plant materials.

P. **Lighting (Optional).** Except for those facilities serving four or fewer residential units, all open parking areas shall be provided with exterior lighting meeting the following minimums:

1. The lighting system shall provide not less than one footcandle and not more than five footcandles overall average illumination with a minimum of one-fourth footcandles on the parking surface.

2. All lighting shall be on a time clock or photo-sensor system so as to be turned off during daylight hours and during any hours when the parking area is not in use. This requirement does not apply to security lighting.

3. All parking area lighting shall meet applicable energy efficiency requirements of the Building Code.

4. All lighting shall be designed to confine direct rays to the premises. No light fixture shall emit any direct light above a horizontal plane through the fixture. No spillover beyond the lot line shall be permitted, except onto public thoroughfares.

Q. **Electric Vehicle Charging Stations.** In parking facilities containing 20 or more spaces serving Multi-Unit Residential and Hotels and Motels, at least three percent of parking spaces shall be electric vehicle (EV) charging stations. Such spaces may be counted towards the parking requirements of this Article.

1. **Size.** Electric vehicle charging stations shall be the same size as other spaces, and electric vehicle charging equipment shall not reduce the size of the space.

2. **Signage.** Each electrical vehicle charging station shall be clearly marked with a sign reading “Electrical Vehicle Charging Station” and the associated California Vehicle Code restrictions, and only a vehicle that is connected for electric charging shall be allowed to park in the stalls or spaces so designated.

3. **Equipment.** Electrical vehicle charging stations shall be equipped with electrical outlets, and may also be equipped with card readers, controls, connector devices and other equipment, as necessary for public use.
R. **Parking in Underground Garages in Residential Zoning Districts.** Parking may be located in underground garages and such garages shall not be deemed as obstructions in the required yards in which they are located provided that these garages meet the following requirements:

1. **Driveway and Curb Cut Limitation.** No single curb cut may be more than 20 feet wide and there shall be a minimum of 20 feet between curb cuts on the same lot.

2. **Substantial Roofs.** Substantial roofs suitable for pedestrian use are provided.

3. **Excavations.** The structural extensions into required yards shall be as follows:
   a. *Front yard:* not more than five feet;
   b. *Side yard:* interior, up to full width; street side, not allowed; and
   c. *Rear yard and/or useable open space:* up to a full depth of the yard, but not less than six feet.

4. **Height.** The height of such structures above the natural grade in the areas noted below shall not exceed the following dimensions:
   a. *Front and interior side yard:* three feet; and
   b. *Rear yard:* five feet.

5. **Structural Limitations.** No structure, other than a fence no more than six feet in height, shall be erected or maintained on the roof of an underground garage located in a required interior yard or required useable open space. The garage shall be paved and include bumper guards, drainage facilities, and similar design features.

**15.04.607.070 Alternative Compliance with Parking Requirements**

A. **Alternative Parking Plan.** Where an applicant can demonstrate to the satisfaction of the Planning Commission that variations in the dimensions otherwise required by this Article are warranted in order to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design may be allowed with approval of a conditional use permit. To grant such a conditional use permit, the Planning Commission must make the following findings in addition to the findings otherwise required:

1. That the applicant has convincingly demonstrated that it is physically impossible to provide the required number of parking spaces in conformance with the design standards of Section 15.04.607.060 on the same lot as the principal use to be served by the parking; and

2. That the alternative parking arrangement will be in place at all times during operation of the principal uses to be served by the parking.
B. **On-Street Parking.** Consistently available on-street parking may be counted towards all or a portion of the parking spaces required of each land use and activity proposed in a development application on a one to one basis. To qualify for on-street parking credits, the project applicant must fund completion of an on-street parking inventory and occupancy study, or refer to such a study completed by another project applicant within the preceding two years that provides evidence of the number of on-street parking spaces that are vacant or unoccupied during the hour of combined peak demand for the uses proposed on site, on each block face within two blocks of the project site address. For any one project, a maximum of 50 percent of the total on-street parking supply on the block faces located within a one block walk of the project site, including curbside parking on the project frontage(s), may be counted towards satisfaction of the project's minimum parking requirement.

C. **Off-Site Parking.** Required off-street parking spaces may be located on a remote and separate lot from the lot on which the principal use is located, subject to the following standards:

1. **Zoning District.** Newly constructed off-site parking may not be located in a zoning district in which the principal use served by the parking is prohibited. Off-site parking may be provided within an existing off-street parking facility in any zoning district, provided that a parking study is conducted and approved by the Zoning Administrator establishing the number of parking spaces in the existing facility that are typically unoccupied even during periods of peak parking demand for the uses to which the parking is accessory.

2. **Distance.** Unless a shuttle service is provided, the off-site parking shall be located within 1,500 feet walking distance of the principal use served.

D. **Valet Parking.** Valet parking may be permitted as a means of satisfying all or a portion of the off-street parking requirement. Valet parking may be used to accommodate more parking spaces on the site of the principal use served by the parking than could be accommodated in conformance with the design standards of Section 15.04.607.060. It may also be used to provide off-site parking. No valet parking shall cause interference with the public use of rights-of-way or imperil public safety.

E. **Access and Parking In-Lieu Fees.** As an alternative to providing off-street parking on-site, or off-site as allowed by subsection (C) above, project applicants may elect to pay a fee in-lieu to fund public access and parking improvements. This optional Access and Parking In-Lieu Fee is intended to enable the City to (1) acquire sites for and develop off-street public parking, or to lease unused, or underutilized private parking for public use to accommodate auto access and vehicle storage demand that cannot be addressed either on site, or on-street in the vicinity of the project, or (2) to fund transportation demand management programs and services, and/or public transportation, bicycle, and/or pedestrian facilities and services, as necessary to accommodate an equivalent number of person trips to the site. The fee shall be established by the City Council and administered by the Director on a per...
vehicle trip basis, such that the developer of a nonresidential project contributes
toward the provision of parking and/or non-auto facilities and services
accommodating the same number of person trips to the site as would have been
accommodated by the provision of the minimum number of off-street parking
spaces required by Table 15.04.607.040, as adjusted by other provisions of this
Article. The Zoning Administrator shall determine the vehicle trip generation rate for
each land use or site seeking to use the Access and Parking In-Lieu Fee option with
reference to the vehicle trip generation rates published in the latest edition of the
Institute for Transportation Engineers’ (ITE) Trip Generation Manual, with
adjustments for mixing of uses, density of population and employment, and
proximity to frequent transit service. An Access and Parking in-lieu fee shall be
provided for nonresidential uses only as follows:

1. **Parking In-Lieu Fee Amount.** The amount of the parking in-lieu fee shall be
   as set forth in the Master Fee Schedule.

2. **Deposit of Funds.** Parking in-lieu fees shall be deposited with the City prior
to issuance of a building permit in a separate fund to be known as the Access
   and Parking In-Lieu Fee Fund and shall be used only as described in this
   section.

3. **Refund of Fee.** A parking in-lieu fee may be refunded, without interest, to
   the person who made such payment, or his or her assignee or designee, if
   additional off-street parking spaces are provided for such building or use by
   others than the City, so as to satisfy the parking requirement for which the
   in-lieu payment was made. To obtain a refund, the required off-street parking
   spaces must be in place prior to issuance of a Certificate of Occupancy and
   before funds are spent or committed by the City.

**15.04.607.080 Bicycle Parking**

A. **General Requirements.** Short-term publicly accessible bicycle parking for visitors,
   and long-term secured bicycle parking for building occupants, shall be required
   when:

1. A building is constructed;

2. An existing building, including a legal nonconforming structure, is enlarged
   by more than 10 percent for any purpose; or

3. The use of any building or portion thereof is changed to one requiring the
   issuance of a conditional use permit and then only to that portion of the
   building subject to the change of use.

B. **Exemptions.** No bicycle parking is required for Single Unit or Two Unit (duplex)
dwellings.

C. **Space Required.** The minimum number of bicycle parking spaces required and
   related facilities that must be provided for specific land uses are listed in Table
   15.04.607.080. For uses not listed in the table, one short-term bicycle parking space
and one long-term bicycle parking space shall be provided for every 20 motor vehicle parking spaces provided on-site (either shared or reserved).

### TABLE 15.04.607.080: BICYCLE PARKING STANDARDS

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Short-Term Parking; Class 2 Space</th>
<th>Long-Term Parking; Class 1 Space</th>
<th>Showers</th>
<th>Personal Lockers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office and Research &amp; Development</td>
<td>The greater of 1 per 10,000 sq. ft. or 4</td>
<td>The greater of 1 per 2,000 sq. ft. or 4</td>
<td>1 unisex per 40,000 sq. ft. plus 1 for each additional 20,000 sq. ft.</td>
<td>Provided for at least 75% of the long-term bicycle parking spaces provided</td>
</tr>
<tr>
<td>Convenience Markets; Retail Sales; Business Services; Finance, Insurance and Real Estate Services; Personal Services</td>
<td>The greater of 1 per 5,000 sq. ft. or 2</td>
<td>The greater of 1 per 5,000 sq. ft. or 2</td>
<td>1 unisex required per 20 full time employee equivalents (FTE) as estimated by City upon development application. Uses with less 5,000 sq. ft. or fewer than 20 FTE, as determined by the City are exempt.</td>
<td>Provided for at least 75% of long-term bicycle parking spaces provided. Uses with less 5,000 sq. ft. or fewer than 20 FTE, as determined by the City are exempt.</td>
</tr>
<tr>
<td>Eating &amp; Drinking Establishments</td>
<td>The greater of 1 per 750 sq. ft. or 2</td>
<td>The greater of 1 per 7,500 sq. ft. or 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Multi-Unit Dwellings; Live-Work Units</td>
<td>1 plus 1 for every 20 units</td>
<td>1 per unit</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Group Housing</td>
<td>2 plus 1 per 100 beds</td>
<td>1 per 4 beds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>Minimum 8 spaces</td>
<td>0.25 spaces per room</td>
<td>1 unisex required per 20 FTE as estimated by City upon development application. Uses with less than 20 FTE exempt.</td>
<td>75% of long-term bicycle parking spaces provided. Uses with less 5,000 sq. ft. or fewer than 20 FTE, as determined by the City are exempt.</td>
</tr>
<tr>
<td>Community Assembly; Cultural Facility; Social Service Center</td>
<td>The greater of 1 per 2,500 sq. ft. or 2</td>
<td>The greater of 1 per 5,000 sq. ft. or 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools</td>
<td>2 Class 1 spaces per classroom plus 1 Class 2 space per classroom</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mixed-Use</td>
<td>The sum of the requirements for individual uses.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
D. Standards for All Bicycle Parking.

1. Class 1 Long-Term Bicycle Parking Spaces. Class 1 spaces shall be located with direct access for bicycles without requiring use of stairs. The location of such spaces shall allow bicycles users to ride to the entrance of the space or the entrance of the lobby leading to the space. The design shall provide safe and convenient access to and from bicycle parking facilities. Use of elevators to access Class 1 spaces shall be minimized. In residential buildings, Class 1 space shall not be provided within dwelling units, on balconies, or in required outdoor living area. Class 1 bicycle parking shall be located:

   a. On the ground floor within 100 feet of a major entrance to the lobby. There shall be either: (i) convenient access to and from the street to the bicycle parking space and another entrance from the bicycle parking space to the lobby area, or (ii) a minimum five foot wide hallway or lobby space that leads to the bicycle parking entrance, where direct access to bicycle parking space from the street does not exist. Such access route may include up to two limited constriction points, such as doorways, provided that these constrictions are no narrower than three feet wide and extend for no more than one foot of distance.

   b. In a structured parking facility, on the first level of automobile parking either above or below grade, near elevators or other pedestrian entrances to the facility.

2. Class 2 Short-Term Bicycle Parking Spaces. Class 2 spaces shall be located, as feasible, near all main pedestrian entries to the use to which they are accessory. Class 2 bicycle parking may be on a sidewalk or in place of an on-street auto parking space, within 100 feet of a main entry to the building, subject to approval of the Director of the Department of Transportation. If existing Class 2 bicycle parking in the required quantities already exists in a public right-of-way immediately fronting a project site, and such spaces are not satisfying bicycle parking requirements for another use, such parking shall be deemed to meet the Class 2 requirement for that project.

3. Design and Installation.

   a. A bicycle parking space shall be in a paved, level, drained, lighted area with access to a right-of-way without the use of stairs, and shall consist of either:

      i. One side of a securely fixed rack element that supports the bicycle upright by its frame, prevents the bicycle from tipping over, and allows the frame and at least one wheel to be locked to the rack element with one lock; or

      ii. For Class 1 long-term parking only, a bicycle locker constructed of theft-resistant material with a lockable door
which opens to the full width and height of the locker. Bicycle lockers shall be weather-proof if exposed to the elements; or

iii. For Class 1 long-term bicycle parking only, wall-mounted racks or wall- or ceiling-mounted hooks so that bicycles may be hung vertically.

b. Each bicycle parking space shall be no less than 15 inches wide, by six feet deep, with an overhead clearance of no less than seven feet. This can be satisfied by placing racks, each of which supports two bicycles, 30 inches apart.

c. Each row of bicycle parking spaces shall be served by an aisle no less than four feet wide. Rack elements must be placed two feet from walls, fences or curbs.

d. Required bicycle parking may not be tandem; parking or removing a bicycle shall not require moving another parked bicycle.

e. Bicycle rack elements shall be fixed, securely anchored to the ground or to a structure by means that resist tampering or removal. Bicycle locker edges shall be secured with no exposed fittings or connectors. The Zoning Administrator may specify preferred installation methods, such as, but not limited to, embedded mounting in poured-in-place concrete, recessed bolt heads or grouted-in anchoring.

4. **Location.**

a. Direct access from the bicycle parking to the public right-of-way shall be provided by means of access ramps, if necessary, and pedestrian access from the bicycle parking area to the building entrance shall also be provided.

b. Where bicycle parking is not directly visible and obvious from the right-of-way, signs shall be provided, except that directions to long-term bicycle parking may be posted or distributed by the building management, as appropriate.

c. Bicycle parking must be separated from automobile parking by a sufficient distance to prevent damage from moving automobiles or their loading and unloading. The Zoning Administrator may require a barrier or curb between bicycle and automobile parking areas on constrained sites.

d. Bicycle parking may be provided inside a building provided it is easily accessible from a building entrance and a bicyclist does not have to use stairs to reach it.

e. The placement of bicycle parking, bicycle rack elements and bicycle lockers shall not interfere with pedestrian circulation.
E. **Removal of Abandoned Bicycles.** Property owners shall remove abandoned bicycles from short-term and long-term parking associated with their property on a quarterly basis after posting a notice of removal warning on such bicycles for one month. This requirement shall not preclude provision of seasonal bicycle storage.

15.04.607.090  Loading Spaces

A. **Number of Spaces Required.**

1. **None Required.** No off-street loading spaces are required for uses for which the estimated parking demand is “none.” In addition, no off-street loading spaces are required for Single Unit or Two Unit (duplex) dwellings.

2. **Requirement “To Be Determined.”** The off-street loading requirement for uses for which the estimated parking demand is “To be determined” (“TBD”) shall be determined in the same manner in which the estimated parking demand is determined.

3. **All Other Uses.** The off-street loading requirement for all other uses shall be as set forth in Table 15.04.607.090-A.

<table>
<thead>
<tr>
<th>TABLE 15.04.607.090-A: LOADING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use Type</strong></td>
</tr>
<tr>
<td>----------------</td>
</tr>
<tr>
<td><strong>Residential Use Types</strong></td>
</tr>
<tr>
<td>Multi-Unit</td>
</tr>
<tr>
<td>Less than 50 units</td>
</tr>
<tr>
<td>50 to 149 units</td>
</tr>
<tr>
<td>150 to 300 units</td>
</tr>
<tr>
<td>Each additional 300 units or fraction of one-half or more thereof</td>
</tr>
<tr>
<td><strong>Commercial and Institutional Use Types</strong></td>
</tr>
<tr>
<td>Offices – All</td>
</tr>
<tr>
<td>Less than 25,000 gross square feet</td>
</tr>
<tr>
<td>25,000 to less than 100,000 gross square feet</td>
</tr>
<tr>
<td>100,000 to less than 200,000 gross square feet</td>
</tr>
<tr>
<td>Each additional 100,000 gross square feet or fraction of one-half or more thereof</td>
</tr>
<tr>
<td><strong>All Other</strong></td>
</tr>
<tr>
<td>Less than 10,000 gross square feet</td>
</tr>
<tr>
<td>10,000 to less than 20,000 gross square feet</td>
</tr>
<tr>
<td>20,000 to less than 40,000 gross square feet</td>
</tr>
<tr>
<td>40,000 to less than 80,000 gross square feet</td>
</tr>
<tr>
<td>Each additional 40,000 gross square feet or fraction</td>
</tr>
</tbody>
</table>
**TABLE 15.04.607.090-A: LOADING REQUIREMENTS**

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Number of Spaces</th>
<th>Size (See (B) below)</th>
</tr>
</thead>
<tbody>
<tr>
<td>of one-half or more thereof</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Industrial Use Types</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Research and Development</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 25,000 gross square feet</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>25,000 to less than 100,000 gross square feet</td>
<td>1</td>
<td>medium</td>
</tr>
<tr>
<td>100,000 to less than 200,000 gross square feet</td>
<td>2</td>
<td>medium</td>
</tr>
<tr>
<td>Each additional 100,000 gross square feet or fraction of one-half or more thereof</td>
<td>1</td>
<td>large</td>
</tr>
<tr>
<td><strong>All Other</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 10,000 gross square feet</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>10,000 to less than 25,000 gross square feet</td>
<td>1</td>
<td>medium</td>
</tr>
<tr>
<td>25,000 to less than 50,000 gross square feet</td>
<td>1</td>
<td>large</td>
</tr>
<tr>
<td>50,000 to less than 100,000 gross square feet</td>
<td>2</td>
<td>large</td>
</tr>
<tr>
<td>100,000 to less than 200,000 gross square feet</td>
<td>3</td>
<td>large</td>
</tr>
<tr>
<td>Each additional 100,000 gross square feet or fraction of one-half or more thereof</td>
<td>1</td>
<td>large</td>
</tr>
</tbody>
</table>

B. **Size of Spaces.** The size of each type of loading space shall be as follows:

1. **Small.** Small loading spaces shall have a width of no less than 10 feet, a length of no less than 25 feet, and a vertical clearance of no less than eight feet.

2. **Medium.** Medium loading spaces shall have a width of no less than 12 feet, a length of no less than 35 feet, and a vertical clearance of no less than 14 feet.

3. **Large.** Large loading spaces shall have a width of no less than 12 feet, a length of no less than 50 feet, and a vertical clearance of no less than 14 feet.

C. **Modifications.** In approving a project, the Zoning Administrator or the Planning Commission, as the case may be, may modify the number and size of loading spaces required because of the nature of the use or the design of the project.

D. **Maneuvering Areas.** All off-street loading spaces shall be designed and located so that there is sufficient off-street maneuvering area to accommodate vehicles using the loading spaces. Maneuvering areas shall be designed to accommodate the largest vehicle intended to use the loading spaces and shall not be encumbered by parking stalls or physical obstructions.

E. **Surface and Maintenance.** Loading spaces and the maneuvering areas and driveways serving them shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic.
volumes and weights; properly graded for drainage; and maintained in good
condition free of weeds, dust, trash, and debris.

F. **Location.** Loading spaces shall be located on the same lot on which the use for
which they are required is located, except that, upon the granting of a conditional use
permit, loading spaces may be provided in a common loading area serving multiple
adjacent uses and located on an adjacent lot within 300 feet of the lot on which the
use requiring the loading spaces is located. To grant such a conditional use permit,
the Planning Commission shall make the following findings in addition to the
findings otherwise required:

1. That the common loading area results in a more efficient design than
   individual loading areas serving each use separately;

2. That the total number of loading spaces provided in the common loading
   area is no less than the number of loading spaces that would be required if
   the uses served were located in a single facility; and

3. That the common loading area will be in place at all times during operation
   of the principal uses to be served by the loading spaces.

G. **Access to Tenant Spaces Served by Loading Spaces.** Buildings served by loading
spaces shall be designed such that there is a direct interior path of travel between the
loading spaces and each tenant space served by the loading spaces of sufficient width
and height to accommodate all material to be loaded and unloaded.

H. **Availability and Utilization of Loading Spaces.** All loading spaces shall be made
readily available to pick-up and delivery vehicles during all hours when pick-ups and
deliveries are allowed. Owners of property containing such loading spaces shall be
responsible for advising drivers of pick-up and delivery vehicles of the location and
hours of such loading spaces, shall require drivers to use such loading spaces, and
shall not allow pick-up and delivery vehicles to be loaded in the public right-of-way.

I. **Landscaping and Screening.** All loading spaces and the maneuvering areas and
driveways serving them shall be landscaped and/or screened as required by this
Article.

J. **Lighting.** All exterior loading spaces and the maneuvering areas and driveways
serving them shall be provided with lighting meeting the minimums established for
parking areas.
Article 15.04.608   Performance Standards

Sections:
15.04.608.010   Purpose and Applicability
15.04.608.020   General Requirements
15.04.608.030   Bird-Safe Buildings
15.04.608.040   Construction Management
15.04.608.050   Fire Hazards
15.04.608.060   Liquid or Solid Waste
15.04.608.070   Odor, Particulate Matter and Air Contaminants
15.04.608.080   Vibration

15.04.608.010   Purpose and Applicability
The purpose of this Article is to establish performance standards to protect the public health and safety and ensure that all land uses and development do not produce adverse impacts on surrounding neighborhoods and uses, and the community at large. The standards contained in this Article apply to all zoning districts.

15.04.608.020   General Requirements
Land or buildings cannot be used or occupied in a manner creating any dangerous, injurious, or noxious conditions, chemical fires, explosive, or other hazards that could adversely affect the surrounding area. If necessary, the Zoning Administrator will retain a professional expert or designated regulatory agency to assist in assessing possible impacts, and any cost incurred will be paid by the applicant or business owner.

15.04.608.030   Bird-Safe Buildings
A.   Purpose. The purpose of this Section is to establish bird-safe glazing treatment standards for new building construction and replacement facades to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be “bird hazards.” The two circumstances regulated by this section are: 1) location-related hazards, where the siting of a structure creates increased risk to birds; and 2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located.

B.   Exceptions.
1.   Limited Glass Façade. Residential buildings that are less than 45 feet in height and have an exposed façade comprised of less than 50 percent glass are exempt from new or replacement façade bird-safe glazing requirements.

2.   Substantial Glass Façade. Residential buildings that are less than 45 feet in height but have a façade with surface area composed of more than 50 percent glass, shall provide bird-safe glazing treatments for 90 percent of all large, unbroken glazed segments that are 24 square feet or larger.
3. **General Exceptions for Historic Buildings.** Bird-safe treatment of replacement glass facades for structures designated as City landmarks or within designated historic districts as shown on the Zoning Map is not required. Reversible treatment methods, such as netting, glass films, grates and screens, are recommended for bird collision zones, as defined below.

C. **Bird-Safe Glazing Treatment.** Bird-safe glazing treatment may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing, or UV patterns visible to birds. To qualify as Bird-Safe Glazing Treatment, vertical elements of the window patterns shall be at least one-quarter inch wide at a minimum spacing of four inches, and horizontal elements at least one-eighth inch wide at a maximum spacing of two inches. No glazing proposed as having a bird-safe treatment shall have a visible light reflectance exceeding 10 percent.

D. **Standards.**

1. **Location-Related Standards.** These standards apply to new buildings with a floor area of 10,000 square feet or more that are two stories or more in height and located within or adjacent to open spaces two acres and larger in size that are dominated by open water or vegetation, including vegetated landscaping, forest, meadows, grassland, and wetlands.
   
   a. **Facade Requirement.** Bird-safe glazing treatment is required such that a bird collision zone facing the open space consists of at least 80 percent bird-safe glazing. To the extent feasible, buildings shall be designed to locate permitted transparent glazing, which is not considered bird-safe, on the ground floor and at lobby entrances to enhance visual interest for pedestrians. For purposes of this requirement, a “bird collision zone” shall mean the portion of buildings most likely to sustain bird-strikes from local and migrant birds in search of food and shelter and includes:
      
      i. Glass facades beginning at grade and extending upwards for 60 feet; and

      ii. Glass facades directly adjacent to landscaped roofs two acres or larger in area and extending upwards 60 feet from the level of the roof.

   b. **Lighting.** No uplighting shall be used in bird collision zones.

2. **Feature-Related Standards.** Feature-related hazards include free-standing glass walls over 15 feet in height and 30 feet in length, glass wind barriers, skywalks, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size. Feature-related hazards can occur throughout the City. Any structure that contains these elements shall treat 100 percent of the glazing so that it is bird-safe.
E. **Conflict with Other Codes.** If any of the requirements of this section conflict with provisions in the City’s Building and Fire Codes, the provisions of the California Code of Regulations Title 24, as amended by the City, shall prevail.

15.04.608.040 **Construction Management**

During the construction of a project, all portions of the site shall be watered as necessary to reduce emissions of dust and other particulate matter, and all stockpiles shall be covered. Streets and sidewalks shall be made dirt free at the completion of construction. All construction and transport equipment shall be muffled in accordance with State and federal laws. Construction and transport equipment shall be operated so as to minimize exhaust emissions. Grading and pile driving operations within 1/4 mile of residential units shall be limited to between 8 a.m. and 5 p.m. on weekdays, or as otherwise restricted as part of an approval. All water run-off from construction sites shall be controlled. During construction, trucks and equipment should be running only when necessary.

15.04.608.050 **Fire Hazards**

The storage, use, transportation or production of products which, either in the raw or finished state, constitute a flammable or explosive material shall be subject to approval of the Fire Department. Fire Department personnel may, without prior notice, visit and observe operations on the site and any directives issued by said personnel shall be satisfied in a timely manner. Burning of waste materials in open fires or unapproved incinerators is prohibited.

15.04.608.060 **Liquid or Solid Waste**

The use, handling, storage and transportation of waste materials, including hazardous wastes, shall comply with the provisions of the California Hazardous Materials Regulations and any other applicable laws. Discharge at any point into a public or private sewage disposal system, stream, or the ground, of any material which could contaminate any water supply, or otherwise cause the emission of dangerous or offensive elements is prohibited. No exceptions are allowed unless in accordance with regulations, licenses or approvals of the various local and state agencies having jurisdiction over such activities.

15.04.608.070 **Odor, Particulate Matter and Air Contaminants**

No continuous, frequent or repetitive odors are permitted that are perceptible on or beyond adjacent lot lines or in the public right-of-way. An odor detected no more than a total of 15 minutes in any one day shall not be deemed to be continuous, frequent or repetitive for this regulation. No dust or particulate matter shall be emitted that is detectable at zoning district boundary lines or property lines by a reasonable person without instruments. Exhaust air ducts shall be located or directed away from abutting residentially-zoned properties.

15.04.608.080 **Vibration**

Machinery used for manufacturing and industrial processes, including oil and gas collection, processing and distribution must be designed and housed to ensure that vibration will be reduced to a minimum amount discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.
Article 15.04.609  Signs

Sections:
15.04.609.010  Title and Purpose
15.04.609.020  Relation to the Zoning Ordinance
15.04.609.030  Applicability; Severability; Enforcement Authority
15.04.609.040  Sign Types and Definitions
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15.04.609.100  Sign Regulations by Zoning District
15.04.609.110  Readerboard and Electronic Message Center Signs
15.04.609.120  Temporary Signs
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15.04.609.170  Master Sign Program
15.04.609.180  Variances
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15.04.609.200  Uniform Sign Code Adopted
15.04.609.210  Sign Maintenance
15.04.609.220  Nonconforming Signs
15.04.609.230  Violations; Declaration of a Nuisance; Abatement

15.04.609.010  Title and Purpose

This Article shall be known as the Sign Article of the City of Richmond. The purpose of this Article is to regulate signs as an information system that preserves and enhances the aesthetic character and environmental values of Richmond, its residential neighborhoods, its Downtown, and commercial/industrial areas. These regulations recognize the importance of business activity to the economic vitality of the City as well as the need to protect the visual environment. More specifically, this Article is intended to achieve the following objectives:

A.  To implement the purposes, policies and programs of the Richmond General Plan and adopted Specific Plans;

B.  To promote and maintain strong commercial and industrial centers and corridors and their property values by regulating the size, location, design, and illumination of signs, thereby avoiding unsightly signs that are incompatible in design and detract from the aesthetics of these centers and corridors;
To protect and enhance the character of residential neighborhoods and their property values, by avoiding the erection of signs that are grossly incompatible with their surroundings;

D. To provide adequate opportunity for the exercise of free speech by display of a message or image on a sign, while balancing that opportunity with other public interests;

E. To improve the visual appearance of city streets and the image of the city derived by residents and visitors;

F. To ensure that commercial signs are accessory or auxiliary to a principal business on the site, rather than functioning as general advertising for hire;

G. To protect public safety by ensuring that signs are not constructed, located, erected, and maintained in a hazardous manner and do not distract motorists and other users of streets and highways;

H. To restrict signs that may create visual clutter or a nuisance to nearby properties, violate privacy, or create hazards for pedestrians and drivers;

I. To protect the rights of residents and businesses to communicate ideas and messages through signage as guaranteed by the United States and California constitutions; and

J. To provide clear, objective guidelines for minimizing the visual clutter of signs and maintaining the aesthetic integrity of Richmond neighborhoods and shopping districts.

15.04.609.020 Relation to the Zoning Ordinance

This Article is incorporated into the Zoning Ordinance of the City of Richmond, and any term not defined in this Article has the same definition and the same meaning as it has in the Zoning Ordinance.

15.04.609.030 Applicability; Severability; Enforcement Authority

This Article regulates signs that are located or mounted on private property within the jurisdictional boundaries of the City of Richmond. The provisions in this Article apply in all Zoning Districts within the City and in all areas subject to Specific Plans except as specifically superseded by regulations adopted for individual Specific Plans. No sign within the regulatory scope of this Article shall be erected or maintained anywhere in the City except in conformity with this Article. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause term or word in this Article is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Article.

A. Signs Must Comply with This Article. In all zones, only such signs as are specifically permitted in this Article may be placed, erected, maintained, displayed or used, and the placement, erection, maintenance, display or use of signs shall be subject to all restrictions, limitations and regulations contained in this Article. The placement, erection, maintenance, display or use of all other signs is prohibited.
B. **Design Review Required.** Unless exempt from the requirements of this Article, the design and placement of any permanent sign erected for a non-residential use is subject to design review, and the level of review (Director or Design Review Board) shall be that for the use with which the sign is associated.

C. **Enforcement Authority.** The Zoning Administrator is authorized and directed to enforce and administer the provisions of this Article.

### 15.04.609.040 Sign Types and Definitions

**A-Frame sign** (also known as A-Board sign). A temporary freestanding sign that is composed of two panels hinged at the top and capable of standing on its own frame without external support or attachment. Sandwich board sign and sidewalk sign have the same meaning as A-Frame sign.

**Advertising display, outdoor.** A sign that directs attention to a business, profession, commodity, service or entertainment that is conducted, sold, or offered elsewhere than the lot or parcel where the sign is located. Also known as an Outdoor Advertising Sign and a Billboard.

**Abandoned sign.** A sign remaining in place or not maintained for 30 days that does not provide direction for, advertise, or identify a legally established business, product, or service available on the business premises where the sign is located.

**Animated sign.** A sign with messages that visually change, or images that move or appear to move, flash on or off, wink or blink with varying light intensity, show motion or create the illusion of motion, or revolve to create an illusion of being on or off. This definition does not include traditional barber poles or scoreboards, nor does it include commercial mascots, digital displays, and electronic signs, which are defined separately.

**Awning.** Any structure made of flexible fabric or similar material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

**Awning or canopy sign.** A sign placed on an awning or any other projecting structure made of flexible fabric or similar material covering a metal frame supported by the ground or sidewalk.

**Billboard.** See Advertising display, outdoor.

**Banner sign.** A sign that is painted or printed on lightweight flexible material and hung from a staff or other device by ropes, wires or similar means in a manner to minimize movement. A banner sign may be temporary or permanent.

**Building frontage.** An exterior wall of a building that faces a public street (not including a freeway). If no exterior wall of a building faces a public street, the exterior wall of the
building containing the main entry is the building frontage. The length of frontage shall be measured at the base of the building wall.

**Changeable copy.** A sign copy that is constructed or designed to allow for periodic changes of copy. Examples include signs for an auditorium, theater, school, church, meeting hall, or similar uses characterized by public assembly and changing programs or events, or gas station prices. This definition does not include animated signs or electronic signs.

**Commercial mascot.** A person or animal, whether or not costumed or decorated, intended to serve or function as a commercial advertising device. Includes sign twirlers, sign clowns, human sandwich boards, and persons or animals holding or supporting any sign or advertising device displaying commercial speech or conveying a commercial message. This definition also applies to robotic devices intended to simulate a live person and/or animal.

**Commercial message.** A message on a sign, or portion of a sign, that promotes, informs, or proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or is intended to further discussion in the marketplace of goods and services.

**Copy.** Any letters, numerals, or symbols displayed on a sign face conveying a message to the public.

**Digital display.** A method of displaying a visual image that uses liquid crystal cells or other types of light emitting diodes (LEDs) or their functional equivalent to allow for the message or image to be easily changed, typically by remote control or computer programming. This definition applies to signs displaying a series of still images.

**Electronic Message Center Sign.** A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

**Electronic sign.** A sign that is capable of presenting variable message displays by projecting an electronically controlled pattern and which can be programmed to periodically change the message display. See also Digital display.

**Exempt sign.** A sign which may be legally displayed, erected or maintained, but is not subject to a sign permit requirement.

**Externally illuminated sign.** Any sign that is lit by a light source that is external to the sign directed towards and shining on the face of the sign.

**Face.** That portion of a sign upon which the copy is mounted or displayed.

**Finished grade.** The elevation of the sign site after all site grading is completed.

**Flashing illumination sign.** See Animated sign.
**Freestanding sign.** A sign standing directly on the ground or attached to any support other than a building. Freestanding signs include A-board signs, monument signs, and pylon signs.

**Flag.** A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol, which is capable of movement, or fluttering in moving air or wind.

**General advertising for hire.** The advertising or promoting of other businesses, establishments or causes using methods of advertising, typically for a fee or other consideration, in contrast to self-promotion or on-site advertising.

**Hand-held sign.** A sign that is designed to be held or carried by a person, rather than placed on or in the ground or other support.

**Illuminated sign.** An internally or externally illuminated business sign, which uses a source of light in order to make the message readable and the illumination is maintained at constant intensity, color or pattern during all times the sign is illuminated.

**Inflatable sign.** A form of inflatable device that includes a commercial or noncommercial message displayed, printed, or painted on the surface of an inflatable background, and is primarily installed outside a building. This sign type includes balloon signs.

**Lot.** A parcel, tract, or area of land whose boundaries have been established by a legal instrument, such as a deed or map recorded with Contra Costa County, and is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way.

**Lot equivalent.** Either an area within a site of 5,000 square feet or a lot that is smaller than 5,000 square feet.

**Mansard sign.** A sign attached below the deck line or principal roofline of a mansard roof or similar roof-like façade.

**Marquee sign.** A sign attached in any manner to, made part of, or painted on a hood or permanent construction that projects more than 18 inches from the wall of the building to which it is attached, usually above the entrance.

**Master sign program.** Signage included as part of new building construction or as part of building modification subject to design review by the Zoning Administrator or Design Review Board.

**Mobile billboard.** Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays, or transports any sign or billboard for the primary purpose of advertising a commercial or noncommercial message, or other general advertising for hire.

**Monument sign.** A low-profile freestanding sign erected upon or supported solely by a planter, pedestal base, or similar ground structure approximately the same width as the sign.
and which is designed to incorporate the architectural theme and building material of the building on the premises. Internal supports, poles or pylons, if any, are enclosed by decorative covers or otherwise not exposed to view.

**Moving sign.** A sign any visible portion of which rotates or moves in any way.

**Noncommercial message.** A message or image on a sign, or portion of a sign, which displays noncommercial speech, e.g., commentary or advocacy on topics of public debate and concern. This definition shall be construed and interpreted in light of relevant court decisions. Noncommercial messages do not have a location factor, such as on-site or off-site.

**Nonconforming sign.** A sign lawfully erected and legally existing on the effective date of this Section, or of amendments thereto, but which does not conform to the provisions of this Article.

**On-site sign.** Any sign or portion thereof that identifies, advertises, or attracts attention to a business, product, service, event or activity sold, existing or offered upon the same property or land use as the sign. The off-site/on-site distinction applies only to commercial messages.

**Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention. Flags and banners are not within this definition.

**Permanent sign.** A sign that is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall, or building.

**Portable sign.** A temporary sign that is capable of being moved easily and is not affixed to the ground or a structure. Portable signs include A-Frame (or sandwich board) signs.

**Projecting sign.** A sign other than a wall, roof, or marquee sign that is supported by a building and projects outward therefrom.

**Pylon sign.** A freestanding sign that is supported and in direct contact with the ground or one or more solid, monumental structures or pylons and which typically has a sign face with a vertical dimension that is greater than its horizontal dimension.
**FIGURE 15.04.609.040: PYLON SIGN**

**Readerboard sign.** A sign structure or mounting device on which at least a portion of the display face may be used for changeable copy that may be either non-commercial or commercial, electronic or manual.

**Roof sign.** Any sign supported by or attached to or projecting through the roof of a building or structure, or projecting above the eave line or parapet wall of the building or structure. A sign attached to a mansard roof is not included within this definition, provided it does not project above the eave line of the mansard roof.

**Sign.** A device, structure, or fixture that incorporates graphics, symbols, or written copy that is visible to the public and is intended to communicate information. Graphics, art work, and seasonal decorations that do not relate to the use of a site or structure are not considered signs. A device, structure, or fixture is not “visible to the public” if it is located inside a building or structure and is not visible from a public street, park, walkway, or other public space through a window or building opening. Notwithstanding the generality of the foregoing, the following are not within this definition:

*Architectural features.* Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), that do not perform a communicative function; foundation stones, cornerstones;

*Fireworks, etc.* The legal use of fireworks, candles and artificial lighting not otherwise regulated by this Code;

*Cemetery markers.* Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;

*Certain insignia on vehicles and vessels.* On street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the business of which the vehicle or
vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel;

**Personal Appearance.** Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, and masks, but not including commercial mascots or hand-held signs; and

**Symbols Embedded in Architecture.** Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building, including stained glass windows on churches, carved or bas relief doors or walls, bells, and religious statuary.

**Sign area.** The area contained within a single continuous perimeter enclosing all parts of such sign copy, excluding any structural elements outside the limits of the sign required to support the sign.

**Street frontage.** That portion of a lot that faces a street, road, path or public right-of-way (but not freeway) providing direct pedestrian and/or vehicular access to the lot.

**Temporary sign.** Any sign, banner, pennant, valance or display constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials, with or without a frame, and any other type of sign not permanently attached to the ground or a structure, that is intended to be displayed for a limited period of time only.

**Wall sign.** A sign posted or painted on, suspended from or otherwise affixed in an essentially flat position to the wall of a building.

**Wind sign.** A display of streamers, pennants, whirligigs, windsocks or similar devices made of flexible lightweight material designed to move in response to air pressure. Banner signs and flags are not a wind signs.

**Window sign.** A sign that is posted or painted on or otherwise affixed to and is visible through or upon a window, including signs in the interior of the building, within three feet of a window, intended to be viewed from the exterior of such building.

**15.04.609.050 Rules for Sign Measurement**

A. **Calculation of Sign Area.**

1. **Single-Faced Signs.** Sign area includes the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, trademarks, illustrations, lighted surface, and color. Supporting structures such as sign bases and columns are not included in sign area, provided that they contain no lettering or graphics except for addresses or required tags. The calculation of sign area
for various types of single-faced signs is illustrated in Figure 15.04.609.050-A(1).

**FIGURE 15.04.609.050-A(1): CALCULATION OF SINGLE-FACED SIGN AREA**

2. **Double-Faced Signs.** Where two faces of a double-faced sign are located two feet or less from one another at all points, or located at an interior angle of 45 degrees or less from one another, the area of only one face will be used to determine the sign area. Where the two faces are not equal in size, the larger sign face will be used. Where two faces of a double-faced sign are located more than two feet or 45 degrees from one another, both sign faces will be counted toward sign area. See Figure 15.04.609.050-A(2).
3. **Multi-Faced Signs.** On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) must be summed to determine sign area. In all other situations involving a sign with three or more sides, the sign area will be calculated as the sum of all faces. See Figure 15.04.609.050-A(3), which is the same number as referred to in double-faced sign provision.

4. **Three-Dimensional Signs.** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), may have a sign area that is the sum of two adjacent sides of the smallest cube that will encompass the sign. See Figure 15.04.609.050-A(4).
B. **Calculation of Lot Frontage.** If a lot fronts on two streets, both frontages may be used for calculating the allowable sign area. On lots with three or more frontages on a public street, the length of only two contiguous sides shall be added together to determine allowable sign area. See Figure 15.04.609.050-B.

**FIGURE 15.04.609.050-B: SITES WITH MULTIPLE FRONTAGES**

C. **Calculation of Building Frontage.** Building frontage is the building facade that directly abuts a public street, private street, parking lot driveway, or parking spaces in which main customer access is provided to the business. A building’s frontage is considered continuous if projections or recesses in a building wall do not exceed 10 feet in any direction. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage. See Figure 15.04.609.050-C.
D. **Measuring Sign Height.** The height of a sign is the vertical distance measured from the ground level, at finished grade, directly beneath the sign to the highest point at the top of the sign, including any structural or architectural components of the sign. The height of freestanding signs is measured as the vertical distance from grade at the edge of the right-of-way along which a sign is placed to the highest point of the sign, including any structural or architectural components of the sign. When the grade at the edge of the right-of-way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the right-of-way is not included in determining the sign's overall height.

E. **Measuring Sign Clearance.** Sign clearance is measured as the smallest vertical distance between the finished grade and the lowest point of the sign, including any framework or other embellishments.
15.04.609.060  Exempt Signs

A. **Address signs** that are required by and conform to the Building Code.

B. **Commercial displays on vehicles**, provided that display is not outdoor advertising (“general advertising for hire”) and no changeable copy or special illumination is employed.

C. **Flags** subject to the following standards:
   1. **Location on a lot**: not allowed within any required side yard setbacks.
   2. **Maximum number**: One per lot or lot equivalent.
   3. **Maximum pole height**: 30 feet or the distance from the base of the pole to the closest lot line plus two feet, whichever is less, unless a permit is granted by the Zoning Administrator allowing greater height.
   4. **Maximum size**: 48 square feet
   5. **Pennants, banners, feather banners, strings of ornamental fringes and streamers** are not included in this exemption and are regulated as Temporary Signs.

D. **Interior signs** located entirely within a building or enclosed structure and not visible from the public right of way.

E. **Mobile vendor signs and menu display boards** fixed to mobile vending carts or food trucks that identify or advertise the name, product, or service provided by the vendor. Each mobile vending cart or food truck is limited to a maximum of eight square feet of sign area, plus a menu display board.

F. **Official notices** posted by public officers in performance of their duties.

G. **Public carrier graphics** mounted on buses, taxicabs, limousines and similar vehicles for hire that legally pass through the City.

H. **Signs** less than four square feet in area.
I. Traffic control and danger signs erected by a governmental entity.

J. Window signs in non-residential districts, provided they do not obstruct more than 25 percent of the area of any individual window or more than 10 percent of the total fenestration on the frontage of a building.

<table>
<thead>
<tr>
<th>TABLE 15.04.609.060-J: WINDOW SIGN</th>
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<tbody>
<tr>
<td><strong>Districts Allowed</strong></td>
</tr>
<tr>
<td>C-1</td>
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<td>M-4</td>
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### Dimension

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</thead>
<tbody>
<tr>
<td>Width</td>
<td>5 ft. max.</td>
</tr>
<tr>
<td>Height</td>
<td>3 ft. max.</td>
</tr>
</tbody>
</table>

15.04.609.070 Prohibited Signs

Unless expressly allowed by another section of this Article or other applicable law, the following signs, locations, and materials are prohibited:

A. Animated or Moving Signs. Animated, flashing, blinking, reflecting, revolving, or other similar sign with visibly moving or rotating parts or visible mechanical movement of any kind, unless expressly permitted under this Article. This prohibition does not apply to signs using digital display technology, such as LED (light emitting diodes) or functionally equivalent display methods, which may be permitted, subject to the regulations of this Article.

B. Air-Activated Graphics and Other Attention-Getting Devices. Balloons and air activated graphics that serve as attention-getting devices, made of light-weight fabric or similar material, designed to rotate or move with the wind or activated by forced air, that direct, promote, or that are otherwise designed to attract attention for outdoor advertising purposes are prohibited in all zoning districts.

C. Commercial Mascots. All commercial signs held, posted or attended by commercial mascots, as defined, are prohibited in all zones.

D. Electronic Signs and Digital Displays. All freestanding and building mounted electronic signs and digital displays, including digital billboards, are prohibited,
except for fuel price signs and readerboards and electronic message center signs that meet the standards of this Article. Interior digital displays located within two feet of a window or door are exempt from this prohibition provided they do not exceed more than 20 percent of the allowable area for a window sign.

E. **General Advertising.** Temporary or hand-held signs that publicize or promote other businesses or causes using methods of advertising (in contrast to self-promotion, on-site sales, or on-site advertising). General advertising is also known as “general advertising for hire.”

F. **Outdoor Advertising Displays (“Billboards”).** Signs that display outdoor advertising for hire are prohibited in all zones. Existing billboards may be removed, and may be relocated with approval of a billboard relocation agreement by the City Council consistent with California Business and Professions Code Section 5412 and other applicable state law.

G. **Mobile Billboards.** The City prohibits any person to conduct, or cause to be conducted, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel. The purpose of this prohibition is to eliminate mobile billboard advertising within the City in order to reduce traffic congestion, promote the safe movement of vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the City. This prohibition does not apply to signage on a licensed commercial vehicle that is related to the goods or services provided by the vehicle owner or operator and to public transit/public carrier graphics on properly licensed buses and taxicabs.

**FIGURE 15.04.609.070-G: MOBILE BILLBOARDS**

H. **Outdoor Advertising Displays (“Billboards”).** Signs that display outdoor advertising for hire are prohibited in all zones. Existing billboards may be removed, and may be relocated with approval of a billboard relocate agreement by the City Council.

I. **Roof Signs.** Roof signs, including signs mounted or painted on roofs, except those painted on a flat roof and not visible from the public right of way.
J. **Search Lights and Klieg Lights.** Search and Klieg lights when used as attention attracting devices for commercial uses. They may be allowed with a conditional use permit for special events.

K. **Signs in the Public Right-of-Way without an Encroachment Permit.** Other than government signage, no sign can be placed in the public right-of-way in median strips or islands, sidewalks, on street trees or retaining walls, on bridges, public benches, traffic signals, public fences, street poles, utility poles and equipment, street lighting, traffic signs, or within a railroad right-of-way, unless it has been authorized by an encroachment permit issued by the City.

L. **Signs on Doors, Windows, or Fire Escapes.** Signs shall not be located or installed on any door, window, or fire escape that will prevent free ingress or egress. No sign shall be attached to any standpipe or fire escape, except those required by other codes.

M. **Signs that Create a Traffic Hazard or Affect Pedestrian Safety.** Signs located in such a manner as to constitute a safety hazard or to impede the public use of the public right of way. These signs include but are not limited to:

1. Signs located in such a manner as to constitute a traffic hazard or obstruct the view of traffic or any authorized traffic sign or signal device.

2. Signs that may create confusion with any authorized traffic sign, signal, or traffic control device because their color, design, illumination, location or wording, or use of any phrase, symbol, or character which interferes with, misleads, or confuses vehicular drivers in their use of roads or conflicts with any traffic control sign or device.

3. Signs within five feet of a fire hydrant, street sign, or traffic signal.

4. Signs erected at or near the intersections of public and/or private rights-of-way in such a manner as to create a safety hazard by obstructing clear view of pedestrian and vehicular traffic or encroaching into sight triangles and sight distances, as defined in the Zoning Article.

N. **Signs that Produce Noise or Emissions.** Signs that produce visible smoke, vapor, particles, odor, noise, or sounds that can be heard at the property line, excluding voice units at menu boards and devices for servicing customers from their vehicles,
such as drive up windows at banks or pharmacies, provided these latter units comply with the standards of the City’s Noise Ordinance and with Article 15.04.605.

O. **Snipe Signs.** Signs tacked, nailed, posted, pasted, glued, or otherwise attached to trees, utility poles, government signs, fences, trailers, temporary construction barriers or other supporting structures.

**15.04.609.080 Sign Design Principles**

The following sign design principles shall be used as criteria for review and approval of sign permits and Master Sign Programs.

A. **Architectural Compatibility.** A sign, including its supporting structure, if any, should be designed as an integral design element of a building’s architecture and be architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that covers a window or that spills over “natural” boundaries or architectural features and obliterates parts of upper floors of buildings is detrimental to visual order and will not be permitted. Common indicators of compatibility include:

1. Quality sign design and construction;
2. Proportional size and scale; and
3. Use of materials, shapes and colors that complement the building’s architectural style and the surrounding environment.

B. **Legibility.** The size and proportion of the elements of the sign’s message, including logos, letters, icons and other graphic images, should be selected based on the average distance and average travel speed of the viewer. Sign messages oriented towards pedestrians may be smaller than those oriented towards automobile drivers. Colors chosen for the sign text and/or graphics should have sufficient contrast with the sign background in order to be easily read during both day and night. Symbols and logos can be used in place of words. Substantial contrast should be provided between the color and materials of the background and the letters or symbols to make the sign easier to read in both day and night.

C. **Visibility.** A sign should be conspicuous and readily distinguishable from its surroundings so a viewer can easily see the information it communicates.

D. **Placement.** Often, a building’s architectural details create logical places for signage. Signs should not cover or interrupt architectural details or ornaments of a building’s façade. On buildings with a monolithic or plain façade, signs can establish or continue appropriate design rhythm, scale and proportion. Well-designed and well-located retail signs create visual interest and continuity with other storefronts on the same or adjacent buildings. Signs should not obstruct windows or doors.
15.04.609.090  General Standards for All Signs

A.  **Signs Must Comply with This Article.** In all zones, only such signs as are specifically permitted in this Article may be placed, erected, maintained, displayed or used, and the placement, erection, maintenance, display or use of signs shall be subject to all restrictions, limitations and regulations contained in this Article. The placement, erection, maintenance, display or use of all other signs is prohibited.

B.  **Message Neutrality.** It is the City’s policy to regulate signs in a constitutional manner that is content neutral as to noncommercial messages that are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.

C.  **Maximum Sign Area.** The maximum allowable, permittable sign area on a lot for permanent signs, exclusive of area of exempt signs, is based on the Zoning District in which the sign is located and the type of sign to be installed. The signs allowed and the dimensional standards for individual sign types are established in subsequent sections of this Article.

1.  **Residential Zoning Districts:** 1 ground sign and 1 building sign per lot

2.  **Commercial and P-C Zoning Districts:** 1 square foot of sign area per linear foot of building frontage per frontage.

3.  **Industrial Zoning Districts:** 0.5 square foot of sign area per linear foot of building frontage per frontage.

4.  **Other Zoning Districts:** as established in the Zoning Ordinance.

D.  **Changes to Copy of Approved Signs.** Changes to the copy of approved signs that were legally established and have not been modified so as to become illegal are exempt from permitting pursuant to this Article. Changes to copy do not include changes to the type or level of illumination of an approved sign.

E.  **Message Substitution.** A noncommercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, and any noncommercial message may be substituted, in whole or in part, for any other noncommercial message.

1.  **No Additional Approval.** Such substitution of message may be made without any additional approvals. The purpose of this Section is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.

2.  **Limitations.** This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a noncommercial message.
F. **Rules for Non-Communicative Aspects of Signs.** All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

G. **Sites of Non-Commercial Message Signs.** The onsite/offsite distinction applies only to commercial messages on signs.

H. **Mixed Use Development and Mixed Use Zones.** In any zone where both residential and non-residential uses are allowed, the sign-related rights and responsibilities applicable to any particular use shall be determined as follows: residential uses shall be treated as if they were located where that type of use would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.

I. **Changeable Copy.** Non-electronic changeable copy shall represent no more than 20 percent of the total allowable sign area. Copy shall not be changed more than once every 24 hours.

J. **Illumination.** The illumination of signs, from either an internal or external source, must be designed to avoid negative impacts on surrounding rights-of-way and properties. The following standards apply to all illuminated signs:

1. **Light Intensity.** Sign lighting must not be of an intensity or brightness that will create a nuisance for residential buildings in a direct line of sight to the sign.

2. **Shielding Required.** External light sources must be directed, shielded, and filtered to limit direct illumination of any object other than the sign, according to Table 15.04.609.090-J(2) below.
TABLE 15.04.609.090-J(2): REQUIREMENTS FOR SHIELDING AND FILTERING

<table>
<thead>
<tr>
<th>Fixture Lamp Type</th>
<th>Shielding Required</th>
<th>Filtering Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Pressure Sodium</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>High Pressure Sodium</td>
<td>Fully</td>
<td>None</td>
</tr>
<tr>
<td>Metal Halide</td>
<td>Fully</td>
<td>Yes²</td>
</tr>
<tr>
<td>Fluorescent</td>
<td>Fully²</td>
<td>Yes²</td>
</tr>
<tr>
<td>Quartz ³</td>
<td>Fully</td>
<td>None</td>
</tr>
<tr>
<td>Incandescent Greater than 100W</td>
<td>Fully</td>
<td>None</td>
</tr>
<tr>
<td>Incandescent 100W or less</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>LED</td>
<td>Fully</td>
<td>None</td>
</tr>
<tr>
<td>Mercury Vapor</td>
<td>Not permitted.</td>
<td>N/A (Not permitted.)</td>
</tr>
<tr>
<td>Fossil Fuel</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Glass Tubes filled with neon, argon, or krypton</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Other Sources</td>
<td>As approved by the Director.</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.
2. Warm white natural lamps are preferred to minimize detrimental effects.
3. For the purposes of this Article, quartz lamps are not considered an incandescent light source.
4. Most glass, acrylic, or translucent enclosures satisfy these filter requirements.
5. Outdoor signs constructed of translucent materials and wholly illuminated from within do not require shielding.

3. **Energy Conservation.** Light sources shall be hard-wired fluorescent or compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent lamps are prohibited, except when used in signs of historic character as part of the architectural design.

4. **Light Sources Adjacent to Residential Areas.** Illuminated signs located adjacent to any residential area shall be controlled by a rheostat or other acceptable method to reduce glare that will create a nuisance for residential or mixed use buildings in a direct line of sight to the sign.

K. **Materials.** Signs shall be made of sturdy, durable materials. Paper, cardboard, or other material subject to rapid deterioration can only be used for signs that comply with applicable requirements for temporary signs. Fabric signs are restricted to awnings, canopies, flags, and temporary signs.

L. **Mounting Required.** All permanent signs shall be firmly anchored and comply with all requirements for public safety and building codes.

M. **Permitted Sign Locations.**

1. **Building Signs.** All building signs must be located on and directly parallel to a building wall, canopy fascia or mansard roof directly abutting the use or
2. **Window Signs.** Except for signs painted directly on the exterior surface of the window, all window signs must be located on or within 24 inches of the inner surface of a window directly used by the use or occupancy being identified and be directly facing a parking lot, mall, street, driveway, alley or freeway.

3. **Under Canopy and Shingle Signs.** All under canopy and shingle signs shall be suspended from the underside of a pedestrian canopy or awning directly adjacent to the business identified on the sign or a support attached to and projecting from the building wall. Such signs shall be oriented perpendicular to the adjacent wall of the business being identified and shall be attached with rigid supports of a type and in a manner acceptable to the Building and Safety Division. A minimum clearance of 7 feet shall be maintained between the grade level below the sign and the lowermost portion of the sign except when the sign is projecting over a public right-of-way, in that case the minimum clearance shall be 8 feet.

**FIGURE 15.04.609.090-M(3): UNDER CANOPY AND SHINGLE SIGNS**

4. **Pylon and Monument Signs.** All pylon and monument signs shall be oriented toward a parking lot, mall, street, driveway or alley. Such signs shall be situated on the lot or parcel on which the use or occupancy identified is located, except in a commercial, office or industrial complex where such a sign may be located on any lot or parcel in the complex where the use or occupancy identified is located.
5. **Sign Projection from a Building Face.** Building signs shall not project more than 12 inches from the face of the building on which they are placed with the following exceptions:

a. Signs placed on a mansard roof may project such a distance from the face of the roof as necessary for the sign face to be perpendicular to the floor of the building.

![Figure 15.04.609.090-M(5): MANSARD ROOF SIGN](image)

b. In any neighborhood commercial zones, a maximum 4 square foot, double-faced sign, oriented perpendicular to the building wall is permitted in lieu of an under canopy sign. Such a perpendicular sign shall not project more than 30 inches from the face of the building wall on which it is placed, shall be attached with rigid supports in a manner acceptable to the Building Division and shall maintain a minimum clearance of 8 feet between the grade level below the sign and the lowermost portion of the sign.

c. A marquee sign or three-dimensional sign that complies with the applicable requirements of this Article.

6. **Projection of Permanent Signs over Public Rights-of-Way.** All signs that project over or into the public right-of-way require approval of an encroachment permit.

**N. Minimum Clearance from Utilities.** Signs and their supporting structures shall maintain clearance from and not interfere with electrical conductors, communications equipment, or lines, underground facilities and conduits.

**O. Concealed Electrical Systems.** External conduits, boxes, and other connections related to the function of a sign and associated lighting shall not be exposed. A
switch disconnecting each circuit shall be placed in plain sight and near the inspection opening.

15.04.609.100 Sign Regulations by Zoning District

A. Signs Allowed in Any District. The following signs shall comply with all provisions and regulations of this Article. However, no fee, permit or application is required to erect or maintain them.

1. Permanent, rigid signs located on the fence of a park, playground, athletic field, or other outdoor assembly use, provided that they comply with the following limitations: Each sign shall be no more than 16 square feet in area and there shall be no more than two signs within any eight linear feet of fence, provided that two signs of equal dimensions placed back-to-back on either side of the fence shall constitute one sign for purposes of this paragraph. No sign shall project above the top of the fence.

2. Temporary signs, provided that:
   a. The total area for all temporary signs displayed simultaneously shall not exceed 16 square feet per lot equivalent; and
   b. No temporary sign shall remain on display for more than 90 days.

B. Signs Allowed in All Residential Districts.

1. Signs Allowed Without a Permit.
   a. Permanent wall signs on single-family and two-family buildings (duplexes), provided that:
      i. The total area of all wall signs shall not exceed one square foot per building (two square feet for a duplex); and
      ii. No wall sign shall project more than six inches from the building wall.
   b. On any developed residential lot, permanent, non-illuminated freestanding signs, provided that:
      i. The total area of all such signs shall not exceed one and one-half square feet per lot; and
      ii. No sign shall exceed 6 feet in height.
   c. At the entrance of any multi-tenant building, one permanent, non-illuminated wall sign not exceeding six square feet in area and not projecting more than six inches from the building wall.
   d. Portable signs within the public right-of-way on Saturdays, Sundays, and holidays between the hours of ten a.m. and seven p.m., provided:
      (a) the signs do not interfere with, obstruct, or misdirect traffic or
pedestrian movement; and (b) no person may erect or cause to be erected more than six portable signs at any one time.

2. **Signs Allowed with a Permit.** The following signs may be erected, maintained and/or displayed in any residential district with a sign permit or as part of a master sign program:

   a. On residential lots where there are no more than two residential units, permanent, non-illuminated, freestanding signs, provided that the total sign area for all freestanding signs shall not exceed six square feet per lot or lot equivalent; and no freestanding sign shall exceed six feet in height. An illuminated sign is allowed along arterial streets.

   b. On residential lots where there are three or more residential units, permanent, non-illuminated, freestanding signs, provided that the total sign area for all freestanding signs shall not exceed 12 square feet per lot or lot equivalent; and no freestanding sign shall exceed 6 feet in height. An illuminated sign is allowed along arterial streets.

   c. At the entrance to a subdivision, permanent, freestanding signs, provided that the total sign area for all freestanding signs shall not exceed 20 square feet per subdivision; and no freestanding sign shall exceed 6 feet in height.

   d. On commercial or public buildings, wall signs, provided that the total sign area for all signs allowed pursuant to this paragraph shall not exceed 0.5 times the lineal feet of building frontage; and no individual wall sign may exceed 16 square feet in area.

   e. On lots containing commercial, public, or assembly uses, permanent, non-illuminated signs, provided that the total sign area for all signs shall not exceed 16 square feet; and no sign shall exceed 6 feet in height.

**C. Signs Allowed in Commercial, Industrial, and PCI Districts.**

1. **Signs Allowed Without a Permit.** The following signs are allowed without a permit on a lot in commercial districts:

   a. One permanent, freestanding non-illuminated sign not exceeding 16 square feet in area and 6 feet in height.

   b. One wall sign per building, not exceeding 6 square feet in area and not projecting more than 6 inches from the building wall.

   c. Window signs not exceeding 25 percent of the window area.

2. **Signs Allowed with a Permit.** The following signs may be erected, maintained and/or displayed in the neighborhood commercial district with a sign permit or as part of a master sign program: awning signs, blade signs, freestanding signs, marquee signs, projecting signs, wall signs, and wall mural
signs. Dimensional standards for all of these signs are in Tables 15.04.609.100-C(1) to C(6) on the following pages.

### TABLE 15.04.609.100-C(1): AWNING SIGN; PROJECTING SIGN

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Location and other requirements</th>
<th>Districts Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area (sloping plane)</td>
<td>25% coverage max.</td>
<td>CM-1, CM-2, CM-3, CM-4, CM-5, CR, CG</td>
</tr>
<tr>
<td></td>
<td>1 Clearance above</td>
<td>8 ft. min.</td>
</tr>
<tr>
<td></td>
<td>sidewalk or walkway</td>
<td></td>
</tr>
<tr>
<td>Area (valence)</td>
<td>75% coverage max.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 Number of signs</td>
<td></td>
</tr>
<tr>
<td>Area (projecting)</td>
<td>1 sq. ft. per linear ft. of</td>
<td></td>
</tr>
<tr>
<td></td>
<td>building face</td>
<td></td>
</tr>
</tbody>
</table>

### TABLE 15.04.609.100-C(2): BLADE SIGN

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Location and other requirements</th>
<th>Districts Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>12 sq.ft. max. or 3 sq.ft. if</td>
<td>CM-1, CM-2, CM-3, CM-4, CM-5, CC, CR, CG</td>
</tr>
<tr>
<td></td>
<td>under an awning</td>
<td></td>
</tr>
<tr>
<td>Width</td>
<td>48 in. max.</td>
<td></td>
</tr>
<tr>
<td>Height</td>
<td>36 in. max.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 Clearance above</td>
<td>8 ft. min.</td>
</tr>
<tr>
<td></td>
<td>sidewalk or walkway</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 Projection</td>
<td>5 ft. max.</td>
</tr>
<tr>
<td></td>
<td>3 Number of signs</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 per entry door</td>
<td></td>
</tr>
</tbody>
</table>
Thickness 4 in. max.; 18 in. max. if approved to allow a three dimensional shape

**TABLE 15.04.609.100-C(3): FREESTANDING SIGN**

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Landscape planter required around the sign base:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>Border 6 in. min. 20 sq. ft. max. 1</td>
</tr>
<tr>
<td>Height</td>
<td>Height 4 in. min. 10 ft. max. 1</td>
</tr>
</tbody>
</table>

**TABLE 15.04.609.100-C(4): MARQUEE SIGN**

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Location and other requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>Clearance above sidewalk or walkway 9 ft. min. 1 6 sq. ft. max. 1</td>
</tr>
<tr>
<td>Width</td>
<td>Projection 2 ft. max. 24 in. max. 1</td>
</tr>
</tbody>
</table>

**Districts Allowed**

- CM-1 ILL
- CM-2 IL
- CM-3 IB
- CM-4 IG
- CM-5 IW
- CR PA
- CG
- CC

**Diagrams**

- Freestanding sign diagram
- Marquee sign diagram
**City Zoning & Subdivision Regulations Update**

---

<table>
<thead>
<tr>
<th>Height</th>
<th>4 ft. max. Marquee structure wall shall not exceed parapet or eave of a pitched roof</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thickness</td>
<td>10 in. max.</td>
</tr>
</tbody>
</table>

Neon lettering is only allowed in conjunction with painted lettering.

---

### TABLE 15.04.609.100-C(5): WALL SIGN

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Location and other requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>60 sq. ft. max. or 1 times the lineal feet of building frontage max., whichever is less</td>
</tr>
<tr>
<td>Height</td>
<td>5 ft. max.</td>
</tr>
</tbody>
</table>

Clearance, if projecting above a right-of-way 8 ft. min.

---

### TABLE 15.04.609.100-C(6): WALL MURAL SIGN

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Location and other requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area</td>
<td>1,000 sq. ft. max.¹</td>
</tr>
<tr>
<td>Width</td>
<td>100 ft. max.</td>
</tr>
</tbody>
</table>

Projection 8 in. max.

---

<table>
<thead>
<tr>
<th>Districts Allowed</th>
<th>Districts Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>CM-1</td>
<td>ILL</td>
</tr>
<tr>
<td>CM-2</td>
<td>IL</td>
</tr>
<tr>
<td>CM-3</td>
<td>IB</td>
</tr>
<tr>
<td>CM-4</td>
<td>IG</td>
</tr>
<tr>
<td>CM-5</td>
<td>IW</td>
</tr>
<tr>
<td>CC</td>
<td>PA</td>
</tr>
<tr>
<td>CR</td>
<td></td>
</tr>
<tr>
<td>CG</td>
<td></td>
</tr>
</tbody>
</table>

---

¹ Projection 8 in. max.
3. **Multiple-Occupancy Commercial Sites with Limited Frontage.** Where a multiple-occupancy commercial site has public street frontage equal to 20 percent or less of the perimeter measurement of the site, the maximum allowable wall sign area for the site is calculated as follows:

   a. One square foot of sign area per one lineal foot of public street frontage.

   b. One lineal foot of exterior building walls fronting on driveways and parking lots that are generally used for public access and are located on the same site.

   c. Pedestrian-only passageways that are lined on both sides by building walls are considered interior spaces, and although signs may be placed on such walls, the area of such walls is not included in the calculation of the maximum allowable sign area for the site.

4. **A-Frame Signs.** A-Frames are allowed to advertise the location, goods or services offered on the premises. They must be made of a durable, rigid material such as, without limitation, wood, plastic or metal and conform to the following standards. No sign permit is required, unless an A-Frame sign is to be placed in a public right-of-way, in which case an encroachment permit is required.

   a. **Prohibitions.** A-Frame signs are prohibited from any form of broadcasting or audio presentation.

   b. **Locations Allowed.** A-Frame signs are allowed within a front or corner side setback area and in the public right-of-way directly in front of a business. They are not permitted in planters, flower beds or tree wells, nor in sight visibility triangles as established in the Zoning Ordinance.

   c. **Maximum Height and Area.** The A-Frame sign, when placed in an open position must not exceed a height of 42 inches from ground level to the top of the sign and be no more than 6 square feet per sign face.

   d. **Maximum Number:** One per business, which does not count against maximum allowed sign area. They must be removed at the close of business.

   e. **Placement:** A-Frame signs shall be placed so that a minimum four feet is left clear for pedestrian passage on all sidewalks and walkways. They shall only be placed at grade level and shall not be placed on
walls, boulders, planters, vehicles, other signs or any other type of structure.

f. **City’s Right to Remove:** If at any time any portion of the public right-of-way occupied and used by the A-Frame sign may be needed or required by the City, or the business fails to maintain the permitted sign, it may be removed by the City

D. **Signs Allowed in All Other Districts.**

1. Permanent, freestanding signs, provided that:
   a. The total sign area for all freestanding signs shall not exceed 20 square feet per lot equivalent; and
   b. No individual freestanding sign shall exceed 10 feet in height.
   c. The base or supporting members of each freestanding sign shall be located in a planted landscaped area. The landscaped area shall be differentiated from adjoining paved areas by a six-inch wide border which is at least four inches above the ground level. All planted landscaped areas shall be irrigated and maintained on a regular basis.

2. For each building, one wall sign not exceeding 6 square feet in area and not projecting more than 6 inches from the building wall.

**15.04.609.110 Readerboard and Electronic Message Center Signs**

A. **Readerboard Signs.** Readerboard signs with manually or electronically changeable copy may be displayed in lieu of building or freestanding signs subject to the following requirements.

1. **Residential Districts.** Signs located in a residential district or readily visible from a residential property shall not be changed more than twice during any 24 hour period.

2. **Elementary, Middle and High Schools.** Elementary, middle and high schools shall be permitted 1 freestanding or building mounted combination readerboard on-premises sign per use as described below:

   a. **Sites Less Than Fifteen Acres.** One maximum 40 square foot, 6 foot high static or readerboard on-premises, monument sign or 40 square foot static or readerboard building sign.

   b. **Sites Fifteen Acres or More.** One maximum 65 square foot, 15 foot high static or readerboard on-premises freestanding sign or 65 square foot static or readerboard building sign.

3. **Other Public Assemblies Not for Entertainment.** Other public assemblies that are not engaged in commercial entertainment shall be permitted one freestanding or building mounted combination readerboard on-premises sign per use as described below:
a. **Sites One Acre in Size or Less.** One static readerboard monument sign up to 16 square feet in area and 6 feet in height or one static readerboard building sign up to 24 square feet in area.

b. **Sites Greater Than One Acre in Size.** One static readerboard monument sign up to 25 square feet in area and 6 feet in height or one static readerboard building sign up to 25 square feet in area.

c. **Time Limits.** The copy shall not be changed more than once during any 24-hour period and shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m.

4. **Other Public Assemblies Within a Commercial or Non-Residential Complex.** Other public assemblies located within an existing office, commercial or industrial complex shall be allowed one readerboard sign serving that particular use in lieu of the permitted monument sign for the existing multi-tenant office, commercial or industrial complex.

5. **Other Public Entertainment Venues.** Public entertainment venues shall be permitted 1 freestanding or building mounted combination readerboard on-premises sign per use using either manually or electronically changeable copy, selected from the following options:

a. **Sites Less than Fifteen Acres.** One maximum 40 square foot, 6 foot high combination readerboard on-premises monument sign, or 1 building mounted sign shall be permitted, located on the frontage occupied by the use, maximum 1½ square feet of sign for each foot of the occupancy frontage, not to exceed 100 square feet.

b. **Sites Fifteen or More Acres.** One maximum 65 square foot, 15 foot high combination readerboard on-premises freestanding sign, or 1 building mounted sign shall be permitted, located on the frontage occupied by the use, maximum 1½ square feet of sign for each foot of the primary building frontage, not to exceed 100 square feet. On a corner building, only one readerboard sign is allowed.

6. **Theaters.** Theaters offering live performances or motion pictures and having permanent seating for at least 100 persons may, in lieu of on-premises building sign, display 1 readerboard sign, with a maximum 1½ square feet of signage for each lineal foot of building frontage; not to exceed 100 square feet of signage.

B. **Electronic Message Center Sign.** Electronic Message Center signs (EMC) are permitted in commercial complexes 10 acres or larger and on parcels with an approved entertainment use 15 acres or larger subject to the approval of a conditional use permit and compliance with the following requirements:

1. EMC are only permitted on sites with frontage on Routes of Regional Significance as defined by the West Contra Costa Transportation Advisory Committee, excluding highways and freeways.
2. No EMC shall face a residential zoning district.

3. The copy of electronically displayed messages may change no more frequently than once every eight seconds. A minimum of 0.3 second of time with no message displayed shall be provided between each message displayed on the sign.

4. Displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination, or the flashing, scintillating or varying of light intensity.

5. All electronic message displays shall be equipped with a sensor or other device that automatically determines ambient illumination and is programmed to automatically dim according to ambient light conditions or can be adjusted to comply with the following illumination requirements in sub-section 6 of this section.

6. Between dusk and dawn the luminance of an EMC shall not exceed 0.3 footcandles more than ambient lighting conditions when measured at the exterior of the site.

15.04.609.120 Temporary Signs

A. General Requirements.

1. General. Each property or establishment in non-residential zones, as specified, shall be allowed sign copy area for the display of temporary signs, in addition to allowed permanent signage as specified in this Article. No permit shall be required for temporary signage.

2. Limits. Temporary signage must comply with the sign area limits and maximum number of allowed temporary signs, for each of the categories of temporary signage specified in this section. No other temporary signage shall be allowed in non-residential zones.

3. Material. Temporary signs shall not be made of standard paper or other materials subject to rapid deterioration.

4. Illumination. Temporary signs cannot be illuminated.

B. Portable Signs. Portable signs are allowed subject to the following standards.

1. Relation to Associated Business. Portable signs may be located up to 300 feet away from the business so long as they remain within the development site with which the business is associated and the business obtains property owner authorization.

2. Maximum Sign Area per Parcel or Business Location. Each business establishment shall not have more than an aggregate sign area of 16 square feet.
3. **Maximum Size and Sign Area.** All portable signs, except A-Frame signs, shall not exceed 8 feet in height above ground level, nor have a maximum sign area greater than 8 square feet. A-Frame signs, when placed in an open position, must not exceed a height of 42 inches above the ground level, to the top of the sign, nor have a maximum sign area greater than 6 square feet.

4. **Placement.** The portable signs shall be placed on private property on the same lot as the establishment that qualifies for such sign and, with an encroachment permit, may be placed in the public right of way in front of the associated use or on the nearest sidewalk provided a four-foot wide pedestrian clear zone is maintained. They must be a minimum of seven feet from the back of the curb, or edge of pavement where no curb exists.

5. **Prohibited Locations.** Portable signs shall not be located:
   a. In any public right-of-way;
   b. In parking lot driving lanes, aisles or stalls;
   c. On multi-use trails or sidewalks if they would block a four-foot wide pedestrian clear zone;
   d. At any location where they would block pedestrian access;
   e. Within 100 feet on either side, or in front of a freestanding sign;
   f. Within 20 feet from any other portable sign; and
   g. Within 30 feet from a shopping center access drive or street intersection.

6. **Display Hours for A-Frame signs.** A-Frame signs are permitted during the hours a business is open for business and one-half hour before opening and one-half hour after closing. They must be removed during hours when the establishment is not open to the public.

7. **Maximum Duration.** Portable signs, except A-Frame signs, may be displayed for a maximum of 90 days.

C. **Banners, Feather Banners, and Pennants.** Banner signs, feather banners, and pennants, including similar devices such as strings of ornamental fringes or streamers, are allowed for establishments within non-residential zones, subject to the following standards:

1. **Maximum Sign Area per Parcel or Business Location.** The total aggregate sign area for banners, feather banners or pennants shall not exceed 20 square feet for each lot, or business location where more than one business is located on a single lot. Where a lot or business location has a street frontage exceeding 75 lineal feet, the aggregate sign area for banners, feather banners or pennants shall be 32 square feet for each 75-foot segment of street frontage.
2. **Maximum Height.** Banners and pennants shall not extend above the roofline or the parapet of a wall. Feather banners may not exceed 8 feet above ground level.

3. **Allowable Locations.** Banners are only allowed on sites where permanent signs are allowed.

4. **Maximum Duration.** No banner, feather banner, or pennant shall be displayed for more than 60 days and a period of 30 days must lapse before displaying another banner or pennant. On a calendar year basis, banners, feather banners, and pennants shall not be displayed for more than four 60-day periods.

D. **Temporary Window Signs.** Temporary window signs are allowed for establishments within non-residential zones, subject to the following standards:

1. **Maximum Size.** The total area of temporary window signs shall not exceed 10 percent of the aggregate window area on a single side of a wall.

2. **Maximum Duration.** No temporary window sign shall be displayed for more than 60 days and a period of 30 days must lapse before displaying another sign. On a calendar year basis, temporary window signs shall not be displayed for more than four 60-day periods.

15.04.609.130 **Historic Signs**

The City Council may designate historic signs following a duly-noticed public hearing and a recommendation from the Historic Preservation Commission.

A. **Criteria.** Historic signs must meet defined criteria, including, without limitation, to the fact that the sign is 50 or more years old and has significance to the Richmond community because it is associated with a significant historical event or it is associated with a historic business.

B. **Allowances for Historic Signs.**

1. **Structural Improvements.** Historic signs may have structural improvements completed in order to extend the life of the sign.

2. **Damage Repairs.** If the sign is damaged, it may be repaired and replaced with the original sign area and original height, even if the sign does not conform to the standards of this Section.

15.04.609.140 **Closed Business Signs**

A. **Purpose.** The purpose of this section is to establish regulations that enhance the appearance of the City by requiring removal of closed business signs within a reasonable period after a business has closed or a building has been vacated.
B. **Applicability.** A closed business sign is any sign located on a building, in the window of a building, or on the same lot as a building that advertises or identifies either (1) the owner or lessor of a building that has been vacated, or (2) a use, activity, business, service or product no longer offered or conducted in a building, and that continues to be displayed more than thirty days after the owner or lessor has vacated the building or more than thirty days after the use, activity, business, service or product has ceased to be offered or conducted in the building.

C. **Removal or Covering Required.** All closed business signs shall be removed or completely obscured from public view. A sign is “completely obscured from public view” when it has been completely covered with a solid material, such as plywood or lumber, that is securely fastened to the sign or its supporting structure and painted to match the color of the building in which or on which the sign is located. Plastic or fiber sheets shall not constitute a solid material that adequately obscures a closed business sign.

**15.04.609.150 Permits Required; Application Contents and Review Process**

A. A permit issued by the Zoning Administrator is required to erect, construct, install, structurally alter or relocate any non-exempt sign. Signs that project over or extend into a public street or sidewalk more than 8 inches require an encroachment permit issued by the City.

B. To be considered complete, an application for a sign permit shall include:

1. A completed sign permit application form accompanied by the required fee.
2. A letter or other written evidence of the property owner or business owners to have the proposed sign(s) displayed on the property owned.
3. A site plan and/or building elevation plans drawn to scale and dimension showing the following (as applicable):
   a. Existing structures; lot frontage and building frontage (dimensioned);
   b. Driveways and public rights-of-way
   c. Existing and proposed signs
   d. Vision clearance; vertical clearance over public rights-of-way
4. A proposed sign plan drawn to scale and dimension showing the following (as applicable):
   a. Sign height, width, area, and thickness.
   b. Color of lettering and background
   c. Type of illumination
   d. Materials

C. Within 10 business days after receipt of an application for a sign permit, the Zoning Administrator shall inform the applicant in writing if the application is incomplete.
and will list the submittals required to complete the application. If the Zoning Administrator does not notify the applicant within 10 days after receipt that the application is incomplete, then the application will be deemed complete.

D. The Zoning Administrator shall either grant or deny a sign permit within 15 business days after receipt of a complete application. A denial shall be accompanied by written findings stating the reasons for the denial and may be appealed to the Design Review Board.

15.04.609.160 Permits for Multiple Temporary Signs

A. Any person seeking to erect on one or more sites or to distribute 25 or more temporary signs at one time, either personally or by supervising others, must provide:
   1. The name and address of the person(s) responsible for erecting or distributing, maintaining and removing the multiple temporary signs;
   2. A description of the method of installation and support for each sign (if signs are to be freestanding and supported by a method other than wire no greater than 3 millimeters in diameter, the applicant must include a scaled drawing of the supporting structure);
   3. A copy, drawing, or photograph of the proposed temporary sign; and
   4. The fee specified in the master fee schedule adopted by the City Council.

B. One day after submittal of all of the items required in subparagraph (A), the Zoning Administrator shall issue or deny a permit for multiple temporary signs, subject to the following terms and conditions:
   1. The Zoning Administrator shall assign an identification number (ID#) to the sign plan, and such number shall be referred to in the permit;
   2. The permittee shall provide the Zoning Administrator with a prototype of the sign marked with the ID#.
   3. All temporary signs and structures are to be removed within 90 days from the date the permit is issued.
   4. Any denial of a permit for multiple temporary signs shall be accompanied by written findings stating the reasons for the denial and may be appealed to the Design Review Board.

C. No temporary sign shall be posted in a City right-of-way, landscaped area, parkland or any road median before the Superintendent of Parks has confirmed that a permit has been issued and that the proposed posting will not interfere with the ordinary use and enjoyment of the area, underground irrigation or utilities, or line of sight for motor vehicle, bicycle and pedestrian traffic. Placement of signs shall not harm landscape plantings or structures. The Superintendent may require the sign permittee to call for a USA marking confirmation of utilities prior to posting.
15.04.609.170 Master Sign Program

A. Purpose. The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall design of the development to achieve a more unified appearance. Master Sign Programs may also be used for subdivision projects with a phased development and/or sales plan. Minor variations in dimensional standards and other limitations of this Section may be approved, provided they achieve a result that is superior to what would otherwise be allowed. The Sign Program must demonstrate how it:

1. Improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement;
2. Provides for sign design or placement appropriate for the area;
3. Incorporates sign design and placement related to architectural and landscape features on site; and
4. Incorporates sign design, scale, and placement oriented to pedestrian traffic.

B. Applicability and Approval Required.

1. Master Sign Program Required. A Master Sign Program approved by the Design Review Board is required for:
   a. New or remodeled non-residential projects on sites of two acres or more;
   b. Shopping centers;
   c. Multiple tenant commercial or mixed use buildings where the entire façade is being remodeled; and
   d. Any development in a Planned Area Development.

2. Optional Sign Program. A Master Sign Program may be substituted for specific sign designs and individual applications if requested by an applicant and approved by the Design Review Board.

C. Required Submittals. Applications for a Master Sign Program must include the following plans and text:

1. A site plan showing the location of buildings, parking lots, driveways and landscaped areas;
2. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed, if proposed;
3. An accurate indication on the site plan of the proposed location of each proposed sign and existing sign which is to remain;
4. Color schemes, lettering and graphic style (if tenants are not known, generic styles may be presented);
5. Lighting and sign construction materials; and
6. Sign dimensions (if tenants are not known, generic dimensions may be presented); and

7. A written program of standards for all sign types to be distributed to future tenants, including color, size, illumination, construction details, and sign placement.

D. Findings Required. The Design Review Board will only approve a Master Sign Program if the following findings are made:

1. That the proposed signs are in harmony and visually related to:
   a. *Other Signs.* included in the Master Sign Program. This may be accomplished by incorporating several common design elements such as materials, letter style, colors, illumination, sign type or sign shape.
   
   b. *The Buildings They Identify.* This may be accomplished by utilizing materials, colors or design motifs included in the building being identified.

   c. *The Surrounding Development.* Approval of a planned sign program must not adversely affect surrounding land uses or obscure adjacent conforming signs.

2. That the proposed signs will comply with all the provision of this Article, except with regard to:
   a. Number of signs allowed; and
   b. Location and height of signs.

E. Conditions. Reasonable conditions of approval may be imposed by the Design Review Board to achieve the purposes of this Section and ensure compatibility with adjacent land uses and signage.

F. Post-Approval Procedures. After approval of a Master Sign Program, no signs shall be erected, placed, painted, or maintained, except in conformance with such Program, and such Program may be enforced in the same way as any provision in this Section.

1. *Lease Agreements.* The Master Sign Program and all conditions of approval shall be attached to the lease agreements for all leasable space within a project.

2. *Individual Signs.* Any sign that conforms to an approved Master Sign Program may be approved by the Zoning Administrator or designee; however, approval of a Master Sign Program does not waive the permit requirements for individual signs.

3. *Amendments.* The Zoning Administrator may approve minor amendments to a Master Sign Program that are in substantial conformance with the original approval. All other amendments, including amendments to conditions of approval shall be processed as a new application.
15.04.609.180 Variances

A. The Design Review Board may approve a variance to any requirement for a permanent sign upon finding all of the following:
   1. Strict application of the requirements of this Article would deny the applicant a reasonable opportunity to communicate by sign in a manner similar to like persons or uses because of an unusual or unique circumstance relating to the property or the proposal, such as site or building location, building design, physical features on the property, or some other circumstance;
   2. The sign resulting from the variance will not affect the surrounding neighborhood or other property affected by the request in a manner materially inconsistent with the purpose and objectives of this Article; and
   3. The extent of the variance from the requirement is limited to that reasonably necessary to alleviate the problem created by the unique or unusual circumstance identified pursuant to subsection (A)(1), above.

B. The Design Review Board's decision regarding a variance may be appealed to the City Council in accordance with Article 15.04.808 (Variances), except that, within 30 days after the City's receipt of an appeal of a variance denial pursuant to this section, the City Council shall hear and decide the appeal. The City Council's review of the Design Review Board's decision shall be governed by the criteria set forth in this Article. The City Council shall issue written findings in support of its decision.

15.04.609.190 Appeals

A. Denial of a sign permit may be appealed to the Design Review Board by submitting a written appeal to the Planning and Building Services Director within ten days. The appeal must be accompanied by the appeal fee published in the City's Master Fee Schedule.

B. The Design Review Board shall hear the appeal and render a decision within 15 days of the close of the hearing. The Design Review Board's review of the permit denial shall be governed by the criteria set forth in this Article, and its decision shall be final. The Design Review Board shall issue written findings in support of its decision.

C. Denials of a Master Sign Program may be appealed to the Planning Commission by submitting a written appeal to the Planning and Building Services Director within ten days of the date of the Board's action. The appeal must be accompanied by the appeal fee published in the City's master fee schedule.

D. The Planning Commission shall hear the appeal and render a decision within 15 days of the close of the hearing. The Commission's review of the permit denial shall be governed by the criteria set forth in this Article, and its decision shall be final. The Commission shall issue written findings in support of its decision.
15.04.609.200 Uniform Sign Code Adopted

The most recent edition of the Uniform Sign Code, published by the International Conference of Building Officials, is adopted by reference as though fully set forth in this Article. Three copies of the Uniform Sign Code and all amendments thereto, shall be kept on file in the office of the City Clerk for inspection by the public. The following additions and amendments are made to the Uniform Sign Code.

A. Addition—Ordinance 1, Section 102. The following additional paragraphs are added to the Purpose and Scope:

1. “Sec. 102 … The Administrative part of this code is in addition to the City of Richmond's Building Regulations Administrative Code Ordinance 6.02 of the Municipal Code. Where conflicts occur between this Ordinance and Ordinance 6.02 of the Municipal Code, the provisions of Ordinance 6.02 of the Municipal Code shall govern.”

2. “This code is supplemental to Ordinance 15 'Zoning' of the Municipal Code of the City of Richmond. All signs subject to issuance of a permit, as specified in this code, shall comply with regulations as set forth in Ordinance 15 as a condition of issuance of such permit. No sign shall be erected or placed upon any private or public property or attached to building, structure or premises which in any way conflicts with the provisions of Ordinance 15, nor shall any sign be erected or placed without the consent of the owner, holder, lessee, agent or trustee of said building, structure or premises, or located contrary to the provisions of any setback requirement.”

B. Amendment—Section 103 (c). Uniform Sign Code Section 103(c) is amended to read as follows: “(c) Board of Appeals. In order to provide for reasonable interpretation of the provisions of this code and to hear appeals provided for hereunder, the Board of Appeals created in section 6.02.130 of this Code shall act as the Appeals Board for this code.”

C. Definitions—Section 202 et seq. The following definitions in Section 15.04.630.040 are added to the definitions: Awning, Banner Sign, Face, Marquee Sign, and Wind Sign.

D. Addition—Section 403—Construction. The following restrictions are added to Uniform Sign Code Section 404: “(h) Restrictions on Marquee, Projecting and Roof Signs. All marquee, projecting and roof signs shall have structural bracing which is either internal or external; if external such bracing shall be by guy wires which are approved by the Building Official as to type and method. No external struts shall be permitted.” “(j) Prohibited Locations. Signs shall be prohibited in a public street, sidewalk, public way, place or public property except as provided for in this code.” “(j) Utility Safety Clearance. No sign shall be erected in such a manner that it will violate or interfere with any space or safety requirement of any public utility as declared by the California Public Utilities Commission.” “(k) Traffic Clearance. No sign
shall be located so as to obscure the view of approaching traffic.” “(l) Lights Used for Illumination. Lights used for illumination shall be treated the same as an electric sign.”

E. Amendment—Section 1201—General. The following amendment is made Uniform Sign Code Section 1201, to read as follows: “Sec. 1201. Signs may be placed on, attached to, or constructed in a marquee or awning. Such signs shall, for the purpose of determining projection, clearance, height and material, be considered a part of and shall meet the requirements for a marquee or awning specified in Ordinance 45 of the Building Code.”

15.04.609.210 Sign Maintenance

Every sign shall be kept up and maintained in a secure and safe condition. Signs shall be kept free of rust, corrosion, peeling paint, cracks, fading and other surface deterioration. Illuminated signs shall function as designed and permitted. If a sign is not maintained in accordance with this paragraph, the City may notify the owner of the property on which the sign is located or to the person responsible for the maintenance of the sign in writing that he or she must comply with this Article. If the condition is not corrected or eliminated within the time specified in the notice, the City may revoke the permit for the sign and remove the sign in the manner provided in the notice.

15.04.609.220 Nonconforming Signs

Nonconforming signs lawfully existing on the date this ordinance becomes effective may continue to be used and need not be modified to conform to the requirements of this Article unless deemed to be a public nuisance because of health or safety conditions. Except that if any such sign is altered, partially demolished or reconstructed or the business with which is associated is closed for a period of 90 days or more, the provisions of this Article shall apply. Normal repairs, copy substitution or replacement, and maintenance that do not change the location or appearance of the sign may be made without conforming the sign to the requirements of this Article.

15.04.609.230 Violations; Declaration of a Nuisance; Abatement

A sign that fails to comply with or violates any provision of this Article, or is developed or maintained contrary to the terms of a sign permit, is hereby declared to be unlawful and a nuisance.

A. Nuisance Violations. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any sign that is placed, erected or maintained in violation of provisions of this Article or of any other ordinance of the City, or of any other provision or law, is hereby declared to be a nuisance.

B. Abatement Procedures. Any sign declared to be a nuisance may be subject to the abatement procedures established in the Municipal Code.
Article 15.04.610  Standards for Specific Uses and Activities

Sections:

15.04.610.010  Purpose
15.04.610.020  Accessory Short-Term Rentals (“Home-shares”)
15.04.610.030  Accessory Uses
15.04.610.040  Adult Businesses
15.04.610.050  Alcoholic Beverage Sales
15.04.610.060  Animal Keeping
15.04.610.070  Automobile/Vehicle Sales and Leasing
15.04.610.080  Automobile/Vehicle Repair, Major
15.04.610.090  Automobile/Vehicle Washing
15.04.610.100  Bed and Breakfast Lodging
15.04.610.110  Breweries
15.04.610.120  Commercial/Recreation and Entertainment
15.04.610.130  Community Assembly
15.04.610.140  Convenience Markets
15.04.610.150  Domestic Violence Shelters
15.04.610.160  Drive-In and Drive-Through Facilities
15.04.610.170  Emergency Shelters
15.04.610.180  Family Day Care, Large
15.04.610.190  Farmers Markets
15.04.610.200  Group Residential
15.04.610.210  Hazardous Waste Facilities
15.04.610.220  Home Occupations
15.04.610.230  Hospitals and Clinics
15.04.610.240  Live-Work Units
15.04.610.250  Manufactured Homes
15.04.610.260  Medical Marijuana Uses
15.04.610.270  Nontraditional Financial Institutions (“Check-cashing”)
15.04.610.280  Nurseries and Garden Centers
15.04.610.290  Outdoor Dining and Seating
15.04.610.300  Outdoor Sales
15.04.610.310  Outdoor Vendors (Mobile Food Vendors)
15.04.610.320  Pawn Shops; Secondhand Dealers
15.04.610.330  Personal Services
15.04.610.340  Recycling Facilities
15.04.610.350  Residential Care, General
15.04.610.360  Schools
15.04.610.370  Second Dwelling Units
15.04.610.380  Service Stations
15.04.610.010 Purpose
The purpose of this Article is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all zoning districts. These provisions are intended to minimize the impacts of these uses and activities on surrounding properties and the City at large and to protect the health, safety, and welfare of their occupants and of the general public.

15.04.610.020 Accessory Short-Term Rentals (“Home-shares”)
Accessory Short-Term Rentals must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Where Allowed.** Accessory short-term rentals of one or two bedrooms in a dwelling unit are allowed in Residential and Commercial Mixed-Use zoning districts, subject to the standards of this section and applicable license requirements of the Municipal Code, provided they do not detract from neighborhood character and the primary use of the dwelling remains residential.

B. **Resident Occupancy Required.** A resident must occupy the dwelling unit for at least 200 days during each calendar year, and at least one of the unit’s primary residents, acting as the host must be on-site, meaning the host is living in one of the bedrooms in the primary structure or in an accessory dwelling unit on the site.

C. **No Limitation on Number of Short-term Rentals.** There are no limitations on the annual number of home shares permitted by this section, provided all of standards of this Code are met.

D. **Habitable Space Required.** A home-share may only offer space for short-term rentals that qualifies as habitable space, as defined by the Building Code. This means that a host may not rent space in an accessory structure, such as a storage shed or a garage, as a “home-share” space.

E. **Business License Required.** A valid business license is required to conduct a home-share business, and the applicable transient occupancy tax, as established by the Chapter 7.88 of the Municipal Code, must be paid by the guest when paying the rental. The collected transient occupancy tax must then be remitted to the City within 30 days of receipt.

F. **Hired Services.** Hired services for normal maintenance, repair and care of the residence or the site, such as yard maintenance and house cleaning, are allowed.
G. **Permit Number in All Advertising.** In any advertisement of the home-share service, a host must include the Business License number issued by the City.

H. **Emergency Exits.** A host must provide guests with information related to emergency exits if the unit is part of a multi-unit complex of more than one story.

### 15.04.610.030 Accessory Uses

An accessory use must be incidental, related, appropriate and clearly subordinate to the principal use of the building or site to which it relates and is subject to the same regulations and permitting requirements as the principal use. If then principal use requires a conditional use permit, then the accessory use also requires a conditional use permit.

A. **Exclusions.** No use will be considered to be accessory to a principal use that involves or requires any of the following:

1. **Residential Districts.** The use of more than one-quarter (25 percent) of the total floor area in the principal building and accessory building.

2. **Non-Residential Districts.** The use of more than one-third (33 percent) of the total floor area in the principal building and the accessory building.

B. **Prohibited Uses.** The following uses are prohibited from being accessory uses:

1. Adult Businesses;

2. Medical Marijuana Uses (including dispensaries, cultivation, and product manufacturing facilities);

3. Liquor Stores;

4. Bar/Nightclub/Lounge, except in hotels and at golf courses; and

5. General and Limited Industrial Uses.

### 15.04.610.040 Adult Businesses

Adult businesses must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **General Provisions.** Because certain types of Adult businesses possess certain characteristics that are found objectionable, when concentrated, and can have a deleterious effect upon adjacent areas, locating them in the vicinity of facilities frequented by minors increases the likelihood that minors will be exposed to materials intended for adults. In addition, many persons are offended by the public display of certain sexual material. Therefore, special regulation of such uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood or have an adverse effect on minors.

B. **Applicability.** The uses subject to these regulations include, without limitation:

1. Adult bookstores, adult novelty stores, or adult video stores;
2. Adult live entertainment theaters;
3. Adult motion picture or video arcades; and
4. Adult motion picture theaters.
5. **Exceptions.** An "Adult business" does not include the practice of massage in compliance with Chapter 9.38 of the Municipal Code or persons depicting “specified anatomical areas” in a modeling class operated:
   a. By a college, junior college, or university supported entirely or partly by public revenue; or
   b. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by public revenue; or
   c. In a structure operated either as a profit or nonprofit facility:
      i. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
      ii. Where, in order to participate in a class, a student must enroll at least three days in advance of the class.

C. **Development Standards.**
1. **Specific Location.** Adult businesses must be located the following minimum distances:
   a. From any Residential District: 300 feet.
   b. From any educational institution, including, without limitation, public or private schools, nursery schools or child care facilities, religious and/or cultural institutions, hospitals and clinics, private or public parks or other areas where large numbers of minors regularly congregate: 1,000 feet.
   c. From another Adult business: 1,000 feet.
2. **Hours of Operation.** Hours of operation are limited to the time period between 8 a.m. and 10 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and from 8 a.m. to 11 p.m. on Friday and Saturday.
3. **Display.** No Adult business may display or exhibit any material in a manner that exposes to the public view, photographs or illustrations of specified sexual activities or naked adults in poses which emphasize or direct the viewer’s attention to the subject’s genitals. Adult news racks are also subject to this limitation.
4. **Security Program.** An on-site security program must be prepared and implemented as follows:
a. **Exterior Lighting.** All off-street parking areas and building entries serving an Adult business must be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkway.

b. **Interior Lighting.** All interior portions of the Adult business, except those devoted to mini-motion or motion pictures, must be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of not less than two foot-candles of light on the floor surface.

c. **Security Guards.** Security guards for Adult businesses may be required if it is determined by the Police Department that their presence is necessary in order to prevent any unlawful conduct from occurring on the premises.

D. **Site Conditions.**

1. **Facade.** For existing buildings, pictures of the building(s) where the adult-oriented business is proposed to be located must be provided to the City upon submittal of a conditional use permit application. The exterior of the building(s) may be required to be repainted and repaired.

2. **Landscaping.** The site must comply with all landscaping requirements of Article 15.04.613 (Water-Efficient Landscaping) in effect at the time of application.

3. **Litter.** The exterior of an Adult business, including all signs and accessory buildings and structures, must be maintained free of litter and graffiti at all times. The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. The owner or operator also must remove graffiti within 72 hours. One permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building.

15.04.610.050 **Alcoholic Beverage Sales**

Retail establishments that sell alcoholic beverages, including liquor stores, must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Applicability.** These standards apply only to alcohol sales for off-site consumption and do not apply to eating and drinking establishments.

B. **Conditional Use Permit Required.** Alcoholic beverage sales shall be allowed only in Commercial and Mixed-Use zoning districts and with a conditional use permit.

C. **Location.**

1. Minimum distance from other liquor stores: 600 feet.
2. Minimum distance from educational, religious, or cultural institutions and public parks: 600 feet.

3. **Exception.** These distance restrictions do not apply to new alcoholic beverage retail establishments that have 25 or more, full-time equivalent employees with a floor area of 20,000 square feet or more and sell from the premises food and other groceries for home consumption or commercial use.

D. **Hours of Operation.** Days and hours of operation shall be between 8:00 a.m. and 8:00 p.m., seven days a week. Additional hours may be allowed by the Planning Commission subject to the following findings:

E. **Litter.** The site must be maintained free of litter and graffiti at all times. The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. The owner or operator must also remove graffiti within 72 hours. One permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building.

F. **Lighting.** All off-street parking areas and building entries serving an Adult business must be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkway.

G. **Signs.** The following signs must be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:

1. "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age";
2. "No Loitering or Public Drinking"; and
3. "It is illegal to possess an open container of alcohol in the vicinity of this establishment".

H. **Presentation of Documents.** A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license must be required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.

I. **State License.** Liquor stores shall comply with all provisions of any license required for such stores by the California Department of Alcoholic Beverage Control.

J. **Inspections.**

1. All businesses that engage in retail alcoholic beverage sales shall be subject to inspection by the City staff any time the Chief of Police, or his or her designee, finds that criminal or nuisance activities are occurring on or near the premises.
2. To ensure compliance with performance standards and/or conditions of approval, all businesses that engage in retail alcoholic beverage sales (for off-site consumption, not including full-service eating and drinking
establishments) shall be subject to inspection once every three calendar years. If a business is not compliant with all performance standards and/or conditions of approval upon first inspection, it shall be inspected a second time on a date determined by the inspection team, no later than 60 days from first inspection. If a business is not fully compliant upon second inspection, it may be inspected a third time on a date determined by the inspection team, no later than 30 days from the date of second inspection, or, if the continuing non-compliance poses imminent danger to the public health, safety, or welfare the inspection team may issue a notice of violation and take such other actions as are necessary to remedy the violation. If a business is found to be in violation of any performance standards and/or conditions of approval after a maximum of three inspections, planning staff shall schedule a hearing before the Planning Commission to determine whether the conditional use permit or deemed approved status should be revoked or modified. The business owner shall be invoiced for the costs of the inspection and any necessary re-inspection and enforcement costs in accordance with the City's fee schedule.

K. **Sound Walls.** If the alcoholic beverage sales commercial activity abuts a residential zoning district, a sound wall is required between the activity and the abutting lot. The sound wall must be no higher than six feet and must not obstruct the view of the building and parking areas from the street.

L. **Windows.** On the primary frontage of a business engaged in retail alcoholic beverage sales there must be a minimum of 240 square feet of transparent fenestration in the area 30 inches above grade to 84 inches above grade that is to remain unobstructed during business hours.

M. **Complaint Response Program.** A "complaint response-community relations" program established and maintained by the deemed approved activity may be required. If required, the program shall include the following:

1. Posting at the entry of the establishment and providing to any requesting individual the telephone number for the area commander of the local law enforcement substation;

2. Coordinating with the Police Department to monitor community complaints about the establishment's activities; and

3. Having a representative of the establishment meet with neighbors or neighborhood association on a regular basis and at their request, attempt to resolve any neighborhood complaints regarding the establishment.

N. **Cups.** In off-sale alcohol outlets, the sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging may be prohibited.
O. **Drug Paraphernalia.** An off-sale alcohol outlet is prohibited from selling drug paraphernalia products as defined in Health and Safety Code Sections 11014.5 and 11364.5.

P. **Security Cameras.** At least two 24-hour time-lapse security cameras are required to be installed and properly maintained on the exterior of the building at locations recommended by the Police Department. All criminal and suspicious activities recorded on this surveillance equipment must be reported to local law enforcement. To the extent allowed by law, the establishment's operators may be required to provide any tapes or other recording media from the security cameras to the Police Department.

Q. **Standards and Procedures for Existing Alcoholic Beverage Retail Establishments (“Deemed Approved” Activities).** All on-sale and off-sale alcoholic beverage retail establishments that have been legally existing and operating with all required licenses and without conditional use permit prior to the adoption of this Section shall be permitted to operate at their present location as a “deemed approved” activity; provided that such establishments shall not be permitted to operate without a conditional use permit if any of the following occur:

1. The establishment changes its type of retail on-sale or off-sale liquor license granted by the California Department of Alcoholic Beverage Control (i.e., beer and wine to distilled liquor);

2. The business operation of the establishment is abandoned, suspended or discontinued (including the case where retail liquor license for such operation is suspended) for a period of 120 days; provided that, this provision shall not apply when the business operation is suspended or discontinued because the building or structure in which the establishment is operating is:
   a. Destroyed or damaged due to causes beyond the owner of the establishment's control (i.e., fire, flood, act of God, etc.) and which prevents the establishment from operating, or
   b. Being remodeled, enlarged or improved which prevents the establishment from operating, provided that building and other appropriate City permits have been obtained within 120 days after the business operation is discontinued. In the event that such permits expire or are revoked, then such establishment shall be required to obtain a conditional use permit in order to continue or reestablish its operation;

3. The square footage of the floor area within the establishment devoted to the display or sale of alcoholic beverages is increased by 25 percent or more;

4. The retail liquor license is transferred to another location within the City or the establishment, either in whole or in part, is moved or relocated to another location within the City.
a. Destroyed or damaged due to causes beyond the owner of the establishment's control (i.e., fire, flood, act of God, etc.) and which prevents the establishment from operating, or

b. Being remodeled, enlarged or improved which prevents the establishment from operating, provided that building and other appropriate City permits have been obtained within 120 days after the business operation is discontinued. In the event that such permits expire or are revoked, then such establishment shall be required to obtain a conditional use permit in order to continue or reestablish its operation.

R. **Conditions of Approval.** Businesses that engage in retail alcoholic beverage sales shall be subject to inspection by City staff any time the Chief of Police, or his or her designee, finds that criminal or nuisance activities may be occurring on or near the premises. In addition, to ensure compliance with performance standards and/or conditions of approval, all businesses that engage in retail alcoholic beverage sales (except eating establishments with alcoholic beverage sales) shall be subject to inspection once every three calendar years. The business owner shall be invoiced for the costs of the inspection and any necessary re-inspection and enforcement costs in accordance with the City's fee schedule.

**15.04.610.060 Animal Keeping**

Animal Keeping establishments must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Where Allowed.** Animal keeping is allowed as an accessory use to a residential use subject to the standards of this section.

B. **Household Pets.** The keeping of four or fewer small domestic household pets, such as cats, dogs, chickens, and birds for noncommercial purposes, is permitted. The keeping of more than four small domestic, household pets is subject to administrative use permit approval.

C. **Other Animals Allowed in Residential Districts.** In Residential Districts, the following animals are allowed, subject to the specified standards.

1. **Large Animals.** One horse, mule, goat, cow, swine, or other similar size animal is permitted for each 20,000 square feet of lot area, provided that no more than three swine or five such other animals are kept on any lot.
   a. **Horse Stables.**
      i. **Proximity.** No horse stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling on the site, or closer than 100 feet to any other dwelling.
      
      ii. **Maximum Equine Boarding.** A maximum of two equines not owned by the resident of the involved property may be
boarded or kept as an accessory use without such boarding or keeping being regarded as a commercial equine keeping operation; provided, however, that the total number of equines being boarded or kept does not exceed one for each 4,000 square feet of lot area.

2. **Small Animals.** The keeping of four or fewer small animals (e.g., chickens, birds, ducks, and rabbits) are permitted, provided that:
   a. Such small animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
   b. The keeping of such small animals is not injurious to the health, safety, or welfare of the neighborhood and does not create offensive noise or odor as determined by the Zoning Administrator after advice from the County Health Department or County Animal Services Officer.
   c. Such animals shall be kept in coops or enclosures that are no closer than 15 feet to any dwelling.

D. **Offspring.** The offspring of any permitted animal may be kept until weaned, unless they do not exceed the total number of animals allowed.

E. **Prohibited Animals.** No predatory wild animals, roosters, endangered animals, or protected animals are allowed to be kept within the City.

F. **Slaughtering of Animals Prohibited.** No slaughter of animals is allowed anywhere in the City.

G. **Odor and Vector Control.** Animal structures, including pens, coops, cages, and feed areas, must be maintained free from litter, garbage, and the accumulation of manure so as to discourage the proliferation of flies, other disease vectors and offensive odors. Manure must not be allowed to accumulate within setback areas.

H. **Containment.** Animals must be effectively contained on the site and not be allowed to run free on any lot in a separate ownership or in a public right-of-way.

I. **Compliance with Contra Costa County Code.** All animal keeping shall be in compliance with the Contra Costa County Code, Title IV Article 416 (Animals). With an administrative use permit, the number of animals allowed may be increased by one from the maximum number set in the County Code.

15.04.610.070 **Automobile/Vehicle Sales and Leasing**

Automobile/vehicle sales and leasing facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Location.** Automobile/Vehicle Sales and Leasing are permitted on a site with at least one frontage on an arterial street.
B. **Landscaping and Screening.** In addition to complying with the landscaping standards in Article 15.04.613 (Water-Efficient Landscaping), additional screening and landscaping may be required where necessary to screen adjacent Residential districts.

C. **Vehicle Loading and Unloading.** All vehicle loading and unloading must occur on site in the rear half of the site. If the lot abuts a Residential District, the loading and unloading may be located where it will have a lesser impact on the adjacent lot. All loading and unloading must occur during weekday business hours.

D. **Vehicle Storage.** All vehicles having service done on them shall be started on site; no overnight storage on public streets is allowed.

15.04.610.080  **Automobile/Vehicle Repair, Major**

Major automobile/vehicle repair facilities, including facilities accessory to a dealership, must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series Base Zoning Districts:

A. **Landscaping and Screening.** In addition to complying with the landscaping standards in Article 15.04.613 (Water-Efficient Landscaping), additional screening and landscaping may be required where necessary to screen adjacent Residential districts.

B. **Work Areas.** All work must be conducted within an enclosed building, except pumping motor vehicle fluids, checking and supplementing fluids, and mechanical inspection and adjustments not involving any disassembly.

C. **Vehicle Storage.** Vehicles being worked on or awaiting service or pick up must be stored within an enclosed building or in a parking lot that is adequately screened, with an earthen berm, screen wall or a building. Screen walls must be located on lot lines with the exception of yards along streets, where the screen wall must be located outside of required setbacks. Unattended vehicles shall not be parked or stored on the sidewalk adjoining the property, or on the street. Screen walls are not required when the site is located in an Industrial District that abuts a non-arterial street.

D. **Equipment and Product Storage.** Exterior storage, including tires, must not be visible from arterial streets or a Residential District.

E. **Spray/Paint Booths.** Spray booths must be screened from arterial streets and must be separated a minimum of 500 feet from Residential districts, parks, schools, and daycare centers.

F. **Discard.** No used or discarded automotive parts or equipment or permanently disabled, junked, unregistered, or wrecked vehicles may be stored outside of the main building, except in an approved location on-site. Parts or equipment may be temporarily stored outdoors for no longer than one week, but must be screened from view.
G. **Noise.** All body and fender work or similar noise-generating activity must be enclosed in a masonry or similar building with sound-attenuating measures incorporated into the building design and construction to absorb noise. Bay openings must be oriented so as to minimize the effects of sound emanating from the auto repair building towards residential uses, outdoor restaurant seating, and outdoor reception areas. Compressors must be located within separately enclosed, sound-attenuated rooms.

15.04.610.090 **Automobile/Vehicle Washing**

Automobile/vehicle washing facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Landscaping and Screening.** In addition to complying with the landscaping standards in Article 15.04.613 (Water-Efficient Landscaping), additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent Residential districts.

B. **Washing Facilities.** A recycled water system is required.

C. **Hours of Operation.** Washing facilities are limited to 7 a.m. to 11 p.m., seven days a week. When abutting or adjacent to a Residential District, the hours of operation are limited to 8 a.m. to 7 p.m., seven days a week.

D. **Litter.** The site must be maintained free of litter and graffiti at all times. The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. The owner or operator must remove graffiti within 72 hours.

E. **Adequate Queuing Areas.** Vehicle queuing areas shall be provided to ensure that there is no interference with vehicle access and on-site circulation and with circulation on adjacent public streets. Vehicle queuing areas must be approved by the Director of Public Works.

15.04.610.100 **Bed and Breakfast Lodging**

Bed and breakfast establishments shall be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Type of Residence.** Bed and breakfast establishments must be located, developed and operated within a single-unit dwelling.

B. **Number of Rooms.** No more than two rooms shall be rented unless the right to rent additional rooms is granted by an administrative use permit.

C. **Appearance.** The exterior appearance of a structure housing a bed and breakfast establishment shall not be altered from its original single-unit character.

D. **Limitation on Services Provided.** Meals and rental of bedrooms shall be limited to registered guests. Separate or additional kitchens for guests are prohibited.
E. **When located on the Shoreline.** Any lodging or visitor-services located on the shoreline of San Francisco Bay are required to provide and maintain public access facilities, as required by the Bay Conservation and Development Commission, unless such access would adversely affect natural resources or natural processes.

15.04.610.110 **Breweries**

Industrial and commercial establishments that manufacture and sell beer and similar beverages, including production breweries, brew-on-premises breweries, and micro-breweries, must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Accessory Retail Sales.** Breweries that sell alcoholic beverages for off-site consumption must conform to the regulations in § 15.04.610.050 Alcoholic Beverage Sales.
   1. Accessory retail sales within the Industrial Buffer Zone, as shown on the Zoning Map, are not allowed.
   2. In all other zones where breweries are allowed, the gross floor area devoted to accessory retail sales shall not exceed 10 percent of the total floor area and the sales are limited to beverages manufactured on-site.

B. **On-site Sales or Tasting.** On-site sale or tasting, for a fee or no fee, of alcoholic beverages is allowed as an accessory use with an administrative use permit and a license from the California Department of Alcoholic Beverage Control, if required. Only the beverages manufactured on-site shall be offered for sale or tasting, and the total floor area for on-site sales and tasting/ shall not exceed 10 percent of the gross floor area of the brewery. Beer brewed by a customer in a brew-on-premises brewer shall not be sold and must be used by the customer for personal or family use.

15.04.610.120 **Commercial/Recreation and Entertainment**

Commercial/Recreation and Entertainment must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Entrance.** Lobby entrance areas should be designed so as to minimize obstruction of sidewalks during operation hours.

B. **Location.**
   1. Minimum distance from nearest school: 1,000 feet.
   2. Minimum distance from nearest religious assembly use, residential care facility, rest home or public library: 300 feet.
   3. The distance requirements imposed by this subsection may be waived by the Planning Commission pursuant to Article 15.04.809 (Waivers).
15.04.610.130 Community Assembly

Community assembly facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Minimum Site Area.**
   1. **In Non-Residential Districts.** 10,000 square feet.
   2. **In Residential Districts.** 20,000 square feet.

B. **Setback from Residential District or Use.** A minimum setback of 20 feet must be provided adjacent to any Residential District.

C. **Outdoor Activity Areas.** Outdoor areas used for recreation, meetings, services or other activities involving groups of persons must be at least 50 feet from any Residential District boundary or residential use.

D. **Hours of Operation.** Permitted hours of operation are between 9:00 a.m. and 9:00 p.m., seven days a week. Additional hours may be allowed with a conditional use permit.

E. **Permitted Accessory Uses.** Community assembly uses may include administrative offices, kitchen facilities, multi-purpose rooms, storage, and other uses that are accessory to the facilities for public or private meetings. Places of worship may provide religious instruction as an accessory use; however, when a full school curriculum is offered, the school use will be separately classified as a School and subject to review as such.

15.04.610.140 Convenience Markets

Convenience Markets must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Conditional Use Permit.** Conditional use permits are required for any convenience market of more than 3,000 square feet (1,000 square feet in an ILL district).

B. **Maximum Size.** 5,000 square feet.

C. **Setbacks.** No building or structure shall be located within 20 feet of an interior lot line abutting a Residential district.

D. **Litter.** The site must be maintained free of litter and graffiti at all times. The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. The owner or operator must remove graffiti within 72 hours. One permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building.

E. **Hours of Operation.** Permitted hours of operation are between 7:00 a.m. and 11:00 p.m., seven days a week, unless longer hours are allowed with a conditional use permit.
F. **Limitation on Sales Area of Tobacco Products and Alcoholic Beverages.** No more than 20 percent of the sales display shelves shall be devoted to tobacco products or alcoholic beverages.

### 15.04.610.150 Domestic Violence Shelters

Domestic Violence Shelters must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Plan of Operation.** Domestic Violence Shelters must have a plan of operation, including but not limited to, patron access requirements, hours of operation, control of congregate activity, security measures, litter control, and noise attenuation; and

B. **Building and Fire Safety Regulations.** Evidence of compliance with all Building and Fire Safety regulations and any other measures necessary and appropriate to ensure compatibility of the proposed use with the surrounding area is required.

### 15.04.610.160 Drive-In and Drive-Through Facilities

Drive-in and drive-through facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Landscaping and Screening.** In addition to complying with the landscaping standards in Article 15.04.613 (Water-Efficient Landscaping), additional screening and landscaping may be required where necessary to prevent visual impacts on adjacent Residential districts.

B. **Circulation.** Drive-through facilities must provide safe, unimpeded movement of vehicles at street access points, in travel aisles, and parking areas. A site plan showing directional movements for interior traffic circulation must be provided for review by the Public Works Director.

C. **Pedestrian Walkways.** Vehicle aisles must not intersect with interior pedestrian walkways, unless no alternative exists. In such cases, pedestrian walkways must have clear visibility, emphasized by enhanced paving or markings.

D. **Stacking.** Vehicular stacking areas must be provided to ensure vehicle queue will not interfere with public rights-of-way, private streets, or with on- or off-site parking and circulation. Stacking area size requires approval by the Public Works Director.

E. **Screening.** Each drive-through aisle must be screened with a combination of decorative walls and landscape to a height of 36 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.

F. **Trash and Waste.**

1. Garbage and trash containers shall be provided in locations suitably enclosed and screened so as not to be visible from a public right-of-way.
2. A waste receptacle shall be placed near the entry way to the drive-in or drive-through facility.

3. The site must be maintained free of litter and graffiti at all times. The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 100 feet of the premises. The owner or operator must remove graffiti within 72 hours. One permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building.

G. Site Design.

1. Drive-through elements must be placed to the side or rear of the building. Drive-through windows must be oriented away from the street frontage and provide adequate screening measures through landscaping and design to minimize visibility of the drive-through.

2. The design of freestanding drive-through facilities must be compatible with the principal building, in terms of building color, materials, and form.

15.04.610.170 Emergency Shelters

Emergency shelters must be located, developed, and operated in compliance with the following standards where allowed by the 200 Series, Base Zoning Districts:

A. Proximity to Other Shelters. Minimum distance from other emergency shelter: 300 feet.

B. Facility Requirements. Each emergency shelter shall include, at a minimum:

1. A courtyard or other on-site area for outdoor client congregation, so that clients waiting for services are not required to use the public sidewalk for queuing;

2. On-site management during hours of operation when clients are present, and an area for the manager near the entry to the facility;

3. Exterior lighting at all building entrances and outdoor activity areas activated between sunset and sunrise of each day for security purposes.

C. Common Facilities. The emergency shelter facility may provide one or more of the following specific facilities and services:


2. Commercial kitchen facilities operated in compliance with Health and Safety Code Section 113700, et seq.;

3. Dining area;

4. Laundry;

5. Recreation room; and
6. Support services (e.g., training, counseling).

D. **Maximum Number of Beds.** No more than 10 beds shall be provided in any single emergency shelter located in a Residential zoning district and no more than 25 beds shall be provided in any single emergency shelter located within a Mixed-Use zoning district, except:

1. In response to a disaster; or
2. As authorized by a conditional use permit.

E. **Parking.** At least one parking space for every four beds and one additional parking space for every ten beds. The Zoning Administrator may reduce this parking requirement upon finding that the actual parking demand will be less than the standard assumes.

F. **Bicycle Parking.** At least one bicycle space for every five beds.

15.04.610.180 **Family Day Care, Large**

Large family day care homes must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Licensing.** Large Family Day Care homes shall be licensed or certified by the State of California and shall be operated according to all applicable state and local regulations.

B. **Residency.** The operator of a Large Family Day Care Home must be a full-time resident of the dwelling unit in which the facility is located.

C. **Screening.** A periphery fence or wall, constructed of wood or masonry, must be provided to screen and secure outdoor areas. Barbed wire is prohibited.

D. **Outdoor Space.** A minimum of 50 square feet of outdoor recreational space must be provided for each child over two years old. Swimming pools and adjacent pool decking shall not count towards meeting this space. The outdoor area cannot be located in any required front or street side yard, nor can it be shared with other property owners.

E. **Passenger Loading.** Curbside loading is presumed adequate for drop-off and pick-up of children; however, where the Zoning Administrator determines that curbside loading is not adequate, a passenger loading plan will be required.

F. **Notification of Changes in Operation.** The operator of the Large Family Day Care shall notify the Zoning Administrator in writing of any modifications to hours of operation and drop off and pick up locations.
15.04.610.190  Farmers Markets

Farmers markets must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A.  **Qualified Operator.** Farmers markets must be operated by one or more producers, a nonprofit organization, or a local government agency.

B.  **Permits Required.** The market operator and vendors must obtain an administrative use permit and secure all necessary licenses, certificates and health permits, including permits for street closure, if applicable. All permits (or copies of them) must be in the possession of the farmers market manager during all hours of operation.

C.  **Management Plan.** A management plan must be prepared and provided to the Zoning Administrator. The management plan must include the following:
   1. Identification of a market manager or managers, who must be present during all hours of operation.
   2. A set of operating rules addressing the governance structure of the market; the method of assigning booths and registering vendors; hours of operation; maintenance; security; refuse collection; and parking.

D.  **Hours of Operation.** Market activities may be conducted between 7:00 a.m. and 8:00 p.m., seven days a week. Set-up of market operations cannot begin more than one hour prior to the operational hours of the market, and take-down must be completed within one hour of the close of the market.

E.  **Waste Disposal.** Adequate composting, recycling, and trash containers must be provided during hours of operation, and must be removed from site for appropriate disposal. The site must be cleaned at the end of each day of operations, including the removal of all stalls and debris.

F.  **Pedestrian Clearance.** A farmers market must not obstruct any sidewalk or path that is part of a pedestrian circulation system.

15.04.610.200  Group Residential

Group residential facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A.  **Minimum Lot Area.** When located in a Residential district, the minimum lot area is 10,000 square feet.

B.  **Laundry Facilities.** Laundry facilities must be provided on-site.

C.  **Common Open Space.** Common open space of 20 square feet for each person who resides in the facility must be provided.

D.  **Security.** Parking garages, surface parking, and private and common areas located outside the building must be designed to protect the security of residents, guests, and employees by controlling access to the facilities by other persons.
15.04.610.210  Hazardous Waste Facilities

A.  **Conditional Use Permit Required.** All hazardous waste facility projects require a Use Permit pursuant to Article 15.04.806 (Use Permits). All applications for hazardous waste facility projects in the Contra Costa County Hazardous Waste Management Plan shall comply with the procedures set forth in Public Resources Code Sections 21000-21177 and Government Code Section 65920 et seq. or any successor statutes. The local permitting process is intended to ensure adequate protection of public health and the environment without imposing undue restrictions on projects.

B.  **Application Contents.** Every application for a hazardous waste facility project shall be made in writing to the Zoning Administrator on the forms provided by the Planning Department, accompanied by a filing fee pursuant to Article 15.04.803 (Common Procedures) and shall include all information contained in the submittal requirements list published by the Zoning Administrator.

C.  **Specified Hazardous Waste Facilities.** All applications for specified hazardous waste facility projects must follow the procedures set forth in Article 15.04.806 (Use Permits), Health and Safety Code Sections 25199 et seq. or any successor statute, Public Resources Code Sections 21000 – 21177, and Government Code Section 65920 et seq. or any successor statutes.

D.  **Standards and Locational Criteria.** All specified hazardous waste facility projects in the City shall comply with the siting criteria set forth in the Contra Costa County Hazardous Waste Management Plan and the following criteria:

1.  **Proximity to Populations.** Residuals repositories shall be a minimum distance of 2,000 from any residence.

2.  **Capability of Emergency Services.** All facilities shall be located in areas where Fire Departments is able to respond immediately to hazardous material accidents, where mutual aid and immediate aid agreements are well established and where demonstrated emergency response times are the same or better than those recommended by the National Fire Prevention Association. In addition, hazardous materials accident response services at the facility may be required based on the type of wastes handled or the location of the facility.

3.  **Flood Hazard Areas.** Residuals repositories are prohibited in areas subject to inundation by floods with a 100-year return frequency, and shall not be located in areas subject to flash floods and debris flows. All other facilities shall not locate in floodplains or areas subject to flash floods and debris flows unless they are designed, constructed, operated, and maintained to prevent migration of hazardous wastes in the event of inundation.

4.  **Proximity to Active or Potentially Active Faults.** All facilities are required to have a minimum 200-foot setback from a known active earthquake fault.
5. **Slope Stability.** Residuals repositories are prohibited in areas of potential rapid geologic change. All other facilities shall not locate in areas of potential rapid geologic change unless containment structures are designed, constructed, and maintained to preclude failure as result of such changes.

6. **Subsidence/Liquefaction.** Residuals repositories are prohibited from locating in areas of potential rapid geologic change. All other facilities shall avoid locating in areas of potential rapid geologic change unless containment structures are designed, constructed, and maintained to preclude failure as a result of such changes.

7. **Discharge of Treated Effluent.** Facilities generating wastewater shall be located in areas with adequate sewer capacity to accommodate the expected wastewater discharge. If sewers are not available, the site should be evaluated for ease of connecting to a sewer or for the feasibility of discharge directly into a stream or the ocean. All facilities should comply with all State and federal permitting requirements.

8. **Depth to Groundwater.** Residuals repositories and facilities with subsurface storage and/or treatment are prohibited in areas where the highest anticipated elevation of underlying groundwater is five feet or less from the lowest subsurface point of the facility. At all facilities, the foundation of all containment structures at the facility must be capable of withstanding hydraulic pressure gradients to prevent failure due to settlement, compression, or uplift as certified by a California-registered civil engineering geologist.

9. **Groundwater Monitoring.** Residuals repositories and facilities with subsurface storage and/or treatment must develop a program that successfully satisfies the Regional Water Quality Control Board permit requirements for groundwater monitoring. Facilities that handle liquids should be located where groundwater flow is in one direction with no vertical interformational transfer of water.

10. **Major Aquifer Recharge Area.** Residuals repositories are prohibited within any area known to be, or suspected of, supplying principal recharge to a regional aquifer. Facilities with subsurface storage or treatment must be located at least one-half mile away from potential drinking water sources. All other facilities located in areas known to be, or suspected of providing recharge to an existing water supply well, shall provide for increased spill containment and inspection measures.

11. **Soil Permeability.** Soil permeability requirements for disposal and subsurface treatment and storage facilities shall conform to those required by the State Water Resources Control Board. All other above-ground facilities shall have engineered structural design features common to other types of industrial facilities. These features shall include spill containment and monitoring devices. All other facilities may be located in areas where surficial materials
are principally highly permeable if adequate spill containment and inspection measures are employed.

12. **Existing Groundwater Quality.** Residuals repositories are allowed only where the uppermost water-bearing zoning district or aquifer is presently mineralized (by natural or human induced conditions) to the extent that it could not reasonably be considered for beneficial use. All other facilities located in areas where existing groundwater quality is Class 1 or Class 2 shall provide increased spill containment and inspection measures.

13. **Proximity to Areas of Waste Generation.** Subject to other standards and criteria described herein, all facilities shall be located in areas best suited for providing services to any hazardous waste generators in the City. Facilities that will primarily serve generators from outside the City must demonstrate why the facility cannot be located closer to the points of hazardous waste generation to be serviced.

E. **Conditions.** The following conditions shall apply to all proposed facilities:

1. **Fire and Building Codes.** All storage or use of hazardous materials must be approved by the Fire Chief and be in conformance with all applicable fire and building codes.

2. **Safety and Security.** The operator shall provide a 24-hour surveillance system that continuously monitors and controls entry onto the facility. Perimeter fencing shall be constructed and security measures taken to prevent climbing and scaling of fences. Masonry walls shall be used when the facility is adjacent to non-industrial uses. The Zoning Administrator shall determine compliance with this standard.

3. **Monitoring.**
   a. Upon reasonable notice, and for the purpose of ensuring compliance with all standards, conditions, and other requirements that the City is authorized to enforce, City officials may enter the premises on which a hazardous waste facility permit has been granted.
   b. The owner or operator of a facility shall report quarterly to the Zoning Administrator the amount, type and disposition of all wastes processed by the facility. The report shall include copies of all manifests showing the delivery and types of hazardous wastes, a map showing the exact location (coordinates and elevation), and the quantities and types of materials placed in repositories, stored or disposed of onsite.
   c. The owner or operator of a hazardous waste facility shall immediately send copies of all complaints regarding facility operations and copies of all inspection reports made by other local, state or federal agencies to the Zoning Administrator.
15.04.610.220  Home Occupations

Home occupations must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A.  **Applicability.** The standards of this Section apply to an occupation conducted in a dwelling unit, garage or accessory building in a residential or mixed use district that is incidental to the principal residential use on an appointment basis.

B.  **Exterior Residential Appearance.** The exterior residential appearance of the unit within which the home occupation is conducted must be maintained. No exterior indication of a home occupation is permitted. There shall be no visible signs, except as required by law.

C.  **Outdoor Equipment.** No outdoor storage or display of vehicles, equipment, materials or supplies related to the home occupation shall be permitted, with a single exception: one business vehicle, up to one-ton capacity, with signage, used for the home occupation is permitted.

D.  **Employees.** No more than one person other than resident(s) of the dwelling shall be employed on-site or report to work at the site of the home occupation, except for other employees of licensed child care facilities. This prohibition also applies to independent contractors.

E.  **On-Site Client Contact.** Customer and client visits are permitted, provided the home occupation does not generate pedestrian or vehicular traffic in excess of that customarily associated with the zoning district in which the use is located.

F.  **Nuisances.** A home occupation must be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of wireless telecommunications, interference with radio or television reception, or other hazard or nuisance is perceptible on adjacent lots or in neighboring units in a multiple-unit building.

G.  **Sale.** There shall be no sale or display of a commodity on the premises of a home occupation. This prohibition does not apply to cottage food operations meeting the requirements of the California Department of Public Health.

15.04.610.230  Hospitals and Clinics

Hospitals and clinics must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A.  **Location.** Hospitals are only allowed on sites with at least one frontage on an arterial street.

B.  **Minimum Street Frontage.** 100 feet for hospitals; 50 feet for clinics.
15.04.610.240  Live-Work Units

Live-work units must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Establishment.** Live-work units may be established through new construction or through the conversion of existing residential, commercial, and industrial buildings.

B. **Allowable Uses.** Work activities in live-work units are limited to uses that are permitted outright, or allowed with an administrative use permit or conditional use permit in the zoning district in which the live-work units are located. The owner of an existing or proposed live-work building or unit, or an authorized agent of the owner may apply for the use permit. Live-work units are not permitted to contain only “work” or commercial uses. On-site storage and sale of materials and merchandise is allowed.

C. **Development Standards.** Live-work buildings shall comply with the following standards.
   1. The minimum size of a live-work unit shall be 750 square feet.
   2. The work space must meet the requirements of the building code for the type activity/use being undertaken. Similarly, the area defined as the living space must comply with the building code requirements for habitable space.
   3. The reuse of existing commercial or industrial buildings for live-work occupancy shall not necessarily constitute a change of use.
   4. The occupant of a live-work space must acknowledge in writing that he/she, by selecting this type of occupancy, accepts the conditions found in the area, including but not limited to industrial noise, pollution, fumes, dirt, traffic and odors to the extent that they are permitted by law in the base district. The Planning Commission may include conditions to this effect to be recorded as part of the approval of a live-work application.

D. **Sale or Rental of Portions of Unit Above the Ground Level Prohibited.** No portion of a live-work unit located above the ground level may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

15.04.610.250  Manufactured Homes

Manufactured homes must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Required Certification.** A manufactured home must be certified under the standards set forth in the National Manufactured Housing Construction and Safety Standards Act of 1976, as amended, at the time of any application for placement of such manufactured home.
B. **Permanent Foundation.** The manufactured home must be placed on a permanent foundation in accordance with the standards set forth in the Uniform Building Code.

C. **Age of Home.** No more than 10 years may elapse between the date of the manufacture of the manufactured home and the date of the application for issuance of a permit to install a home on a lot in the City.

D. **Utilities.** Each manufactured home must be provided permanent hookups for electricity, gas, water, and sewer connections in the same manner applicable to permanent buildings. Gas shutoff valves, meters, and regulators must not be located beneath the manufactured home, in compliance with the requirements of the Building Code for comparable residential structures.

**15.04.610.260 Medical Marijuana Uses**

Reserved.

**15.04.610.270 Nontraditional Financial Institutions (“Check-cashing”)**

Nontraditional Financial Institutions (e.g. check-cashing facilities) must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Conditional Use Permit Criteria.** A conditional use permit for any Nontraditional Financial Institution may only be granted upon determining that the proposal conforms to the use permit criteria set forth in Article 15.04.806 (Use Permits), and to all of the following performance standards:

1. **Location.**
   a. Minimum distance from another Nontraditional Financial Institution: 1,000 feet.
   b. Minimum distance from an educational, religious, or cultural institution or public park: 500 feet.
   c. Minimum distance from liquor stores: 500 feet.

2. **Performance Standards.**
   a. Exterior lighting with shielded fixtures shall be provided on all frontages. Such lighting shall be designed to illuminate persons standing outside such that they can be identified 30 feet away.
   b. A minimum of 60 percent of a storefront shall have glass or transparent glazing in the windows and doors providing views into the building’s interior within a zone of transparency of between two feet and six feet above the adjacent sidewalk grade. No more than 10 percent of any window or door area shall be covered by signs, banners, or opaque coverings of any kind so that law enforcement personnel will have clear view of the entire public area in the premises from the public sidewalk.
c. Days and hours of operation shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday.

d. The site must be maintained free of litter and graffiti at all times. The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. The owner or operator must remove graffiti within 72 hours. One permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building.

c. Patrons shall be discouraged from loitering prior to, during and/or after hours. A sign shall be posted in the front of the business indicating that no loitering is permitted per the Municipal Code.

15.04.610.280 Nurseries and Garden Centers

Nurseries and garden centers must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. Products for Sale. Products offered for sale are limited to nursery stock and related materials incidental to the planting, care, and maintenance of plants, including fertilizer, pesticides, seeds, and planting containers, and exclude general building materials, hardware, tools other than for soil preparation and general landscaping.

B. Enclosure. All storage, display, and sale of products other than nursery stock must be conducted within a completely enclosed building or within an area enclosed by a solid wall or fence and gate between five and six feet in height.

15.04.610.290 Outdoor Dining and Seating

Outdoor Dining and Seating facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. Applicability. The standards of this Section apply to outdoor dining and seating located on private property. Outdoor dining and seating located in the public-right-of-way requires an encroachment permit issued by the Public Works Department.

B. Accessory Use. Outdoor dining and seating must be conducted as an accessory use to an eating or eating and drinking establishment located on the same lot or an adjacent lot.

C. Enclosure. Awnings or umbrellas may be used, but must be adequately secured and/or retractable.

D. Furnishing and Fixtures. Furnishing may consist only of movable tables, chairs, and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the principal building.
E. **Litter Removal.** Outdoor dining and seating areas must remain clear of litter at all times.

F. **Hours of Operation.** The hours of operation are limited to the hours of operation of the associated eating or eating and drinking establishment.

G. **Parking.** Where an outdoor dining and seating area occupies less than 200 square feet, no additional parking spaces for the associated eating and drinking establishment is required. Otherwise, parking must be provided according to Article 15.04.607 (Parking and Loading Standards).

H. **Pedestrian Space.** Tables and chairs must be placed in a way that allows for an unobstructed pedestrian walkway with a minimum width of four feet.

I. **Accessibility.** At least 25 percent of the seating must be accessible to persons using wheelchairs.

**15.04.610.300 Outdoor Sales**

Outdoor sales must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Seasonal and Temporary Sales.** For seasonal and temporary sales, such as holiday tree and pumpkin lots, refer to Section 15.04.610.410 (Temporary Uses).

B. **Permanent Outdoor Display and Sales.** The permanent outdoor display of merchandise, except for automobile/vehicle sales and leasing, which is subject to Section 15.04.610.070, requires administrative use permit approval and must comply with the following standards:

   1. **Relationship to Main Use.** The outdoor display and sales area must be directly related to a business occupying a primary structure on the subject parcel.

   2. **Display Locations.**

      a. Outdoor sales and display located in the public-right-of-way requires an encroachment permit issued by the Public Works Department.

      b. The displayed merchandise must not disrupt the vehicle and pedestrian circulation on the site, obstruct driver visibility or otherwise create hazards for vehicles or pedestrians.

      c. A four-foot pedestrian pathway to the main entrance of the use must be maintained and not blocked by merchandise. If there is more than a four-foot-wide pathway provided, merchandise may be displayed in an area outside of the required four feet.

   3. **Allowable Merchandise.** Only merchandise generally sold at the business is permitted to be displayed outdoors.
4. **Refuse/Litter.** The operator is responsible for collecting trash due to outdoor sales.

**15.04.610.310 Outdoor Vendors (Mobile Food Vendors)**

Outdoor vendors (mobile vending units) must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Permits Required.** In addition to an administrative use permit, outdoor vendors shall submit proof of compliance with the following to the Zoning Administrator:

1. **Business License.** Every outdoor vendor shall obtain a City business license prior to operation.

2. **County Health Department.** If food and/or beverages are being sold, a valid permit from the County Health Department is required for the commissary as well as for the mobile vending unit.

3. **State Certified Vehicle.** Any mobile food vending unit owner shall provide proof that the vehicle is State-certified for operation as a mobile food preparation truck, including compliance with plumbing and electrical standards.

4. **Vehicle Insurance and Registration.** Proof of current insurance and registration of the vehicle must be present with the administrative use permit application.

All permits and licenses shall be displayed at the place of business at all times.

B. **Exemptions.** The following activities shall be excluded from the requirements of this outdoor vendors ordinance:

1. Outdoor activities that take place within the public right-of-way (e.g. peddler businesses);

2. Pumpkin sales from October 1 to October 31, inclusive;

3. Holiday tree sales from November 1 to December 25, inclusive;

4. Residential yard sales activities up to three days within any three-month period;

5. Nonprofit activities related to religious establishments, community events, and fundraisers up to three days within any three-month period; and

6. Special events that take place on land within the PCI zoning district for no more than a maximum of 30 calendar days within any twelve-month period.

C. **Site Criteria/Operational Characteristics.** The following criteria shall apply to the siting and operational characteristics of outdoor vendors:
1. Outdoor vending activities shall be allowed only in Mixed-Use, Commercial and Industrial zoning districts.

2. The minimum distance between outdoor vendors is 300 feet.

3. Outdoor vendors located on the premises of an already established business shall be allowed to operate their business on that location only if it can be shown that there is adequate parking for both the established business and for customers of the outdoor vendor business.

4. The off-site location where the mobile vending unit is to be stored overnight must be identified in the application. Mobile vending units shall not be parked in Residential zoning districts.

5. Wash down of the mobile vending unit shall be only permitted at an approved facility that will capture the wastewater in an approved sanitary sewer.

6. The outdoor vendor shall be responsible for cleaning up the site and adjacent surrounding area of the trash and debris generated by the business during and at the end of each business day.

7. The mobile vending unit shall not be located within a 12-foot radius of the outer edge of any entranceway to any building or facility used by the public.

8. The mobile vending unit shall not be located where space for pedestrian passage will be reduced to less than six feet.

9. The administrative use permit for outdoor vendors is considered temporary and is granted only for a maximum of two years. It may be renewed.

D. **Signage.** One sign per vendor not to exceed 20 square feet in size.

### 15.04.610.320 Pawn Shops; Secondhand Dealers

Pawn shops and secondhand dealers must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **License Review Required.** An operator shall submit a California Department of Justice Secondhand Dealer or Pawnbroker License Application form to the Police Department for review and processing. The completed application must include a request for a live scan, processing fees, and a money order or check payable to the Department of Justice. If the application is for a pawnbroker license, a surety bond must be attached to the application package.

B. **Site Location and Access.**

1. Pawn shops and secondhand dealers are only permitted in CM-3, Commercial Mixed-Use, Commercial Emphasis; CM-4, Commercial Mixed-Use, Gateway/Node; and CM-5, Commercial Mixed-Use, Activity Center zoning districts.
2. A minimum separation distance of 1,000 feet is required from each secondhand dealer business.

3. No pawn shops or secondhand dealers are allowed on lots that abut a residential zoning district.

C. Operation and Development Standards.

1. An on-site lighting plan must be submitted and approved by the Zoning Administrator prior to issuance of a business license.

2. A security plan must be submitted to and approved by the Police Department prior to issuance of a business license.

3. Windows of the business shall not be tinted or obscured in any way, including by temporary or painted window signs, and the interior lighting of the business shall remain at adequate levels to clearly see into the business from the exterior of the business.

4. Patrons shall be discouraged from loitering prior to, during and/or after hours. A sign shall be posted in the front of the business indicating that no loitering is permitted per the Municipal Code.

5. Hours of operation shall be between 9:00 a.m. and 6:00 p.m., Monday through Saturday.

D. Standard Conditions of Approval.

1. All businesses that engage in secondhand dealer operations shall be subject to Chapter 7.60 and inspection by the Chief of Police or any police officer of the City.

2. The applicant shall fully comply with all requirements for secondhand dealers set forth in the California Business and Professions Code, Section 21625 et seq. and any other applicable statutes or ordinances.

3. The business owner or operator shall maintain in good repair all building exteriors, walls, drainage facilities, landscaping, driveways and parking areas. The premises shall be kept clean and free of litter and weeds. Any graffiti shall be removed within 72 hours of occurrence.

4. All businesses are subject to inspection by the Police Department every year to determine compliance with these conditions. The business owner shall pay a fee based on the City’s master fee schedule for this inspection.

5. The facility shall have a digital video recording system that covers all points of entry, exit and areas of purchase. The video recording shall also cover areas where cash and gold/precious metals are stored within the facility. Records of this recording capability shall be of good quality and have archives up to 45 days. These video archives shall be accessible to members of the Police Department and California Department of Justice upon request.
The hard-drive or computer storing all digital records shall be maintained in a secured area and away from the view of the public.

6. The facility shall be equipped with an alarm system that has instant panic-button/robbery notification capabilities and silent monitoring. The applicant shall maintain a valid alarm permit on file with the Police Department.

7. A separate room/area shall be maintained and alarmed for the storage of gold and cash. Tangible property may be stored off-site for the Department of Justice 30-day holding requirements.

8. The applicant shall properly document all property taken in trade or exchanged for cash and documented by the Secondhand Dealer Report Form (JUS123).

9. The following forms of documentation/processes shall be administered during each customer transaction:
   a. A clear photo or digital copy of each person's driver's license, identification card, passport, military identification or any valid government issued form of identification.
   b. No sales will be conducted without proper identification. The identification provided will be photocopied and attached to the sales receipt or slip. A description of the property shall be entered on the sales receipt.
   c. A digital photograph of each item of property taken in trade or exchanged for cash. This photograph shall be maintained by the business for a minimum of five years.
   d. Items purchased from a customer shall be stored and maintained by the business for 30 days prior to disposition and these shall be available for inspection at any time by the Police Department or any other law enforcement agency.
   e. All Secondhand Dealer Report Forms shall be submitted weekly to the Police Department (Regulatory Unit).

15.04.610.330 Personal Services

Personal services must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Hours of Operation.** Hours of operation are limited to 7:00 a.m. to 9:00 p.m., seven days a week unless otherwise specified.

B. **Massage Establishments.** Massage establishments, including massage establishments conducted as Accessory Uses, are subject to the requirements listed in this section, in Municipal Code Chapter 9.38 (Massage Establishments and Services), and the following standards.
1. **Permits Required.** An administrative use permit and a massage service permit issued pursuant to Chapter 9.38.020 of the Municipal Code are required.

2. **Facility Requirements.** Every massage establishment shall meet the following requirements:
   a. Minimum lighting shall be provided in accordance with the National Electrical Code, and, in addition, at least one light of not less than forty watts shall be provided in each room or enclosure where massage services are performed on patrons.
   b. Minimum ventilation shall be provided in accordance with the Building Code.
   c. Hot and cold running water shall be provided at all times.
   d. Closed cabinets shall be provided for storage of clean linens.
   e. Adequate dressing, locker and toilet facilities shall be provided for patrons.
   f. A minimum of one sink shall be provided at all times. The sink shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each sink.

C. **Tattoo or Body Modification Parlor.**

   1. **Registration Required.** Any person who is engaged in the business of tattooing or body modification must provide evidence of registration with the County Department of Health.

   2. **No Persons under 18.** A sign must be posted on the door or in view of the entrance, stating that no person under the age of 18 is allowed on site, unless accompanied by a parent or legal guardian.

15.04.610.340 **Recycling Facilities**

Recycling facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Reverse Vending Machines.**

   1. **Accessory Use.** Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted primary use on the same site.

   2. **Location.** Machines must be located adjacent or as near as feasibly possible, to the entrance of the commercial host use and must not obstruct pedestrian or vehicular circulation. Machines can be located against a wall, but not in parking areas.
3. **Identification.** Machines must be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperable.

4. **Trash Receptacle.** Machines must provide a minimum 40-gallon garbage can for non-recyclable materials located adjacent to the reverse vending machine.

5. **Hours of Operation.** No restrictions. Machines shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

B. **Recycling Collection Facilities.**

1. **Size.** Recycling collection facilities must not exceed a building site footprint of 350 square feet.

2. **Setback.** Facilities must not be located within a required setback.

3. **Use.** Collection Facilities shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil may be accepted with approval of the Fire Chief and in accord with all federal, State, and City regulations.

4. **Equipment.** No power-driven processing equipment, except for reverse vending machines, can be used.

5. **Containers.** Recycling collection facilities shall use containers that are constructed and maintained with durable waterproof and rust-proof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule. Containers for the 24-hour donation of materials shall be at least 30 feet from any lot zoning districts or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.

6. **Site Maintenance.** Recycling facility sites must be maintained clean, sanitary, and free of litter and any other undesirable materials.

7. **Location.** Recycling collection facilities must not be located in residential zoning districts. Recycling collection facilities located within 75 feet of a lot zoning districts or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.

8. **Identification.** Containers must be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator, and the hours of operation.

9. **Signs.** The maximum sign area is limited to 20 percent of the area of the side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container.
10. **Parking.** No additional parking spaces are required for customers of a small collection facility located at the established parking lot of a host use. One space must be provided for the attendant. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

C. **Recycling Processing Facility.**

1. **Location.** Facilities must be at least 100 feet from a Residential District. If the facility is located within 500 feet of land zoning districts, developed, or planned for residential use, it shall operate only during the hours between 9:00 a.m. and 7:00 p.m.

2. **Operations.** The facility must be administered by on-site personnel during the hours the facility is open.

3. **Screening.** The facility must be screened from public rights-of-way by solid masonry walls or located within an enclosed structure. Power-driven processing shall be permitted, provided all noise level requirements are met.

4. **Use.** Used motor oil may be accepted with approval of the Fire Chief and in accordance with state and local regulations.

5. **Landscaping.** Landscaping and irrigation plan shall be approved by the Zoning Administrator.

6. **Outdoor Storage.** Exterior storage of material must be in sturdy containers or enclosures that are secured and maintained in good condition.

7. **Maintenance.** Site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present.

8. **Site Design.** Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the Planning Commission determines that allowing overflow traffic will not adversely affect surrounding businesses and public safety.

9. **Parking.** One parking space shall be provided for each commercial vehicle operated by the processing center.

10. **Identification.** Containers shall be clearly marked to identify the type of material that may be deposited, the name and number of the facility operator, and the hours of operation; facility shall display a notice stating that no material shall be left outside the recycling containers.
11. **Nuisance.** No dust, fumes, smoke, vibration or odor above ambient level shall be generated that adversely affects the health, peace, or safety of people residing or working on the premises or in the vicinity.

D. **Composting and Waste Disposal Facilities.**

1. **Maintenance—Pest Infestation Prohibited.** Waste disposal facilities must be maintained in such a manner that vermin and pest infestation cannot take place.

2. **Covering or Wetting to Prevent Dust.** The owner, proprietor, or caretaker of any composting facility or solid waste landfill must use a tarp, covering or wet down the waste disposal facility with water or chemical stabilizers at intervals sufficiently frequent to prevent dust.

E. **Conversion Technology Facilities and Transformation (Waste-to-Energy) Facilities.**

1. **Location.** Facilities must not be located within 250 feet of a Residential District.

2. **Adjacency.** Conversion technology facilities and transformation (waste-to-energy) facilities must be located next to existing solid waste facilities unless an applicant can demonstrate that a location adjacent to existing solid waste facilities is not feasible.

3. **Permit.** The permittee shall submit evidence of the following permits and approvals or proof of an exemption:

   a. A Spill Prevention, Control and Countermeasure Plan approved by the U.S. Environmental Protection Agency.

   b. Permits to construct and to operate from the Bay Area Air Quality Management District (BAAQMD), or documentation that the facility is exempt from BAAQMD's permitting requirements.

   c. An industrial discharge permit from the City Wastewater Division, or documentation that the facility is exempt from the Wastewater Division's permitting requirement.

   d. A permit from the State or Fire Chief for the storage and use of combustible liquids.

   e. Permits for all storage tanks (above-ground and underground) from the State or Fire Chief.

   f. A solid waste permit from the Contra Costa Health Services Department of Environmental Health, if applicable.

   g. A permit from the Bay Conservation and Development Commission if the proposed project is within 100 feet of the shoreline.
h. A Hazardous Materials Safety Permit from the U.S. Department of Transportation or California Department of Transportation if the permittee will be transporting hazardous materials over State highways.

i. A seller's permit from the California Board of Equalization.

4. Standards.

a. The permittee shall follow the most up-to-date version of Biodiesel Handling and Use Guide prepared by the U.S. Department of Energy National Renewable Energy Laboratory.

b. The permittee shall comply with the California Regional Water Quality Control Boards' C.3 Stormwater Control Management requirements.

15.04.610.350 Residential Care, General

General residential care facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. Location. Minimum distance from any other residential care facility: 300 feet.

B. Common Open Space. At least 20 square feet of common open space must be provided for each person who resides in the facility.

15.04.610.360 Schools

Non-exempt schools must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones:

A. Use Permit Required.

1. An administrative use permit is required if a new school will be located in an existing building, and any new space added to the building will not exceed 20 percent of existing floor area, excluding space if portable classrooms.

2. A conditional use permit is required for all new construction of schools and for additions to existing building that exceed 20 percent of existing floor area.

3. To grant the use permit, the Zoning Administrator or the Planning Commission as the case may be, must determine, based on the information presented by the applicant and the standards of this section, that the school location is appropriate for the use, and that adjacent uses will not be adversely affected; that adequate access, student drop-off areas and required off-street parking is provided; and that outdoor play areas are appropriately-sized, furnished with facilities and equipment, safe, and secure.

B. Site Plan Required. The applicant shall provide a site plan with the use permit application that includes all of the following information:
1. The proposed enrollment and student capacity of the school;
2. The number and size of all classrooms;
3. The size and location of all indoor and outdoor areas for physical education;
4. The pedestrian and traffic circulation systems proposed for the site, include student drop-off areas;
5. The proposed parking, both on-site and off-site; and
6. A development phasing schedule, if the school will be developed in phases.

C. **Locational Standards.**

1. If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be submitted with the use permit application, prepared by a competent professional trained in assessing the frequency, speed, and schedule of railroad traffic and pedestrian and vehicle safeguards at railroad crossings. In addition to the analysis, reasonable and feasible mitigation measures to address existing or potential safety issues must be identified, which shall be incorporated into conditions of approval, as appropriate.

2. If the proposed site is within 1,500 feet of an above-ground fuel storage tank or high pressure oil or gas pipeline, or within 2,000 feet of a hazardous waste disposal site, a hazards risk assessment shall be submitted with the use permit application, and recommendations of that assessment shall be incorporated into conditions of approval, as appropriate.

3. The Zoning Administrator may waive submission of the studies required above if a safety or hazards risk assessment has been previously prepared for the site and submitted to the City or another permitting agency, and the applicant agrees to the recommendations and mitigation measures of such an assessment.

D. **Site Standards.**

1. The site shall be easily accessible from arterial or collector streets and shall allow minimum peripheral visibility from planned driveways and drop-off areas.

2. Parent drop-off areas, bus loading areas if provided, and on-site parking shall be separated from walkways to allow students to enter and exit the school grounds safely.

3. Adequate outdoor or indoor play areas shall be provided to meet the needs for the planned enrollment. The minimum standard is 50 square feet of active play area per student. The Zoning Administrator or the Planning Commission, whichever has use permit approval authority, may reduce this requirement upon finding that (1) public parks are with one-quarter mile of the school and a joint-use agreement with the City has been executed, or (2) the scheduling of physical education (e.g. staggered recess times) permits
more efficient use of on-site facilities. All outdoor play facilities that border a street or parking area shall be enclosed by a minimum six-foot high fence or wall.

4. Delivery and service areas shall be located to provide vehicular access that does not jeopardize the safety of students and staff. Delivery/utility vehicles must have direct access from the street to the delivery area without crossing over playground or field areas or interfering with bus or parent loading unless a fence or other barrier protects students from large vehicle traffic on playgrounds.

E. Parking Required. One space per classroom plus spaces, as required for office uses and gymnasiums, unless the Planning Commission approves a reduction under the provisions of Article 15.04.607 (Parking and Loading Standards).

F. Accessory Uses. Accessory uses customarily found in conjunction with schools, including dormitories, gymnasiums, stadiums, performing arts facilities, and auditoriums, are permitted with an administrative use permit or a conditional use permit, as required for the principal use, provided such accessory uses are located on the same lot or a contiguous lot adjoining the school.

15.04.610.370 Second Dwelling Units

Second dwelling units must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. Zoning Compliance Review. An applicant must submit the following information to the Zoning Administrator:

1. A floor plan drawn to scale of the principal dwelling and the proposed second dwelling unit.

2. Prior to issuance of a zoning compliance certificate, the property owner must enter into a restrictive covenant with the City, which must be recorded against the property. Such covenant must provide that the second dwelling unit must not be sold, or title thereto transferred separate from that of the property.

B. Design Review. The second dwelling unit shall be clearly subordinate to the main dwelling unit on the lot with regard to size, location and appearance. Second dwelling units with exterior designs consistent with the main dwelling unit that incorporate the same or similar building materials, colors, and exterior surfaces and finishes as those on the main dwelling unit shall be subject to administrative design review. Second dwelling units with exterior designs that are inconsistent with the main dwelling unit are subject to design review by the Design Review Board.

C. Development Standards.

1. All Second Dwelling Units.

   a. No more than one second dwelling unit is permitted on any one lot.
b. A second dwelling unit must comply with all development standards for the applicable zoning districts, including setbacks, maximum floor area, and building height, provided that interior setbacks may be reduced to five feet for a detached unit and coverage standards may be waived.

c. A second dwelling unit must contain its own kitchen and bathroom facilities.

d. A second unit can have no more than two bedrooms.

e. The minimum parking requirements for a second dwelling unit shall be as prescribed in Article 15.04.607 (Parking and Loading Standards).

f. The maximum floor area shall not exceed 1,000 square feet or 40 percent of the floor area of the principal dwelling, whichever is less.

2. Supplemental Standards for Attached Second Dwelling Units.

a. An attached second dwelling unit must share at least one common wall or roofline with the living area of the principal dwelling.

b. If the attached second dwelling unit is not located above any portion of the existing principal dwelling, the maximum height of such unit must not exceed 22 feet.

c. An attached second dwelling unit shall have a separate entrance, located on the side or the rear of the principal dwelling; provided, however, that in no event shall any external stairwell be placed within the side yard setback.

3. Supplemental Standards for Junior Accessory Dwelling Units. Junior accessory dwelling units shall comply with the following standards:

a. Number of Units Allowed: Only one Second Unit or one junior accessory dwelling unit may be located on any RM- or RL- zoned lot. A second unit and a junior accessory dwelling unit shall be allowed if the lot is more than 2,500 square or more in size above the minimum lot size required for the zoning district where the units are located.

b. Unit Size: No junior accessory dwelling unit shall contain more than 500 square feet of floor space and shall be contained entirely within an existing single-family or duplex dwelling. An efficiency unit (a single room that includes sleeping and kitchen function) shall not contain less than 150 square feet of floor space, exclusive of a bathroom.

c. Setbacks: All requirements and regulation of the zoning district in which the primary dwelling is situated shall apply.
d. **Owner Occupancy**: The owner of a lot proposed for a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the accessory dwelling.

e. **Sale Prohibited**: A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.

f. **Deed Restriction**: A deed restriction shall be completed and recorded, in compliance with paragraph (n) below.

g. **Location of Junior Accessory Dwelling Unit**: A junior accessory dwelling unit must be created within the existing walls of an existing primary dwelling, which may be a single family dwelling or a duplex, and must include conversion of an existing bedroom or other space within the dwelling to habitable space.

h. **Separate Entry Required**: A separate exterior entry shall be provided to serve a junior accessory dwelling unit.

i. **Kitchen Required**: The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:

   i. A sink with maximum waste line diameter of one-and-a-half (1.5) inches;

   ii. A cooking facility with appliances that does not require electrical service greater than 120 volts, or natural or propane gas; and

   iii. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the junior accessory dwelling unit.

j. **Bathroom Required**: Access to a bathroom is required, which may be part of the junior accessory dwelling unit or located in the existing primary dwelling. If provided as part of the primary dwelling, the junior accessory dwelling unit shall have direct access to the main living area of the primary dwelling so as to not need to go outside to access bathroom.

k. **No Additional Parking Required**: No additional parking is required for a junior accessory dwelling unit.

l. **Zoning Compliance Review for Junior Accessory Dwelling Units**: The Zoning Administrator shall determine whether a junior accessory dwelling unit conforms to the development standards of this section based on an application that provides the information required per the submittal requirements below.

m. **Submittal Requirements for Zoning Compliance Review**: An application package for zoning compliance review for a junior accessory dwelling
unit permit shall be submitted to the Zoning Administrator prior to submitting for a building permit. The junior accessory dwelling unit application package shall include:

i. **Plot Plan** (drawn to scale). Dimension the perimeter of parcel on which the junior accessory dwelling will be located. Indicate the location and use of all existing and proposed structures on the project site.

ii. **Floor Plans.** A dimensioned plan drawn to scale of the existing primary dwelling identifying the use of each room and identifying the room(s) to be dedicated to the Junior Accessory Dwelling Unit, including an exterior entrance. The use of each room shall be identified. The size and location of all windows and doors shall be clearly depicted. The resulting floor area calculation of the proposed junior accessory dwelling unit shall be included, which shall include the area of any dedicated bathroom, if any, for the exclusive use of the junior accessory dwelling unit.

iii. **Kitchen Plan.** A dimensioned plan drawn to scale indicating proposed kitchen improvements, including a kitchen sink, cooking appliance(s), food preparation counter, and food storage cabinets.

iv. **Deed Restriction.** A draft deed restriction completed as required (in paragraph (n), below).

n. **Deed Restriction.** Prior to obtaining building permits for a junior accessory dwelling unit, a property owner shall file with the Contra Costa County Recorder a deed restriction, in a form approved by the City Attorney, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this section. This deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Zoning Administrator stating that:

i. The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit; and

ii. The junior accessory dwelling unit is restricted to the size and attributes approved by the Zoning Administrator in its Zoning Compliance review per Article 15.04.804;

iii. The junior accessory dwelling unit shall be considered legal only so long as either the primary residence or the junior accessory dwelling unit is occupied by the owner of record of the property; and
iv. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with any provisions of the Municipal Code, may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

4. **Supplemental Standards for Detached Second Dwelling Units.**

a. The distance between the principal dwelling and a detached second dwelling unit must be at least 10 feet.

b. A detached accessory structure legally in existence prior to the effective date of this amended Code Section and located outside of the front yard setback, may be converted into a second dwelling unit, regardless of any existing nonconformity as to side setback, rear setback, or height if:

   i. The existing structure is not modified or added to in any way that increases the level of nonconformity with all applicable zoning regulations;

   ii. The floor area of the resulting second unit does not exceed 640 square feet; and

   iii. The minimum parking requirements are met on site.

15.04.610.380 **Service Stations**

Service stations must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Site Design.**

   1. **Site Dimensions.**

      a. Minimum site size: 15,000 square feet.

      b. Minimum primary street frontage: 120 feet.

      c. Exceptions: Where property to be used for service station purposes was under lease for such purposes at November 8, 1971, the minimum site size shall be 10,000 square feet, and the minimum primary street frontage shall be 100 feet.

   2. **Landscape Plan.** An acceptable landscape plan shall be submitted at the time of application. In addition to the specific standards established below, landscape plans shall comply with the provisions of Article 15.04.613 (Water-Efficient Landscaping).

      a. At least a five-foot planting strip located inside of and parallel to the street frontage or frontages (except for necessary driveways) and in other locations as may be designated by the Director of Public
Works. Probable planting areas would be adjacent to buildings, fencing or storage areas.

b. The location and type of watering system which meets the approval of the Director of Public Works shall service all landscaped areas.

c. The landscape plan shall specify the size, number, location and type (genus, species or variety) of plant materials to be planted.

3. **Maintenance.** The applicant shall submit a written statement to the effect that landscaping, watering systems and fencing shall be maintained to standards acceptable to the Director of Public Works.

4. **Illumination.** Any area lighting, including illuminated signs, shall be installed in such a manner so as not to distract passing traffic, or to produce any glare or excessive illumination on adjacent lots.

5. **Trash Storage.** An outdoor refuse or storage area shall be provided on the site and shall be enclosed by a six-foot-high solid wall that complement the design and appearance of other fences and walls on the site. No used or discarded automotive parts of equipment or permanently disabled, junked, wrecked or damaged vehicles shall be located outside the buildings, except within this enclosed refuse or storage area.

6. **Activity Locations.**
   
a. **Sale, Storage and Display of Merchandise.** The exterior display and storage of merchandise, except for oil can racks and new tire display cabinets, shall be subject to design review.

   b. **Ancillary Activities.** The sale or rental of equipment, such as spare parts not installed on the premises, lawn mowers, concrete mixers, automobiles, trucks, trailers, garden equipment or the conduct of any other commercial enterprise not directly related to the operation of a motor vehicle service station, shall be permitted subject to such conditions as to exterior or interior location, quantity and screening as deemed appropriate through design review.

7. **Access.** There must be no more than two vehicular access points to/from a single public street. However, fleet fuel stations in Industrial districts may provide additional access points.

8. **Tanks and Utility Boxes.** Propane tanks, vapor-recovery systems, air compressors, utility boxes, garbage, recycling containers/enclosures, and other similar mechanical equipment must be screened from public view.

9. **Air and Water Stations.** Air and water stations must be identified on plans. They cannot be located within required setback areas.

10. **Pump Islands.** Pump islands must be located a minimum of 15 feet from any lot line to the nearest edge of the pump island. A canopy or roof
structure over a pump island may encroach up to 10 feet within this distance.

**15.04.610.390 Single Room Occupancy Housing**

Single Room Occupancy (SRO) Housing, also called residential hotels, must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Maximum Number of Units.** If an SRO contains a common kitchen that serves all residents, the maximum allowable number of individual units shall be 20 percent above the maximum number otherwise allowed by the base density applicable to residential development in the zoning district where the SRO is located.

B. **Maximum Occupancy.** Each living unit must be designed to accommodate a maximum of two persons.

C. **Minimum Width and Minimum Size.** A unit comprised of one room, not including a bathroom, must not be less than 12 feet in width and include at least 180 square feet of habitable space.

D. **Entrances.** All units must be independently accessible from a single main entry, excluding emergency and other service support exits.

E. **Cooking Facilities.** Cooking facilities must be provided either in individual units or in a community kitchen. Where cooking is in individual units, each unit must have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or a properly engineered cook top unit pursuant to Building Code requirements; at minimum a small refrigerator; and cabinets for storage.

F. **Bathroom.** A unit is not required to, but may contain partial or full bathroom facilities. A partial bathroom facility must have at least a toilet and sink; a full facility must have a toilet, sink, and bathtub or shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities must be provided that meet the standards of the Building Code for congregate residences with at least one full bathroom per floor.

G. **Closet.** Each unit must have a separate closet.

H. **Common Area.** Four square feet per living unit of common area must be provided, excluding janitorial storage, laundry facilities, and common hallways. At least 200 square feet of common area must be on the ground floor near the entry to serve as a central focus for tenant social interaction and meetings.

I. **Tenancy.** Tenancy of residential hotel units is limited to 30 or more days.

J. **Facility Management.** A facility with 10 or more units must provide full-time on-site management. A facility with fewer than 10 units must provide a management office on site.
K. **Management Plan.** A management plan must be submitted with the conditional use permit application for an SRO project for review and approval by the Planning Commission. At minimum, the management plan must include the following:

1. **Security/Safety.** Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;

2. **Management Policies.** Management policies, including desk service, visitation rights, occupancy restrictions, and use of cooking appliances;

3. **Rental Procedures.** All rental procedures, including the monthly tenancy requirement;

4. **Maintenance.** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

**15.04.610.400 Storage Containers**

Storage Containers must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Location.**

1. **For Construction Projects.** One storage container shall be allowed on a lot in conjunction with an active construction project for which a building permit has been issued. The storage container must be removed prior to issuance of a certificate of occupancy. An administrative use permit is required to place more than one storage container on a lot.

2. **In Residential and Mixed-Use Zoning Districts.** Cargo storage containers may be allowed in residential and mixed use zoning districts with a Temporary Use Permit as a temporary use for up to one year. In order to approve a cargo storage container, the Zoning Administrator must find that: the placement of a container does not adversely affect access to and use of any required parking or loading space; is not located within a required setback area; and is screened from view from a public right-of-way and any adjacent residences by solid screening materials at least the same height as the storage container.

3. **In IL, IG and IW Industrial Districts.** Cargo storage containers are allowed in the IL, IG, and IW Industrial districts anywhere on a lot, except in required front and street side setback areas and in required parking and loading areas. Such containers shall be fully screened from view from public rights-of-way and adjacent residential and mixed use zoning districts with solid screening materials at least the same height as the storage containers. Transport storage containers shall not be stacked higher than two containers.
B. **Business Activity.** All personal storage facilities must be limited to inactive items. No retail sales, repair, or other commercial use can be conducted out of an individual rental storage unit.

C. **No Hazardous Materials Storage.** No storage of hazardous materials is permitted.

### 15.04.610 Temporary Uses

This Section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical features of the site where they occur.

A. **Exempt Temporary Uses.** The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Other permits, such as Building Permits, may be required.

1. **Car Washes.** Car washes conducted by a qualifying sponsoring organization on non-residential properties. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the federal Internal Revenue Code. Temporary car washes shall not occur on a site more than four times per calendar year and may not operate for a continuous period of more than 12 hours.

2. **Emergency Facilities.** Emergency public health and safety needs/land use activities.

3. **Garage/Yard Sales.** Garage/yard sales of personal property conducted by a resident of the premises may be conducted in accordance with the following standards.

   a. A nonprofit organization or association of persons may conduct a garage/yard sale at the residence of one or more of its members pursuant to all of the requirements of this section. One such sale may be held per year without such sale being deemed one chargeable to the premises in question for the purpose of applying the two sales per quarter limitation set forth below.

      i. No more than two garage/yard sales shall be conducted on a site per quarter, for a maximum of three consecutive days each.

      ii. Garage/yard sales shall not be held for more than two consecutive weekends. Each weekend that sales are conducted constitutes a single sale event.

      iii. Signs may be displayed 24 hours before and during the hours the garage/yard sale is actively being conducted and shall be removed at the completion of the sale.
iv. The conduct of general retail sales or commercial activities in residential zoning districts, except as is otherwise expressly authorized under this Article, shall be prohibited.

4. **On-site Construction Yards.** On-site contractors' construction yards, including temporary trailers and storage of equipment, in conjunction with an approved construction project on the same site. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction, whichever occurs first.

5. **Temporary Real Estate Sales Office.** A temporary real estate sales office within the area of an approved development project, solely for the first sale of units, approved as part of the overall project.

B. **Temporary Use Permit Required.** The following uses may be permitted pursuant to Article 15.04.807 (Temporary Use Permits) subject to the following standards.

1. **Special Events and Sales.** Short term special events, outdoor sales, and displays that do not exceed three consecutive days, may be permitted in accordance with the following standards:
   a. **Location.** Events are limited to non-residential districts.
   b. **Number of Events.** No more than four events at one site shall be allowed within any 12-month period.
   c. **Time Limit.** When located adjacent to a Residential District, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m., seven days a week.

2. **Temporary Outdoor Sales.** Temporary outdoor sales—including, but not limited to, grand opening events, and other special sales events—may be permitted in accordance with the following standards:
   a. Temporary outdoor sales shall be part of an existing business on the same site.
   b. Outdoor display and sales areas must be located on a paved or concrete area on the same lot as the structure(s) containing the business with which the temporary sale is associated.
   c. Location of the displayed merchandise must not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.

3. **Commercial Filming.** The temporary use of a site for the filming of commercials, movies, videos, provided the Zoning Administrator finds the approval would not result in a frequency of uses likely to create
incompatibility between the temporary filming activity and the surrounding neighborhood.

4. **Off-site Construction Yards.** Off-site contractors' construction yards, in conjunction with an approved construction project. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.

5. **Real Estate Sales.** Onsite real estate sales from a manufactured or mobile unit office for the temporary marketing, sales, or rental of residential, commercial, or industrial development.

6. **Temporary Structure.** A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum time period of two years, as an accessory use or as the first phase of a development project, in a non-residential district. A one-year extension may be granted.

7. **Temporary Work Trailer.**
   a. A trailer or mobile home may be used as a temporary work site for employees of a business:
      i. During construction of a subdivision or other development project when a valid Building Permit is in force; or
      ii. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.
   b. A permit for temporary work trailers may be granted for up to 12 months.

8. **Similar Temporary Uses.** Similar temporary uses which, in the opinion of the Zoning Administrator, are compatible with the district and surrounding land uses, and are necessary because of unusual or unique circumstances beyond the control of the applicant.

**15.04.610.420 Transient Lodging**

Transient lodging must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Limitation on Long-term Stays.** All hotels and motels, including hotels that are operated as hotel condominiums, time-shares, or under a fractional ownership model, are limited to occupancy of up to 30 consecutive days at any one time and must be available for overnight stays by the general public.

B. **Residential Use Prohibition.** Residential uses are prohibited.
C. **When located on the Shoreline.** Any hotel or motel located on the shoreline of San Francisco Bay will be required to provide and maintain public access facilities and expand existing access, including parking for visitors, as required by the Bay Conservation and Development Commission, if feasible, unless expansion would adversely affect natural resources or natural processes.

**15.04.610.430 Urban Agriculture**

Urban Agriculture facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Maintenance.** Urban agriculture uses shall be maintained in an orderly manner, including litter removal, irrigation, weeding, pruning, pest control and removal of dead or diseased plant materials.

B. **Equipment.** Use of mechanized farm equipment is prohibited in residential districts.

1. Heavy equipment may be used initially to prepare the land for agriculture use, and landscaping equipment designed for household use is permitted.

2. All equipment, when not in use, must be enclosed or otherwise screened from sight.

C. **Accessory Structures.** Structures to support urban agriculture, such as storage sheds, chicken coops, hop-houses, and greenhouses, are permitted, subject to the regulations of the underlying zoning district and the standards for accessory structures in Article 15.04.601 (General Site Regulations) and animal-keeping enclosures in Section 15.04.610.060.

D. **Best Practices.** Urban agriculture activities shall include best practices to prevent animal waste and pollutants from entering the stormwater conveyance system and shall comply with all applicable federal, state, and local laws, ordinances, or regulations, including, but not limited to, Chapter 12.22, Stormwater Management and Discharge Control Code of the Municipal Code.

E. **Animal Keeping.** See Section 15.04.610.060.

F. **Garbage and Compost.** Garbage and compost receptacles must be screened from the street and adjacent properties by utilizing landscaping, fencing or storage within structures and all garbage must be removed from the site weekly. Compost piles and containers must be set back at least 20 feet from residential buildings when an urban agriculture use abuts a residential use.

G. **Hours of Operation in Residential and Mixed-Use Zoning Districts.** In residential and mixed-use zoning districts, urban agricultural operations may begin at sunrise or 7:00 a.m., whichever is earlier, and must end at sunset or 9:00 p.m., whichever is later, seven days a week. Automatic equipment functioning, such as sprinklers, is not considered an operation.
H. Home Gardens. The maximum size of a home garden shall not exceed 25 percent of the total floor area of the dwelling unit on the lot.

I. Community Gardens. Community gardens can be organized by community groups, nonprofit organizations, the City, or land owners. A manager must be designated for each community garden who will serve as liaison between gardeners, property owner(s), and the City.

J. Food Membership Distribution. Food Membership Distribution is an all allowable accessory to food and beverage sales and retail sales uses, and with an administrative use permit, other commercial uses.

1. The maximum number of members who may come to the site to pick up items delivered on one delivery day is 100, and the number of delivery days allowed in a calendar year is 70. The operator of a site is responsible for compliance with the regulations that apply to the frequency of delivery days and maximum number of members who may come to the site. This may require limiting the number of members who may participate in each order, or moving some deliveries to other locations.

2. Members may pick up items at the site only between 7:00 a.m. and 9:00 p.m.

3. Truck deliveries are allowed between 8:00 a.m. and 5:00 p.m.

15.04.610.440 Wind Energy Conversion Systems

Wind Energy Conversion Systems must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. Applicability. This Section applies to wind energy conversion systems (WECS) that are used for electrical energy generation only.

B. Permit Requirements. WECS with a rated microturbine capacity up to 25 kW are permitted in all zoning districts subject to a conditional use permit except as provided below.

1. Exemptions. The following systems only require approval of an administrative use permit:

   a. Microturbines that generate two kW or less of electrical energy each, to a maximum cumulative total of 10 kW per lot; and

   b. WECS that generate less than 10 kW per system.

C. Development Standards. The development standards in Table 15.04.610.440-C apply to all WECS, including those that only require an administrative use permit.
## TABLE 15.04.610.440-C: WECS DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Rated Microturbine Capacity</th>
<th>Minimum Lot Size</th>
<th>Minimum Setbacks – Freestanding Systems</th>
<th>Maximum Height</th>
<th>Minimum Separation Distance from other WECS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 2 kW</td>
<td>Subject to Zone in District Standards</td>
<td>Manufacturer’s Recommendations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 – 25 kW</td>
<td>1 acre</td>
<td>Greater of tower height or zoning district standard</td>
<td>50 feet</td>
<td>240 feet</td>
</tr>
</tbody>
</table>

1. The height from base grade to the top of the system, including the uppermost extension of any horizontal axis.

### D. Additional Standards.

1. **Minimum Blade Height – Horizontal Axis WECS.** To prevent harmful wind turbulence from existing structures, the lowest extension of any horizontal axis blade must be at least 30 feet above the highest structure or tree within a 250-foot radius. Modification of this standard may be allowed when the applicant demonstrates that a lower height will not jeopardize the safety of the system.

2. **Separation Distance – Vertical Axis WECS.** Vertical axis systems must be placed at a distance of at least 10 rotor diameters from any structure or tree. A modification may be granted by the Zoning Administrator or Planning Commission for good cause shown, however, in no case can the turbine be located closer than three blade diameters to any occupied structure.

3. **Guy Wires.** Anchor points of any guy wires for a system tower must be located within the property that the system is located on. Guy wires must not cross any above-ground electric transmission or distribution lines. The points of attachment for the guy wires must be either enclosed by a fence six feet high or sheathed in bright orange or yellow coverings from three to eight feet above the ground.

### E. Minimum Performance Standards.

1. **Electromagnetic Interference.** The WECS must be designed, installed, and operated so that no disrupting electromagnetic interference is caused. Disruptive interference from the facility must be promptly rectified to include the discontinued operation of one or more WECS.

2. **Noise.** All WECS are subject to the noise standards of Article 15.04.608 (Performance Standards).

3. **Maintenance.** Maintenance and inspection records shall be maintained on the site and shall be made available for inspection by the building official on request.

### F. Tower Access.** Towers must either:
1. Have tower-climbing apparatus located no closer than 12 feet from the ground;
2. Have a locked anti-climb device installed on the tower;
3. Be completely enclosed by a locked, protective fence at least six feet high; or
4. Have a tower-access limitation program approved by the review authority.

G. **Rotor Safety.** Each WECS must be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor.

H. **Utility Notification and Undergrounding.** For interconnected systems, no wind turbine can be installed until evidence has been given to the Zoning Administrator that the electric utility service provider has been notified and has indicated that the proposed interconnection is acceptable. On-site electrical wires associated with the system must be installed underground, except for “tie-ins” to the electric utility service provider and its transmission poles, towers, and lines.

I. **Color.** Structural components, including, without limitation, towers, blades, and fencing must be of a non-reflective, unobtrusive color.

J. **Exterior Lighting.** Exterior lighting on any structure associated with the WECS is prohibited, with the exception of that specifically required by the Federal Aviation Administration.

K. **Notices.**
   1. At least one notice shall be posted with the following information:
      a. Maximum power output (kw), rated voltage (volts) and current;
      b. Normal and emergency shutdown procedures;
      c. The maximum wind speed the WECS in automatic, unattended operation can sustain without damage to structural components or loss of the ability to function normally; and
      d. Emergency telephone numbers.
   2. No advertising sign or logo can be placed or painted on any WECS or tower.

L. **WECS for Common Use.** Contiguous property owners may construct a WECS for use in common. In such cases, the Planning Commission may permit a WECS machine to have a diameter blade configuration greater than 23 feet.
Article 15.04.611  Transfer of Development Rights

Sections:
15.04.611.010  Purpose
15.04.611.020  TDR Sending Zones – Assignment of Transferable Development Rights
15.04.611.030  Maximum Density/Intensity Allowed in Receiving Zones
15.04.611.040  Right to Transfer Development Rights
15.04.611.050  TDR Conversion Ratio
15.04.611.060  Effect of Transfer
15.04.611.070  Rights of Transferees
15.04.611.080  Number of Rights Involved in Transfer
15.04.611.090  Certification by Zoning Administrator
15.04.611.100  Instrument of Transfer
15.04.611.110  Original Instruments of Transfer
15.04.611.120  Application for Use on Receiving Parcel
15.04.611.130  Consideration of Application for Use
15.04.611.140  Final Approval of Use
15.04.611.150  Fee-in-Lieu for Open Lands Option

15.04.611.010  Purpose
The purpose of this Article is to support the protection of open space and natural resource areas identified in the General Plan by allowing the transfer of development potential from a site in such areas having a resource deserving protection to a site in a designated receiving zone requiring less protection. The mechanism for transfer of development rights (TDRs) is used to protect resource areas and/or to provide the owners of property an alternative to development. Payment of fees to a trust fund for use by the City in acquiring property having a resource deserving of protection is an alternative to the purchase of development rights. The TDR program and the fee-in-lieu option in this Article are voluntary for property owners and provided as a means to further the objectives of the General Plan.

15.04.611.020  TDR Sending Zones – Assignment of Transferable Development Rights
The City Council, upon a recommendation of the Planning Commission, shall identify Sending Zone(s), as defined in this Article, and assign a specific number of TDRs to each zones. These TDRs may be used to obtain approval for development on other parcels of land located in a TDR Receiving Zones, which also shall be identified by the City Council, at a density or intensity of use greater than would otherwise be allowed on those parcels, up to a maximum specified by the City Council.

15.04.611.030  Maximum Density/Intensity Allowed in Receiving Zones
Every parcel of land located in a Receiving Zone may be developed at additional density/intensity of use, through the acquisition of TDRs, up to the maximum density/intensity identified by the City Council for each Receiving Zone.
15.04.611.040 Right to Transfer Development Rights

Development rights assigned to parcels in Sending Zones may be transferred to parcels in Receiving Zones and used to increase the density/intensity on a Receiving Parcel in accordance with the provisions of this Article.

A. Limitations. A development right may not be used in any manner inconsistent with the following provisions of this Article:
   1. No development right may be used to increase intensity or density within a Receiving Zone that exceeds the maximum intensity or density set by the General Plan for parcels in the Receiving Zone that can be achieved under the TDR program; and
   2. No development right may be derived from land in a Sending Zone that is already precluded from development by nature of a recorded restrictive covenant or easement.

B. Intermediate Transfer. A development right may be transferred to a transferee prior to the time when its use for a specific Receiving Parcel has been finally approved in accordance with this Article.

15.04.611.050 TDR Conversion Ratio

For purposes of converting residential TDRs to non-residential FAR, one residential TDR unit equals .05 non-residential FAR unless an alternative ratio has been set by the City Council for a specific Sending Zone(s).

15.04.611.060 Effect of Transfer

After development rights have been transferred by an original instrument of transfer:

A. The Sending Parcel shall not be further subdivided or developed to a greater density or intensity of use than permitted by the remaining development rights.

B. The Sending Parcel shall not be used in connection with any determination of site area or site capacity, except as may be necessary in determining the number of development rights involved in the transfer.

C. All development rights that are the subject of the transfer, and the value of such rights, shall be deemed for all other purposes, including assessment and taxation, to be appurtenant to the Sending Parcel, until such rights are certified by the Zoning Administrator and have been finally approved for use on a specific Receiving Parcel.

15.04.611.070 Rights of Transferees

Between the time of the transfer of a development right by an original transferor and the time when its use on a specific Receiving Parcel is final in accordance with the provisions of this Article, a transferee has only the right to use the development right to the extent authorized by all applicable provisions of Article XV in effect at the time when use of the development right for a specific Receiving Parcel is finally approved. No transfer shall be
construed to limit or affect the power of the City Council to amend, supplement or repeal any or all of the provisions of this Article or any other section of Article XV or to entitle any transferor or transferee to damages or compensation of any kind as the result of any such amendment, supplementation or repeal.

**15.04.611.080 Number of Rights Involved in Transfer**

A. **Determination.** The number of development rights involved in an original instrument of transfer shall be equal to the lesser of (1) "maximum dwelling units" or (2) "number of dwelling units" permitted on the Sending Parcel, as determined in accordance with the procedures for determining site area and residential land use site capacity and floor area in this Code. In making such calculations, "gross site area" shall refer to the gross site area of the Sending Parcel as determined by actual on-site survey.

B. **Fractional Rights.** Fractional parts of a development right shall be disregarded. No transfer shall include other than a whole number of development rights.

**15.04.611.090 Certification by Zoning Administrator**

A. **Requirement.** No transfer shall be recognized under this Article unless the original instrument of transfer contains the certification of the Zoning Administrator that the number of development rights that are the subject of the transfer represents the number of development rights applicable to the Sending Parcel and is recorded by the Zoning Administrator as provided in this Article.

B. **Responsibility.** The transferor and the transferee named in an original instrument of transfer shall have sole responsibility to supply all information required by this Article, to provide a proper original instrument of transfer, and to pay, in addition to any other fees required by this Article, all costs of its recordation in the Contra Costa County Clerk-Recorder’s Office, County Recorder Division.

C. **Application for Certificate.** An application for a certificate shall contain such information prescribed by the Zoning Administrator as necessary to determine the number of development rights involved in the proposed transfer. In addition, the application shall include a certificate of title and land survey prepared by a California-registered civil engineer or licensed land surveyor.

D. **Issuance of Certificate.** On the basis of the information submitted to him or her, the Zoning Administrator shall affix a certificate of his/her findings to the original instrument of transfer. The certificate shall contain a specific statement of the number of development rights that are derived from the Sending Parcel.

E. **Effect of Determination.** The determination of the Zoning Administrator shall not be construed to enlarge or otherwise affect in any manner the nature, character and effect of a transfer as set forth above.
15.04.611.100  Instrument of Transfer

An instrument of transfer shall conform to the requirements of this section and shall contain:

A. The names of the transferor and the transferee;
B. A certificate of title approved by the City Attorney;
C. A covenant that the transferor grants and assigns to the transferee and the transferee's heirs, personal representatives, successors and assigns a specified number of development rights from the Sending Parcel;
D. If the instrument is not an original instrument of transfer, a statement that the transfer is an intermediate transfer of rights derived from a Sending Parcel described in an original instrument of transfer (which original instrument shall be identified by its date, the names of the original transferor and transferee and the book and page where it is recorded in the Contra Costa County Clerk-Recorder’s Office, County Recorder Division);
E. A statement of the rights involved in the transfer that are derived from a Sending Parcel and the number of such rights included within the transfer;
F. A covenant by which the transferor acknowledges that he/she has no further use or right of use with respect to the development rights being transferred;
G. Except when development rights are being transferred to the City, a statement of the rights of the transferee prior to final approval of the use of those development rights on a specific Receiving Parcel.

15.04.611.110  Original Instruments of Transfer

A. In addition to fulfilling the requirements of Section 15.04.611.100, an original instrument of transfer shall also contain:
   1. A legal description of the Sending Parcel, prepared by a California-registered civil engineer or licensed land surveyor and named in the instrument;
   2. A covenant by which use of the Sending Parcel is restricted to, and may be used only for open space or agricultural uses as defined in in Article XV;
   3. A covenant that all provisions of the instrument of transfer shall run with and bind the Sending Parcel and may be enforced by the City;
   4. The certificate of the Zoning Administrator required by this Section.

B. Recordation of Original Transfer. After it is properly executed, an original instrument of transfer shall be delivered to the Zoning Administrator, who shall deliver it to the Contra Costa County Clerk-Recorder’s Office, County Recorder Division, together with the required fees for recording. The Zoning Administrator shall notify the original transferor and transferee in writing of such recording.
15.04.611.120 Application for Use on Receiving Parcel

A. **Filing Requirements.** The owner of a proposed Receiving Parcel shall file with the Zoning Administrator an application to use transferred development rights with respect to the development on a Receiving Parcel.

B. **Contents.** The application shall contain such information as may be prescribed by the Zoning Administrator and shall be accompanied by the required fee established in the Master Fee Schedule, and:

1. Original or certified copies of a recorded original instrument of transfer involving the development rights proposed to be used and any intervening instruments of transfer through which the applicant became a transferee of those rights; or

2. A signed, written agreement between the applicant and a proposed original transferor, which contains the survey of a proposed Sending Parcel and other information required by the Zoning Administrator and in which the proposed transferor agrees to execute an original instrument of transfer from the proposed Sending Parcel to the applicant at the time when the use of such rights on the proposed Receiving Parcel is finally approved.

15.04.611.130 Consideration of Application for Use

A. **Review of Application.** The Zoning Administrator shall review the instrument(s) of transfer or agreement submitted with the application and determine their sufficiency to fulfill the requirements of this Article.

B. **Determination.** The Zoning Administrator shall determine: (a) the number of development rights that are available for use under the terms of the instrument(s) submitted with the application and (b) the number of such rights that the City Council has determined to be available to be used on the proposed Receiving Parcel, and shall report his preliminary determination in writing to the applicant within 30 days after all information necessary to make such determination has been received.

C. **Effect.** Any determination of the Zoning Administrator under this Section shall not be final and shall be subject to amendment, modification or rescission until the time when the transfer is final.

15.04.611.140 Final Approval of Use

A. **When Completed.** Transfer from a Sending Parcel to a Receiving Parcel is final at the time when (a) final subdivision approval or final site plan approval with respect to the Receiving Parcel, based upon use of development rights, has been given in accordance with this Article and (b) all development rights upon which such approval was based have been certified by the Zoning Administrator.

B. **Required Instruments.** Final approval shall not be given to any site plan or final subdivision map that involves the use of development rights transferred under the provisions of this Article until satisfactory evidence is presented that each of the...
following instruments as may be required to effect transfer of those rights to the Receiving Parcel have been approved as to form and legal sufficiency by the City Attorney. Said instruments shall be recorded in the Contra Costa County Clerk-Recorder’s Office, County Recorder Division following final site plan approval or final subdivision map approval, but prior to release of building permits.

1. An original instrument of transfer to a transferee;
2. An instrument of transfer to the owner of the Receiving Parcel; and
3. Instrument(s) of transfer between any intervening transferees.

15.04.611.150  Fee-in-Lieu for Open Lands Option

In lieu of purchasing development rights from a Sending Parcel for use in development of a Receiving Parcel, a developer may pay a fee to the City which the City shall hold in a separate Open Space Lands Trust Fund for use in purchasing development rights from Sending Parcels and other related purposes.

A. Fee Schedule. A schedule of the in-lieu fees for the Open Lands Trust Fund shall be established by the City Council on the basis of a nexus study.

B. Administration of Fee-in-Lieu Program. The Zoning Administrator shall administer the Fee-in-Lieu program and establish application requirements and documentation consistent with the requirements of this Article authorizing the fee-in-lieu payer to apply credits received for payments to develop at an additional density or intensity of use on a Receiving Parcel.

C. Use of Funds from Payment of Fees-in-Lieu. Payments received by the City as fees-in-lieu of purchase of development rights from Sending Zones, may be used by the City to purchase development rights, acquire property having a resource deserving of protection, and/or replenish the Open Lands Trust Fund.
Article 15.04.612  Transportation Demand Management

Sections:
15.04.612.010  Purpose
15.04.612.020  Applicability
15.04.612.030  Performance Requirements
15.04.612.040  Vehicle Trip Reduction Measures
15.04.612.050  Submittal Requirements
15.04.612.060  Required Findings
15.04.612.070  Modifications and Changed Plans
15.04.612.080  Monitoring

15.04.612.010  Purpose

The specific purposes of this Article are to promote maximum efficiency in the existing transportation system, and to further the transportation goals of the Measure C and Measure J Growth Management Program, Contra Costa’s Countywide Transportation Plan and Congestion Management Program, and the San Francisco Bay Area Clean Air Plan, including reducing total vehicle miles traveled (VMT), while enhancing access and expanding mobility by:

A. Promoting and encouraging the use of transit, ridesharing, bicycling, walking, flexible work hours and telecommuting as alternatives to solo driving;

B. Incorporating these objectives into the development review process;

C. Developing proactive programs and/or projects either alone or in conjunction with other jurisdictions, or with the West Contra Costa Transportation Advisory Committee (WCCTAC), to support countywide planning efforts;

D. Considering the incorporation of appropriate technology designed to facilitate traffic flow, provide transit and highway information, provide trip generation alternatives, and incorporate related technology into the transportation system;

E. Cooperating with other jurisdictions, the private sector, and transit operators in planning and implementing transportation programs;

F. Promoting the more efficient utilization of existing transportation facilities and ensuring that new developments are designed in ways to maximize the potential for people and goods to arrive/depart by walking, cycling, riding public transportation, or traveling in a high occupancy vehicle; and

G. Establishing an ongoing monitoring and enforcement program to ensure that the City’s desired alternative mode use percentages are achieved.
15.04.612.020 Applicability

The requirements of this Article apply to:

A. New multi-unit development of ten units or more;
B. New nonresidential development of 10,000 square feet or more;
C. Additions to nonresidential buildings that are 10,000 square feet or more in size that expand existing gross floor area by 10 percent or more; and
D. Establishment of a new use, change of use, or change in operational characteristics in a building that is 10,000 square feet or more in size that results in an average daily trip increase of more than 10 percent of the current use, based on the most recent Institute of Traffic Engineers (ITE) trip generation rates.

15.04.612.030 Performance Requirements

A. All projects subject to the requirements of this Article shall incorporate measures to reduce to the extent feasible single-occupant vehicle trip generation rates 15 percent below the standard rates as established in the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual by promoting walking, cycling, public transit, and ridesharing/vanpooling, and/or discouraging single-occupant vehicle travel, ensure that the average Vehicle Miles Traveled (VMT) by residents or workers in the development, or students or workers in schools, is less than the average citywide VMT. This performance target is consistent with the General Plan and the version of Plan Bay Area effective in 2016.

B. GreenTRIP Certification. Residential developments that obtain GreenTRIP Certification from TransForm, or other equivalent certification, prior to issuance of a certificate of occupancy, shall be deemed to have met this performance requirement.

15.04.612.040 Vehicle Trip Reduction Measures

All projects subject to the requirements of this Article that do not have GreenTRIP Certification shall implement any combination of the following measures to achieve the required VMT reduction and promote use of non-auto and shared mobility options.

A. Passenger Loading Zones. Passenger loading zones for carpool and vanpool drop-off located near the main building entrance.
B. Direct Route to Transit. A well-lighted path or sidewalk utilizing the most direct route to the nearest transit or shuttle stop from the building.
C. Pedestrian Connections. Safe, convenient pedestrian connections provided from the project to surrounding public streets and, if applicable, trails.
D. Bicycle Connections. If a site is abutting a bicycle path, lane or route, provision of a bicycle connection close to an entrance to the building on the site.
E. Land Dedication for Transit/Bus Shelter. Where appropriate, land dedicated for transit or a bus shelter provided based on the proximity to a transit route.
F. **Long-Term Bicycle Parking.** Covered and secure long-term bicycle parking located within seventy-five feet of a main entrance. Long-term bicycle parking must be in at least one of the following facilities:

1. An enclosed bicycle locker;
2. A fenced, covered, locked or guarded bicycle storage area; or
3. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas.

G. **Short-Term Bicycle Parking.** Secure short-term bicycle parking located within fifty feet of a main entrance to the building.

H. **Free Preferential Carpool and Vanpool Parking.** Ten percent of vehicle spaces reserved for carpools or vanpools, with a minimum of one space required. The preferential parking spaces shall be provided free of charge.

I. **Showers/Clothes Lockers.** Shower and clothes locker facilities free of charge.

J. **Transportation Management Association (TMA).** Participation in or requirement for tenant to participate in a local or citywide TMA or a similar organization approved by the Director of the Department of Transportation, that provides ongoing administration of and support for non-auto and shared mobility commute incentives, facilities, and services.

K. **Paid Parking at Prevalent Market Rates.** Parking provided at a cost equal to the prevalent market rate, as determined by the City based on a survey of paid parking in the City and adjacent communities.

L. **Alternative Commute Subsidies/Parking Cash Out.** Provide employees with a subsidy, determined by the applicant and subject to review by the Department of Transportation, if they use transit or commute by other alternative modes.

M. **Carpool and Vanpool Ride-Matching Services.** Matching of potential carpoolers and vanpoolers by administering a carpool/vanpool matching program, or participating actively in such a program administered by a local or citywide TMA, the City, or other public agency.

N. **Guaranteed Ride Home.** Guaranteed rides home in emergency situations for carpool, vanpool and transit riders. Rides shall be provided either by a transportation service provider (taxi, rental car, or services provided by transportation network/ride sharing companies) or an informal policy using company vehicles with designated employee drivers.

O. **Shuttle Program.** Provision of a shuttle program or participation in an existing shuttle program approved by the Department of Transportation and subject to any fees for the existing program.

P. **Information Boards/Kiosks.** Display of the following information in a prominent location, maintained by a designated TDM contact: transit routes and schedules;
carpooling and vanpooling information; bicycle lanes, routes and paths and facility information; and alternative commute subsidy information.

Q. **Promotional Programs.** Promotion and organization of events for the following programs: new tenant and employee orientation packets on transportation alternatives; flyers, posters, brochures, and emails on commute alternatives; Spare the Air (June through October); Rideshare Week (October); and trip planning assistance routes and maps.

R. **Compressed Work Week.** Allow employees or require tenants to allow employees to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce the number of days per week employees are expected or required to be on-site, thereby reducing the number of vehicle trips to the worksite.

S. **Flextime.** Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours, such that a substantial share of employees regularly arrive at and depart from the worksite before or after the a.m. and p.m. peak periods for vehicle travel.

T. **On-Site Amenities.** One or more of the following amenities provided on site: day care, cafeteria, limited food service establishment, dry cleaners, exercise facilities, convenience retail, post office, or on-site transit pass sales.

U. **Telecommuting.** Provide or require tenants to provide opportunities and the ability for employees to work off site.

V. **Other Measures.** Additional measures not listed in this Article, such as child care facilities or an in-lieu TDM fee established by the City Council to provide funding for multi-modal access facilities and services, and/or transportation and parking demand management programs

**15.04.612.050 Submittal Requirements**

All projects subject to the requirements of this Article shall submit a transportation demand management plan in conjunction with the development application. These plans must demonstrate that, upon implementation, they will achieve the performance requirement and shall include the following.

A. **Checklist.** A completed checklist of the trip reduction measures chosen by the applicant pursuant to Section 15.04.612.040 (Vehicle Trip Reduction Measures).

B. **Trip Generation.** Estimated daily trip generation for the proposed use based on the ITE trip generation rates and the reductions anticipated with implementation of the measures proposed. The Director of the Department of Transportation, a citywide TMA, or a consulting traffic engineer retained by the City at applicants’ expense shall
maintain guidelines and checklists for evaluation of trip reduction potential of proposed measures and make these available to applicants.¹

C. **Implementation Plan.** A description of how the performance requirements will be achieved and maintained over the life of the project.

D. **Project-Designated TDM Contact.** Designation of an employee or resident as the official contact for the transportation demand management program. The City shall be provided with a current name and phone number of the project-designated TDM contact who administers carpool and vanpool ride-matching services and promotional programs, updates information on the information boards/kiosks, and is the official contact for the administration of the programs.

E. **Site Plan.** A site plan that designates transportation demand management design elements including, as applicable, the location and layout/design of:

1. **External:** preferential parking areas, paid parking areas, bicycle connections, bicycle parking, location of on-site amenities, passenger loading areas, land dedicated for transit facilities and bus shelters, direct route to transit, and pedestrian connections.

2. **Internal:** showers/lockers, information boards/kiosks, ATM, dry cleaners, day care, convenience retail, post office, cafeteria, limited food service establishment, exercise facilities, and on-site transit pass sales.

**15.04.612.060 Required Findings**

Prior to approval of a project subject to the requirements of this Article, the Zoning Administrator or the Planning Commission, whichever has approval authority, shall make both of the following findings based on recommendations of the Department of Transportation:

A. The proposed trip reduction measures are feasible and appropriate for the project, considering the proposed use or mix of uses and the project’s location, size, and hours of operation; and

B. The proposed vehicle trip reductions will ensure that the performance targets of this Article will be achieved and maintained.

**15.04.612.070 Modifications and Changed Plans**

A. **Minor Modifications.** The Director of the Department of Transportation may approve minor modifications to an approved transportation demand management plan that are consistent with the original findings and conditions approved by the review authority and would result in the same target minimum alternative mode use.

¹ The Appendix includes a sample TDM checklist, which will be maintained and periodically updated by the Department of Transportation.
B. **Changed Plans.** A proposed change in an approved project subject to the requirements of this Article that would result in a 10 percent increase in the number of average daily vehicle trips shall be accompanied by a statement of what modifications or additions to the approved transportation demand management plan will be made to ensure the same target alternative mode use. The Director may conditionally approve such a change, subject to annual monitoring to confirm that the program’s objectives are being met.

**15.04.612.080 Monitoring and Reporting**

A report, documenting the TDM activities undertaken and their results or an affidavit confirming that the requirements of this section have been met, shall be submitted to the Department of Transportation or citywide TMA by the designated TDM contact. If the TDM measures consist of solely measures that would be performed once, this report must be submitted at the completion of the implementation of those measures. For measures that are ongoing commitments, this report must be submitted annually. If the annual report shows compliance for three consecutive years, no further annual reports are required. A five-year review may be required by the Director of the Department of Transportation or citywide TMA to evaluate the overall effectiveness of all of the TDM activities and may suggest new or modified activities or substitute activities to meet the program’s objectives, per the Department of Transportation’s or TMA’s review and approval. The Director of the Department of Transportation may impose reasonable changes to assure the program’s objectives will be met.
Article 15.04.613  Water-Efficient Landscaping

Sections:

15.04.613.010  Purpose and Authority
15.04.613.020  Applicability
15.04.613.030  Areas to be Landscaped
15.04.613.040  General Landscaping Standards
15.04.613.050  Required Trees
15.04.613.060  Required Plans and Supporting Materials
15.04.613.070  Certificate of Completion
15.04.613.080  Post-Installation Irrigation Scheduling
15.04.613.090  Maintenance and Irrigation Audit Reporting
15.04.613.100  Model Homes

15.04.613.010  Purpose and Authority
The specific purposes of the water-efficient landscape regulations are to:

A. Improve the appearance of the community by requiring aesthetically pleasing landscaping on public and private sites;
B. Aid in energy conservation by providing shade from the sun and shelter from the wind;
C. Soften the appearance of parking lots and other development through landscaping;
D. Conserve water resources through the use of native and drought-tolerant plants and water-conserving irrigation practices;
E. Restore natural communities and provide habitat through the reestablishment of native plants;
F. Assist in mitigating air quality impacts by reducing or absorbing pollutants; and
G. Minimize or eliminate conflicts between potentially incompatible but otherwise permitted land uses on adjoining lots through visual screening.

These regulations are intended to comply with the requirements of California Government Code of Regulations, Title 23, Division 2, Chapter 2.7 for a “water efficient landscape ordinance”.

15.04.613.020  Applicability
A. This Article applies to the following landscape projects associated with any development requiring a building permit, design review, or a use permit:
   1. New landscape installations of 500 square feet or more;
   2. Rehabilitated landscapes with an area 2,500 square feet or more;
3. New construction and rehabilitated landscapes that are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit, design review, or other discretionary permit; and

4. New construction landscapes that are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building permit, design review or other discretionary permit.

B. The following are exempt:
   1. Registered local, state or federal historical sites;
   2. Ecological restoration projects that do not require a permanent irrigation system; and
   3. Plant collections, as part of botanical gardens and arboretums open to the public.

C. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are only subject to the requirements of subsection 15.04.613.060(D) and Sections 15.04.613.080-090.

15.04.613.030 Areas to be Landscaped

The following areas shall be landscaped, and may count toward the total area of site landscaping required by the zoning district regulations and other citywide or special purpose landscape regulations.

A. Required Setbacks. All required front and street-facing side setbacks, except for areas used for exit and entry, shall be landscaped.

**FIGURE 15.04.613.030-A: REQUIRED SETBACKS**
B. **Lot Perimeters.** Landscape buffers shall be installed and maintained along side and rear lot lines between differing land uses, in accordance with the following standards.

1. **Required Landscape Buffers.** Table 15.04.613.030-B(1), Required Landscape Buffers, shows when a buffer treatment is required, and of what type, based on the proposed and the adjoining use. Only the proposed use is required to provide the buffer yard. Adjoining uses are not required to provide the buffer yard. The type of buffer yard required refers to buffer yard-type designations as shown in the table and defined in subsection (2), below. “-” means that a buffer yard is not required unless required by another section of this Article.

   **TABLE 15.04.613.030-B(1): REQUIRED LANDSCAPE BUFFERS**

<table>
<thead>
<tr>
<th>Use</th>
<th>Adjoining Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Park or Open Space</td>
</tr>
<tr>
<td>Multi-unit Residential</td>
<td>Type 1</td>
</tr>
<tr>
<td>Mixed Use</td>
<td>Type 2</td>
</tr>
<tr>
<td>Commercial</td>
<td>Type 2</td>
</tr>
<tr>
<td>Industrial</td>
<td>Type 2</td>
</tr>
</tbody>
</table>

2. **Buffer-yard Types.** Table 15.04.613.030-B(2), Buffer Yard Requirements, describes the minimum width, plant materials, and wall requirements for each type of buffer yard. The listed number of trees and shrubs are required for each 100 lineal feet of buffer yard. Trees shall be planted at least 40 feet on center. Natural areas with native vegetation or alternative planting materials which achieve equivalent buffering effects may be approved by the Zoning Administrator.

   **TABLE 15.04.613.030-B(2): BUFFER YARD REQUIREMENTS**

<table>
<thead>
<tr>
<th>Buffer Yard Type</th>
<th>Minimum Width (ft)</th>
<th>Trees</th>
<th>Shrubs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Canopy (mature height of 40 ft. or more)</td>
<td>Understory (mature height of less than 40 ft.)</td>
<td>Large (mature spread of 2 ft. or more)</td>
</tr>
<tr>
<td>Type 1</td>
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<td>Type 2</td>
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3. **Width Reduction for Adjacent Landscaped Buffer.** If an equivalent landscape buffer exists on the adjacent lot, the width of the required buffer may be reduced 50 percent provided that the abutting property owners have provided a written agreement restricting the use of the adjacent landscape buffer.

C. **Building Perimeters.** The portions of a building that front a public street shall have one or more landscape planters installed along a minimum 20 percent of that building face. The minimum width of the planter shall be three feet. This standard does not apply where a building is located on the front or street side property line.

D. **Parking Areas.** Parking areas shall be landscaped as required by Article 15.04.607 (Parking and Loading Standards).

E. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be landscaped or left in a natural state.
15.04.613.040 General Landscaping Standards

A. General. Landscaping may consist of a combination of ground cover materials, shrubs, and trees. Ground cover may include grasses, shrubs, perennials, vines, or other herbaceous or non-herbaceous plants. Ground cover also includes, mulch such as gravel, rock, cinder, bark, or other permeable materials, provided that such materials present an attractive setting consistent with the intent of this Article. Landscaping may also include incidental features, such as stepping-stones, site furniture, water features, art, or other ornamental features placed within a landscaped setting.

B. Plant Materials.

1. Turf Allowance. The maximum amount of turf in required landscape areas is 30 percent for non-residential uses and 50 percent for residential uses, except for turf areas that comprise an essential component of a project (e.g., golf courses or playing fields), which are exempt from this limit. Turf is prohibited on slopes greater than 25 percent.

2. Plant Selection.

   a. Any plant that is not specifically prohibited may be selected for the landscape, providing the Estimated Total Water Use (ETWU) in the landscape area does not exceed the Maximum Applied Water Allowance (MAWA) Methods to achieve water efficiency include one or more of the following:

      i. Protection and preservation of native species and natural vegetation;

      ii. Selection of water-conserving plant, tree and turf species, especially local native plants;

      iii. Selection of plants based on local climate suitability, disease and pest resistance; and

      iv. Selection of trees based on size at maturity as appropriate for the planting area.

   b. Plants must be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency include:

      i. Using the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;

      ii. Recognizing the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power
lines) and to allow for adequate soil volume for healthy root growth; and

iii. Using solar orientation for plant placement to maximize summer shade and winter solar gain.

c. Common Interest Development Guidelines. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, may not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

C. Water Features. Recirculating water systems must be used for water features. The surface area of a water feature must be included in the high water use hydrozone area of the water budget calculation.

D. Soil Preparation. Prior to the planting of any materials, compacted soils must be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

E. Mulch. A minimum three-inch layer of mulch must be applied on all exposed soil surfaces of planting areas except in turf areas, areas receiving closely spaced plugs as a lawn alternative, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to five percent of the landscape area may be left without mulch. Stabilizing mulching products must be used on slopes that meet current engineering standards. The mulching portion of the seed/mulch slurry in hydro-seeded applications must meet the mulching requirement. Use of organic mulch materials made from recycled or post-consumer material is preferred over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available.

15.04.613.050 Required Trees

A. On-Site Trees. On-site trees must be provided as follows:

1. Residential Zoning Districts. One tree for every 1,000 square feet of lot area for residential development.

2. Mixed-Use and Commercial Zoning Districts. One tree for every 2,000 square feet of lot area.

3. Industrial Zoning Districts. One tree for every 5,000 square feet of lot area.

4. Off-Site Planting. If the lot size or other site conditions make planting of the required trees impractical, the Zoning Administrator may allow the trees be planted off-site at twice the ratio.

5. Exception for Existing Trees. If the required number and size of trees already exists on the site, the applicant shall not be required to plant new trees on-site.
B. **Street Trees.** All new development must provide at least one street tree that is a minimum of 1 ½ inches diameter at breast height or 15 gallons in size for each 50 linear foot of street frontage unless the Director of Public Works determines that a different number of trees is warranted because of existing conditions and the number of street trees in the vicinity. All street trees, must be installed with approved root and/or any other tree plantings within 10 feet of the public right-of-way, including sidewalks, curbs and gutters, or street surface barriers and deep water tubes (three per tree).

C. **Maintenance.** All trees must be maintained to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects and disease. Any tree showing such damage to the extent that its life would be impaired must be replaced with another tree.

**15.04.613.060 Required Plans and Supporting Materials**

A. **General Requirements.** The section establishes what required documentation must be provided for all non-exempt landscape projects unless they qualify for streamlined submittal requirements. Streamlined submittals are available for two specific types of projects:

1. **Small Sites.** A project with a landscape area of 2,500 square feet or less that complies with the prescriptive measures listed in subsection (H), below, are exempt from certain submittal requirements for the Landscape Documentation Package.

2. **Graywater or Rainwater Projects.** For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2,500 square feet of landscape and meets the lot or parcel’s landscape water requirement (Estimated Total Water Use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to the requirements of paragraph (H)(6), below.

3. **Existing Landscape.** All existing landscape over one acre in size may be required to have an irrigation audit under subsection 15.04.613.090(B) if a property owner proposes an expansion of floor area that is more than 10 percent of existing floor area or structural alterations that exceed 10 percent of the replacement cost of the building. Restrictions on overspray and runoff may be imposed as conditions of approval of a discretionary permit in order to conserve water.

B. **Landscape Documentation Package.** A Landscape Documentation Package must be submitted by the project applicant for review and approval prior to start of construction. The Landscape Documentation Package must include the following elements, shown on either plan sheets or supplemental pages:

1. **Project Information Sheet.** The plan information must include, but is not limited to, the following: date; project name; project address, parcel, and/or lot number(s); total landscape area (square feet) and rehabilitated landscape...
area (if applicable); project type (e.g., new, rehabilitated, public, private, public, private, cemetery, homeowner-installed); water supply type (e.g., potable, recycled, well) and identification of the local retail water purveyor if the project applicant is not served by a private well; checklist or index of all documents in the Landscape Documentation Package; project contacts information for the project applicant and property owner.

2. **A Landscape Design Plan**: see subsection (C), below.

3. **A Water-Efficient Landscape Worksheet**: see subsection (D), below.

4. **A Soil Management Plan**: see subsection (E), below.

5. **An Irrigation Design Plan**: see subsection (F), below.

6. **A Grading Design Plan**: see subsection (G), below.

C. **Landscape Design Plan.** The Landscape Design Plan must identify all of the following, to the extent they apply:

1. Proposed plant locations, species, and sizes.

2. Location of any existing trees over six inches in diameter at breast height, each tree’s diameter at breast height, and whether such tree is proposed for retention or removal.

3. Recreational areas.

4. Areas permanently and solely dedicated to edible plants.

5. Each hydrozone, labeled or identified by number, letter or other method and noted as low, moderate, high water or mixed water use. Temporarily irrigated areas of the landscape must be included in the low water use hydrozone of the water budget calculation. Each hydrozone must have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use.

6. Areas irrigated with recycled water.

7. Type of mulch and application depth and proposed soil amendments by type and quantity.

8. Type and surface area of water features.


10. Location, installation details, and 24-hour retention or infiltration capacity of on-site stormwater retention areas.

11. Any applicable rain harvesting or catchment technologies and their 24-hour retention or infiltration capacity.

12. Any applicable graywater discharge piping, system components and area(s) of distribution.
13. **In Fire-Prone Areas.** A Landscape Design Plan for projects in fire-prone areas must address fire safety and prevention. A defensible space or zone around a building or structure is required by the Public Resources Code Section 4291(a) and (b).

D. **Water Efficient Landscape Calculations and Alternatives.** A fully-completed Water Efficient Landscape Worksheet (available from the Zoning Administrator) must contains information on the plant factors, irrigation method, irrigation efficiency and area associated with each hydrozone and show:

1. The Estimated Total Water Use (ETWU) allowable for the landscape area (LA) does not exceed the Maximum Applied Water Allowance (MAWA); and
2. The evapotranspiration adjustment factor (ETAF) for the landscape project does not, on average, exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of Special Landscape Areas (SLA), within the landscape project, which are calculated using an ETAF of 1.0.

Water efficiency calculations must be calculated as follows:

**Maximum Applied Water Allowance (MAWA)**

\[ MAWA = (25.92) \times ((ETAF \times LA) + ((1-ETAF) \times SLA)) \]

**Estimated Total Water Use (ETWU)**

\[ ETWU = 25.92 \left( \frac{PF \times HA}{IE} + SLA \right) \]

3. **Variables Used in Water Efficiency Calculations.**

   a. **Plant Factors (PF).** The plant factors range from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants. Any and all water features must be included in the high water use hydrozone. Any and all temporarily irrigated areas must be included in the low water use hydrozone.

   b. **Landscape Areas (LA).** Total Landscape Area, expressed in square feet, include all areas dedicated to planting, turf, and water features, excluding footprints of building or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, pervious or non-pervious hardscapes, or other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

   c. **Special Landscape Areas (SLA).** Special Landscape Areas are areas of the landscape dedicated solely to edible plants, recreational areas,

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2 The State’s Model Water-efficient Landscape Ordinance includes a sample worksheet, which can be posted on the City’s website and be a Microsoft Excel for or in other interactive form to make it easy to use.
areas irrigated with recycled water, or water features using recycled water.

d. **Irrigation Efficiency (IE).** For the purpose of determining Estimated Total Water Use, the average IE is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices.

c. **Hydrozone Area (HA).** The square feet in the hydrozone. Note that PF x HA as used in the formula for calculating ETWU is the sum of the individual PF and respective HA calculations.

4. **Evapotranspiration Adjustment Factor (ETAFA).** The ETAFA for a landscape project is calculated based on the plant factors and irrigation methods selected. The Water Efficient Landscape Worksheet must show that the average ETAFA for Regular Landscape Areas is no greater than 0.55 for residential areas and 0.45 for non-residential areas. The ETAFA for Special Landscape Areas can be up to 1.0.

E. **Soil Management Report.** A Soil Management Report must include:

1. **Analysis of Soil Samples.** Soil samples must be submitted to a laboratory for analysis and recommendations.

   a. Soil sampling must be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

   b. The soil analysis must include:

      i. Soil texture;

      ii. Infiltration rate determined by laboratory test or soil texture infiltration rate table;

      iii. pH;

      iv. Total soluble salts;

      v. Sodium;

      vi. Percent organic matter; and

      vii. Recommendations

   c. In residential projects with multiple landscape installations, a soil sampling rate of one in seven lots or approximately 15 percent will satisfy this requirement. Large landscape projects must sample at a rate equivalent to one in seven lots.

2. **Timing of Submittal.**

   a. If significant mass grading is not planned, the Soil Management Report must be submitted as part of the Landscape Documentation Package.
b. If significant mass grading is planned, the Soil Management Report must be submitted as part of the Certificate of Completion.

3. **Availability of Report to Landscape Professionals.** The Soil Management Report must be made available, in a timely manner, to the professionals preparing the landscape design and irrigation design plans.

4. **Implementation Verification.** Verification of implementation of the Soil Management Report recommendations must be submitted with the Certificate of Completion.

F. **Irrigation Design Plan.** The Irrigation Design Plan, at a minimum, must contain:

1. The location and size of separate water meters for landscape;

2. The location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

3. Static water pressure at the point of connection to the public water supply; and

4. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station.

5. **Design Criteria for Hydrozones.**

   a. Each valve must irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

   b. Sprinkler heads and other emission devices must be selected based on what is appropriate for the plant type within that hydrozone.

   c. Where feasible, trees must be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone must be considered when designing irrigation for the tree.

   d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

      i. The plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

      ii. The plant factor of the higher water using plant is used for calculations.

   e. Individual hydrozones that mix high and low water use plants are not permitted.

6. The installation of the water irrigation systems must allow for the current and future use of recycled water when feasible. All recycled water irrigation
systems must be designed and operated in accordance with all applicable City regulations and State laws.

7. **System Components.**

a. **Landscape Water Meters.** Landscape water meters, defined as either a dedicated water service meter or private submeter, must be installed for all non-residential irrigated landscapes of 1,000 square feet or more and residential irrigated landscapes of 5,000 square feet or more. A landscape water meter may be either:

   i. A customer service meter dedicated to landscape use provided by the local water purveyor; or

   ii. A privately owned meter or submeter.

b. **Soil Moisture or Evapotranspiration-Based Irrigation Controllers.** Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory is required for irrigation scheduling in all irrigation systems.

c. **Pressure Regulating Devices.** If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer’s recommended pressure range for optimal performance.

   i. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices must be installed to meet the required dynamic pressure of the irrigation system.

   ii. Static water pressure, dynamic or operating pressure, and flow reading of the water supply must be measured at the point of connection. These pressure and flow measurements must be conducted at the design stage. If the measurements are not available at the design stage, the measurements must be conducted at installation.

d. **Weather-Based Irrigation Controllers.** Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions are required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

e. **Manual Shut-Off Valves.** Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) are required, as close as possible to the
point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

f. Backflow Prevention Devices. Backflow prevention devices are required to protect the water supply from contamination by the irrigation system.

g. Flow Sensors. Flow sensors that detect high flow conditions created by system damage or malfunction are required for all on non-residential landscapes and residential landscapes of 5,000 square feet or more.

h. Master Shut-Off Valves. Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

i. Prevent Water Waste. The irrigation system must be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

j. Irrigation Efficiency (IE). The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria regarding the Maximum Applied Water Allowance.

k. Meet ASABE/ICC Standard. All irrigation emission devices must meet the requirements of the American National Standards Institute (ANSI) and the American Society of Agricultural and Biological Engineers’/International Code Council’s (ASABE/ICC) 802-2014 “Landscape Irrigation Sprinkler and Emitter Standard.” All sprinkler heads must have a documented distribution uniformity low quarter of 0.65 or higher using protocols in ASABE/ICC 802-2014.

l. Peak Water Operating Demands or Restrictions. It is highly recommended that the project applicant inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

m. Mulched Planting Areas. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

n. Matched Precipitation Rates. Sprinkler heads and other emission devices must have matched precipitation rates, unless otherwise directed by the manufacturer’s recommendations.

o. Head to Head Coverage. Head to head coverage is recommended. However, sprinkler spacing must be designed to achieve the highest
possible distribution uniformity using the manufacturer’s recommendations.

p. **Riser-Protection Components.** Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turf.

q. **Low Point Drainage.** Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.

r. **Areas Less Than Ten Feet Wide.** Areas less than 10 feet in width in any direction must be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

s. **Adjacent to Non-Permeable Surfaces.** Overhead irrigation is not permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

i. The landscape area is adjacent to permeable surfacing and no runoff occurs;

ii. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or

iii. The irrigation designer specifies an alternative design or technology and clearly demonstrates strict adherence to irrigation system design criteria. Prevention of overspray and runoff must be confirmed during the irrigation audit.

t. **Slopes Greater Than 25 Percent.** Slopes greater than 25 percent shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour. This restriction may be modified by the Zoning Administrator if the landscape designer specifies an alternative design or technology, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

G. **The Grading Design Plan.**

1. The Grading Design Plan must indicate finished configurations and elevations of the landscape area, including:

   a. Height of graded slopes;

   b. Drainage patterns;

   c. Pad elevations;

   d. Finish grade; and
e. Stormwater retention improvements, if applicable.

2. To prevent excessive erosion and runoff, project applicants may be required to:
   a. Grade so that all irrigation and normal rainfall remains on-site and does not drain on to non-permeable hardscapes;
   b. Avoid disruption of natural drainage patterns and undisturbed soil; and
   c. Avoid soil compaction in landscape areas.

H. Prescriptive Compliance Option for Smaller Sites. Landscape projects that involve 2,500 square feet or less of landscape area may be approved through a Zoning Compliance review if the applicant meets all of the following requirements. Under this procedure, no landscape design plan needs be prepared, and requirements for a water-efficient landscape worksheet, a soil management plan, an irrigation design plan, and a grading design plan are waived.

1. Submit a Prescriptive Compliance Landscape Documentation Package that includes the following elements:
   a. Date;
   b. Project applicant;
   c. Project address (if available, parcel and/or lot number(s));
   d. Total landscape area (square feet), including a breakdown of turf and plant material;
   e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
   f. Water supply type (e.g., potable, recycled, well) and identification of the local retail water purveyor if the applicant is not served by a private well;
   g. Contact information for the project applicant and property owner; and
   h. Applicant signature and date with statement, “I agree to comply with the requirements of the prescriptive compliance option of the City of Richmond’s Water-Efficient Landscape Regulations.”

2. Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contraindicated by a soil test);

3. Use plant material as follows:
   a. For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor
0.3) for 75 percent of the plant area, excluding edibles and areas using recycled water;

b. For non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100 percent of the plant area, excluding edibles and areas using recycled water;

4. Apply a minimum three-inch layer of mulch on all exposed soil surfaces of planting areas except in turf areas, areas receiving closely spaced plugs as a lawn alternative, or direct seeding applications where mulch is contraindicated.

5. Turf must comply with all of the following:
   a. Turf shall not exceed 25 percent of the landscape area in residential and mixed-use areas with residential dwellings;
   b. Turf is prohibited in non-residential areas;
   c. Turf shall not be planted on sloped areas that exceed a slope of one foot vertical elevation change for every four feet of horizontal length; and
   d. Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.

6. Irrigation systems must comply with all of the following:
   a. Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and utilize a rain sensor.
   b. Irrigation controllers must be of a type that does not lose programming data in the event the primary power source is interrupted.
   c. Pressure regulators must be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.
   d. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) must be installed as close as possible to the point of connection of the water supply.
   e. All irrigation emission devices must meet the requirements set in the American National Standards Institute standard, American Society of Agricultural and Biological Engineers’/International Code Council’s (ASABE/ICC) 802-2014 “Landscape Irrigation Sprinkler and Emitter Standard.” All sprinkler heads installed in the landscape must
document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

f. Areas less than 10 feet in width in any direction must be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

7. For non-residential projects with landscape areas of 1,000 square feet or more, a private submeter(s) to measure landscape water use shall be installed.

8. At the time of final inspection, the applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule, and a schedule of landscape and irrigation maintenance.

15.04.613.070 Certificate of Completion

A Certificate of Completion, in the form specified by the Zoning Administrator\(^3\), must be submitted to the Zoning Administrator upon completion of the installation.

A. The Certificate of Completion must include the following six elements:

1. Project information sheet that contains:
   a. Date;
   b. Project name;
   c. Project applicant name, telephone, and mailing address;
   d. Project address and location; and
   e. Property owner name, telephone, and mailing address;

2. A Landscape Installation Certification of Completion that includes certification by a landscape professional that the project was installed per the approved Landscape Documentation Package. Where there have been significant changes made in the field during construction, “as-built” or record drawings must be included with the Certificate;

3. Irrigation scheduling parameters used to set the controller;

4. Landscape and irrigation maintenance schedule;

5. Irrigation Audit Report; and


B. The project applicant must submit the signed Certificate of Completion to the Zoning Administrator for review; and ensure that copies of the approved Certificate

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\(^3\) The State’s Model Water-efficient Landscape Ordinance includes a sample certificate.
of Completion are submitted to the local water purveyor and to the property owner or his or her designee.

C. The Zoning Administrator will approve or deny the Certificate of Completion within ten days of receipt. If the Certificate of Completion is denied, the Zoning Administrator must provide information to the project applicant regarding deficiencies noted and appeal procedures.

15.04.613.080 Post-Installation Irrigation Scheduling

For the efficient use of water, all irrigation schedules must be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules must meet the following criteria:

A. Irrigation scheduling must be regulated by automatic irrigation controllers.

B. Overhead irrigation must be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance or if required by the water purveyor.

C. Attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that the applied water meets the Estimated Total Water Use (ETWU). Total annual applied water must be less than or equal to the Maximum Applied Water Allowance (MAWA).

D. Parameters used to set the automatic irrigation controller must be developed and submitted with the Certificate of Completion for each of the following:
   a. The plant establishment period;
   b. The established landscape; and
   c. Temporarily irrigated areas.

E. A diagram of the irrigation plan showing hydrozones must be kept with the irrigation controller.

15.04.613.090 Maintenance and Irrigation Audit Reporting

A. Landscape and Irrigation Maintenance.

   1. A regular maintenance schedule must be submitted with the Certificate of Completion. This schedule must address routine inspections; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing obstructions to emission devices.

   2. Repair of all irrigation equipment must be done with the originally installed components or their equivalents or with components with greater efficiency.
B. **Irrigation Audit Report.**

1. After completion of the installation, a landscape irrigation audit must be conducted by a City landscape irrigation auditor or a third party certified landscape irrigation auditor and submitted with the Certificate of Completion.

2. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.

3. In large projects or projects with multiple landscape installations, an auditing rate of one in seven lots or approximately 15 percent will satisfy this requirement.

4. The irrigation audit report may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure, and any other factors necessary for accurate programming.

15.04.613.100 **Model Homes**

All model homes that are landscaped must use signs and written information to demonstrate the principles of water efficient landscapes described in this Article.

A. Signs must be used to identify the model home as an example of water efficient landscaping, featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage must include information about the site water use as designed per this Article; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.

B. Information must be provided about designing, installing, managing, and maintaining water efficient landscapes.
Article 15.04.614  Wireless Communications Facilities

Sections:

15.04.614.010  Purpose
15.04.614.020  Applicability
15.04.614.030  Required Permits and Approvals
15.04.614.040  Applications
15.04.614.050  Development Standards
15.04.614.060  Notice; Decisions; Appeals
15.04.614.070  Standard Conditions of Approval
15.04.614.080  Permit Revocation; Discontinued Uses; Facility Removal
15.04.614.090  Limited Exceptions; Variances.
15.04.614.100  Special Provisions for Section 6409 Approvals
15.04.614.110  Compliance Obligations

15.04.614.010  Purpose

A. This Article is intended to reasonably regulate, to the extent permitted under California and federal law, the installation, operation, collocation, modification, maintenance and removal of wireless communication facilities in a manner that promotes and protects public health, safety and welfare, and balances the benefits that flow from robust and ubiquitous wireless services with the local values and aesthetic character of the City, its neighborhoods and other districts.

B. This Article is not intended to, and shall not be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider’s ability to provide personal wireless services; (2) unreasonably discriminate among providers of functionally equivalent personal wireless services; (3) regulate the installation, operation, collocation, modification, maintenance or removal of personal wireless services based on environmental effects from radio frequency emissions to the extent such emissions comply with all applicable Federal Communications Commission (FCC) regulations; (4) create barriers that prohibit or effectively prohibit any telecommunications service provider’s ability to provide any interstate or intrastate telecommunications service; (5) prohibit or effectively prohibit any collocation or modification that the City may not deny under applicable California or federal law; or (6) preempt any applicable California or federal laws, regulations or other mandatory rules.

15.04.614.020  Applicability

A. **Applicable Facilities.** This Article applies to all applications to install, construct, collocate, modify or otherwise alter wireless communication facilities in the City of Richmond.

B. **Legal Nonconforming Facilities.** Any existing facility within the City’s jurisdictional boundaries that does not conform to the requirements in this Article is
deemed a “legal nonconforming use” as defined in Article 15.04.104 and subject to the provisions in Article 15.04.606.

C. Exempted Facilities. Notwithstanding subsection 15.04.614.020(A), this Article does not apply to the following:

1. amateur radio antennas;
2. Over-the-air-reception devices (OTARD antennas);
3. wireless antennas and related equipment installed completely indoors and intended to extend signals for personal wireless services in a personal residence or a business (such as a femtocell or indoor distributed antenna system);
4. antennas and related equipment owned and operated by California Public Utilities Commission (CPUC)-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities covered under CPUC General Order 131-D, as may be amended or superseded; and
5. City-owned and operated facilities for public purposes.

D. Special Provisions for Section 6409 Approvals. Any application submitted with a written request for approval pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act, Pub. L. No. 112-96, 126 Stat. 156 (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)) shall be subject to the provisions in Section 15.04.614.100 and exempt from the other provisions in this Article.

15.04.614.030 Required Permits and Approvals

A. Conditional Use Permit. A conditional use permit, subject to the Planning Commission’s review and approval and in accordance with Article 15.04.806 (Use Permits), is required for any new facilities and collocations or modifications to existing facilities as follows:

1. all unconcealed wireless facilities;
2. any wireless facility that requires a limited exception pursuant to Section 15.04.614.090;
3. all wireless facilities in locations listed in paragraphs 15.04.614.050(A)(3) through (A)(8); and
4. all other wireless facilities that do not meet the criteria for an administrative use permit.

B. Administrative Use Permit. An administrative use permit, subject to the Zoning Administrator’s review and approval and in accordance with Article 15.04.806 (Use Permits), is required for any new facilities and collocations or modifications to existing facilities as follows:
1. all concealed facilities in locations listed in paragraphs 15.04.614.050(A)(1) and (A)(2) without the need for a limited exemption pursuant to Section 15.04.614.090; and

2. all concealed wireless facilities in the public rights-of-way approvable without the need for a limited exemption pursuant to Section 15.04.614.090.

C. Design Review. All projects subject to a conditional use permit or an administrative use permit must also obtain design review and approval, in accordance with Article 15.04.805 (Design Review). The Design Review Board shall conduct major design review for facilities subject to a conditional use permit. The Zoning Administrator shall conduct minor design review for facilities subject to an administrative use permit.

D. Other Regulatory Permits or Approvals. In addition to any conditional use permit or administrative use permit required under this Article, the applicant must obtain all other required prior permits and other regulatory approvals from other City departments, and state and federal agencies. Any conditional use permit or administrative use permit granted under this Article will be subject to the conditions and/or other requirements in any other required prior permits or other regulatory approvals from other City departments, and state and federal agencies.

15.04.614.040 Applications

A. Application Required; Applicability. The City shall not grant any application for any permit under this Article except upon a duly filed application consistent with the provisions in Article 15.04.803 (Common Procedures), this section and any written rules or regulations the Director may publish in any publicly stated format. In the event that any conflict arises between the requirements in Article 15.04.803 and this Section 15.04.614.040, the requirements in this section shall govern. Applications for collocations or modifications submitted for approval pursuant to Section 6409 are governed under Section 15.04.614.100.

B. Application Content. The City Council authorizes the Director to develop and publish permit application forms, checklists, informational handouts and other related materials for this Article. Without further authorization from the City Council, the Director may from time-to-time update and alter the permit application forms, checklists, informational handouts and other related materials as the Director deems necessary or appropriate to respond to regulatory, technological or other changes related to this Article. The materials required under this section are minimum requirements for any application the Director may develop.

1. Application Fee. Applicants must tender to the City the fee required in the City’s Master Fee Schedule, as set and to be paid in accordance with subsection 15.04.803.020(C). In the event that the City’s Master Fee Schedule does not contain a specific fee for wireless applications, the highest fee applicable to conditional use permits will be required.
2. **Owner's Authorization.** Applicants must submit evidence sufficient to show that either (1) the applicant owns the project site or (2) the applicant has obtained the owner’s authorization to file the application.

3. **Regulatory Authorization.** To the extent that the applicant claims any regulatory authorization or other right to use the public rights-of-way, the applicant must provide a true and correct copy of the certificate, license, notice to proceed or other regulatory authorization that supports the applicant’s claim.

4. **Project Plans.** A fully dimensioned site plan and elevation drawings prepared and sealed by a California-licensed engineer showing any existing wireless facilities with all existing transmission equipment and other improvements, the proposed facility with all proposed transmission equipment and other improvements and the legal boundaries of the leased or owned area surrounding the proposed facility and any associated access or utility easements. The plans must contain all other elements and details required for site plans submitted with a conditional use permit or administrative use permit.

5. **Site Photographs and Photo Simulations.** Photographs and photo simulations that show the proposed facility in context of the site from reasonable line-of-sight locations from public streets or other adjacent viewpoints, together with a map that shows the photo location of each view angle.

6. **Radio Frequency (RF) Exposure Compliance Demonstration.** An RF exposure compliance report prepared and certified by an RF engineer acceptable to the City that certifies that the proposed facility, as well as any collocated facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radiated power (ERP)) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

7. **Project Purpose Statement.** A written statement that includes: (a) a description of the technical objectives to be achieved; (b) an annotated topographical map that identifies the targeted service area to be benefitted; (c) the estimated number of potentially affected users in the targeted service area; and (d) full-color signal propagation maps with objective units of signal strength measurement that show the applicant’s current service coverage levels from all adjacent sites without the proposed site, predicted service
coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites.

8. Alternative Sites Analysis. The applicant must list all existing structures considered as alternatives to the proposed location, together with a general description of the site design considered at each location. The applicant must also provide a written explanation for why the alternatives considered were unacceptable or infeasible, unavailable or not as consistent with the development standards in this Article as the proposed location and design. This explanation must include a meaningful comparative analysis and such technical information and other factual justification as are necessary to document the reasons why each alternative is unacceptable, infeasible, unavailable or not as consistent with the development standards in this Article as the proposed location. If an existing facility is listed among the alternatives, the applicant must specifically address why the modification of such wireless communication facility is not a viable option.

C. Submittal and Review Procedures.

1. Pre-application Conferences. Prior to application submittal, applicants must schedule and attend a pre-application conference with City staff for all proposed facilities that require a conditional use permit. The City strongly encourages but does not require a pre-application conference for all other proposed facilities. Such pre-application conference is intended to streamline the application review through discussions including, but not limited to, the appropriate project classification, including whether the project may qualify for approval pursuant to Section 6409(a); potential concealment issues (if applicable); coordination with other City departments responsible for application review; and application completeness issues. Applicant’s may but shall not be required to bring any particular materials to a pre-application conference. City staff will endeavor to provide applicants with an appointment within approximately five business days after receipt of a written or email request. For any applicant that schedules, attends and fully participates in a pre-application conference, the Zoning Administrator may grant a written exemption from a specific application requirement or requirements when the applicant shows that the information requested is duplicative of information contained in other materials to be submitted with the application or otherwise unnecessary for the City’s review under the facts and circumstances in that particular case. Any such written waiver shall be limited to the project discussed at the pre-application conference and shall not extend to any other projects.

2. Submittal Appointments. Applicants must submit an application at a pre-scheduled appointment. Applicants may generally submit only one application per appointment, but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. City staff will endeavor to provide applicants with an
appointment within five business days after staff receives a written request for an appointment. Any applications received without an appointment, whether delivered in-person or any other means, shall not be considered duly filed unless the applicant received a written exemption at a pre-submittal conference. The Zoning Administrator will begin to review the application once it is duly filed.

3. **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, an application will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the City within 90 calendar days after the City deems the application incomplete in a written notice to the applicant. The Zoning Administrator may, in the Zoning Administrator’s sole discretion, grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant’s reasonable control will be considered good cause to grant the extension.

4. **Authorization to Develop Departmental Rules.** The City Council authorizes the Director to establish other reasonable rules and regulations, which may include without limitation regular hours for appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.

D. **Independent Consultants.**

1. **Authorization.** The City Council authorizes the Zoning Administrator to, in the Zoning Administrator’s discretion, and at any time in the review process, select and retain an independent consultant with qualifications and expertise satisfactory to the Zoning Administrator.

2. **Scope.** The Zoning Administrator may request independent consultant review on any issue that involves specialized or expert knowledge in connection with the permit application. Such issues may include, but are not limited to:
   a. permit application completeness or accuracy;
   b. planned compliance with applicable RF exposure standards;
   c. whether and where a significant gap exists or may exist, and whether such a gap relates to service coverage or service capacity;
   d. whether technically feasible and potentially available alternative locations and designs exist;
   e. the applicability, reliability and sufficiency of analyses or methodologies used by the applicant to reach conclusions about any issue within this scope; and
f. any other issue that requires expert or specialized knowledge identified by the Zoning Administrator.

3. **Notice to the Applicant.** The Zoning Administrator shall send written notice to the applicant when it elects to retain an independent consultant. The applicant shall have two (2) business days to withdraw the application without any liability for any costs or expenses in connection with the independent consultant’s review.

4. **Deposit; Invoices.** The applicant must pay for the cost and expense in connection with the independent consultant’s review and participation in any meeting. Before the City incurs any costs or expenses, the Zoning Administrator shall require the applicant to tender a reasonable deposit, at the Zoning Administrator’s sole discretion. In the event that the deposit is insufficient to cover all costs and expenses, the Zoning Administrator may either (a) require an additional deposit or (b) invoice the applicant. Any required deposit or invoice must be paid in full within 10 days. The City shall not issue any permit to an applicant who has not paid any applicable fee, deposit or invoice as required in this Code.

15.04.614.050 Development Standards

A. **Preferred Locations.** All applicants must, to the extent feasible, propose new facilities in locations according to the following preferences, ordered from most preferred to least preferred:

1. City-owned parcels in any zoning district;
2. IB, ILL, IL, IG, and IW zoning districts;
3. PCI zoning district;
4. PR zoning district;
5. CG, CR, and CC zoning districts;
6. CM-1, CM-2, CM-3, CM-4, CM-5, and LW zoning districts;
7. Planned Area districts; and
8. RH, RL1, RL2, RM-1, and RM-3 zoning districts.

B. **Preferred Support Structures.** In addition to the preferred districts described in subsection 15.04.614.050(A) above, the City also expresses its preference for certain support structures within those districts as follows, ordered from most preferred to least preferred:

1. collocations with existing building-mounted wireless facilities;
2. collocations with existing wireless facilities on electric transmission towers;
3. installations on existing buildings or rooftops;
4. installations on existing wireless towers;
5. installations on existing electric transmission towers;
6. new freestanding wireless towers.

**Note:** As a hypothetical example, and not a limitation, in an industrial district where an applicant could achieve its technical objective equally well with antennas mounted on either an electric transmission tower (that does not currently support any wireless facilities) or a new freestanding wireless tower, the applicant must mount the antennas on the electric transmission tower in accordance with the City’s preference.

**C. General Development Standards.** All new wireless facilities and collocations or modifications not subject to a Section 6409 Request must conform to all the standards in this section.

1. **Concealment.** Wireless facilities must incorporate concealment measures sufficient to render the facility either camouflaged or stealth, as appropriate for the proposed location and design. All facilities must be designed to visually blend into the surrounding area in a manner compatible with the uses germane to the underlying zoning district and consistent with the existing uses in the immediate vicinity of the project site.

2. **Future Collocations.** All wireless facilities must be designed and sited in a manner that contemplates future collocations, and will allow additional equipment to be integrated into the proposed facility with no or negligible visible changes to its outward appearance to the greatest extent feasible.

3. **Compliance with Laws.** All wireless facilities must be designed and sited in compliance with all applicable federal, state and local laws, regulations, rules, restrictions and conditions, including without limitation the California Building Standards Code, General Plan and any specific plan, the Richmond Municipal Code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the project.

4. **Overall Height.** Wireless facilities must not exceed the applicable height limit for structures in the applicable zoning district.

5. **Setbacks.** Wireless facilities may not encroach into any applicable setback for structures in the applicable zoning district.

6. **Noise.** A wireless facility and all equipment associated with a wireless facility must not generate noise that exceeds the applicable ambient noise limit in the zone where the wireless facility is located, including without limitation the provisions in Article 15.04.608 (Performance Standards) and Article 15.04.605 (Noise). The Approval Authority may require the applicant to install noise attenuating or baffling materials and/or other measures, including but not limited to walls or landscape features, as the Approval Authority deems necessary or appropriate to ensure compliance with the applicable ambient noise limit.
7. **Lights.** Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights, and must install such lights so as to comply with Article 15.04.604 (Lighting and Illumination) and avoid illumination impacts to adjacent properties to the maximum extent feasible. The Approval Authority may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need. All aircraft warning lighting must use lighting enclosures that avoid illumination impacts to properties in the City to the maximum extent feasible.

8. **Signs.** No facility may display any signage or advertisements unless expressly allowed by the City in a written approval, recommended under FCC regulations or required by law or permit condition. Every facility shall at all times display signage that accurately identifies the facility owner and provides the facility owner’s unique site number, and also provides a local or toll-free telephone number to contact the facility owner’s operations center.

9. **Fences, Enclosures and Security.** Any fencing or enclosures proposed in connection with a wireless facility must comply with Section 15.04.601.060 (Fences and Walls) and blend with the natural and/or man-made surroundings, subject to the City’s review and approval. The Approval Authority may require additional landscape features to screen fences. The Approval Authority shall not approve barbed wire, razor ribbon, electrified fences or any similar measures to secure a wireless facility, except when the applicant demonstrates that the need for such measures significantly outweighs the potential danger to the public and as provided in Chapter 11.88 of the Richmond Municipal Code. For proposed towers without any fence or enclosure, the applicant must incorporate anti-climbing measures, such as a ladder guard or removable ladder rungs, to prevent unauthorized access, vandalism and other attractive nuisances.

10. **Landscape Features.** Landscaping may be required to be installed and maintained by Applicant to visually screen facilities from adjacent properties or public view or to provide a backdrop to camouflage the facilities. All proposed landscaping is subject to Approval Authority review and approval. Landscaping must comply with Article 15.04.613 (Water-Efficient Landscaping). To the extent that Article 15.04.613 is inapplicable to the landscaping described in this subsection, landscaping must still comply with the methods for achieving water efficiency, contained in the General Landscaping Standards in Section 15.04.613.040.

11. **Utilities.** All cables and connectors for telephone, primary electric and other similar utility services must be routed underground to the extent feasible in conduits large enough to accommodate future collocated facilities. The Approval Authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.
D. Freestanding Towers.

1. **Tower-mounted Equipment.** All tower-mounted equipment must be mounted as close to the vertical support structure as possible to reduce its visual profile. Applicants must mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors and utility demarcation boxes) directly behind the antennas to the maximum extent feasible. All tower-mounted equipment, cables and hardware must be painted with flat colors subject to the Approval Authority’s prior approval.

2. **Ground-mounted Equipment.** All ground-mounted equipment must be concealed within an existing or new structure, opaque fences or other enclosures subject to the Approval Authority’s approval. The Approval Authority may require, as a condition of approval, design and/or landscape features in addition to other concealment when necessary to blend the equipment or enclosure into the surrounding environment.

3. **Faux Tree Standards.** The Approval Authority may approve a new freestanding wireless facility camouflaged as a faux tree only when it blends with the mature, natural trees in proximity to the proposed project site. The Approval Authority may require the applicant to plant and maintain new, natural trees around the project site when necessary or appropriate to adequately conceal the proposed faux-tree wireless facility.

E. Building-Mounted Facilities.

1. **Preferred Concealment Techniques.** All applicants should, to the extent feasible, propose new non-tower facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, when integration with existing building features is not feasible, the applicant should propose completely concealed new structures or appurtenances designed to mimic the support structure’s original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys and water tanks).

2. **Facade-mounted Equipment.** All facade-mounted equipment must be concealed behind screen walls and mounted as flush to the facade as practicable. The Approval Authority may not approve “pop-out” screen boxes unless the design is architecturally consistent with the original building or support structure. Except in industrial zones, the Approval Authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade.

3. **Rooftop-mounted Equipment.** All rooftop-mounted equipment must be screened from public view with concealment measures that match the
underlying structure in proportion, quality, architectural style and finish. The Approval Authority may approve unscreened rooftop equipment only when it expressly finds that such equipment is effectively concealed due to its low height and/or setback from the roofline.

4. **Ground-mounted Equipment.** Outdoor ground-mounted equipment associated with building-mounted facilities must be avoided whenever feasible. In publicly visible or accessible locations, applicants must conceal outdoor ground-mounted equipment with opaque fences or landscape features that mimic the adjacent structure(s) such as dumpster corrals and other accessory structures.

F. **Facilities in the Public Rights-of-Way.**

1. **Concealment.** All facilities in the rights-of-way must be concealed to the extent feasible with design elements and techniques that blend with the underlying support structure, surrounding environment and adjacent uses.

2. **Undergrounded Equipment.** To conceal the non-antenna equipment, applicants shall install all non-antenna equipment underground to the extent feasible. Additional expense to install and maintain an underground equipment enclosure does not exempt an applicant from this requirement, except where the applicant demonstrates by clear and convincing evidence that this requirement will effectively prohibit the provision of personal wireless services.

3. **Ground-mounted Equipment.** To the extent that the equipment cannot be placed underground as required, applicants must install ground-mounted equipment in the location so that it does not obstruct pedestrian or vehicular traffic. The City may require landscaping as a condition of approval to conceal ground-mounted equipment.

4. **Pole-mounted Equipment.** All pole-mounted equipment must be installed as close to the pole as technically and legally feasible to minimize impacts to the visual profile. All required or permitted signage in the rights-of-way must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures. All conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible.

5. **Utility Lines.** When the point of contact is not on the pole itself, service lines must be undergrounded whenever feasible to avoid additional overhead lines. The Approval Authority shall not approve new overhead service lines merely because compliance with the undergrounding requirements would increase the project cost. For metal poles, undergrounded cables and wires must transition directly into the pole base without any external doghouse.

6. **Electric Meter.** Multiple operators on a shared pole must share a single electric meter. Site operators must use the smallest and least intrusive electric
meter available. In the event that a smaller or less intrusive meter becomes available after the site operator installs its equipment, the site operator must remove the current meter and install the new one within a reasonable time. The City strongly encourages site operators to use flat-rate electric service when it would eliminate the need for a meter. The electric meter or its case must be painted to match the pole unless painting is expressly not permitted by the electric service provider.

7. **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables must not be spooled, coiled or otherwise stored on the pole whether in a cabinet or not.

8. **Finishes.** No above-ground or pole-mounted equipment in the rights-of-way may be finished with reflective materials unless approved by the Approval Authority.

15.04.614.060  **Notice; Decisions; Appeals**

A. **Public Notice.**

1. **Public Hearings.** Public notice is required for all applications that either (i) may have a substantial or significant impact on a real property interest of a third party, or (ii) require a public hearing before the City Council, Planning Commission, Design Review Board or the Zoning Administrator in accordance with Section 15.04.803.060 (Conduct of Public Hearings).

2. **Deemed-Approved Notice.** No more than 30 days before the applicable timeframe for review expires 90 days for collocations and 150 days for all other applications), the applicant must provide written notice to all persons entitled to notice in accordance with Section 15.04.803.060, as modified in this subsection 15.04.614.060(A).

   a. **Required Disclosure.** The notice must contain the following statement: “California Government Code section 65964.1 may deem the application approved in 30 days unless the City approves or disapproves the application, or the City and applicant reach a mutual tolling agreement.”

   b. **Notice to the City.** In addition to all persons entitled to notice in accordance with Section 15.04.803.060, the applicant must deliver written notice to the Department, which contains the same statement required in subsection A.2.a, above, and a mailing list for public notices sent out under this subsection A.2. The applicant may tender such notice in person or certified United States mail.

B. **Required Findings.** The Approval Authority may approve or conditionally approve an application for a conditional use permit or an administrative use permit only when the Approval Authority finds:
1. the proposed facility complies with all criteria for a conditional use permit or an administrative use permit in accordance with Article 15.04.806 (Use Permits) and, if applicable, with the criteria for design review approval in accordance with Article 15.04.805 (Design Review);

2. the proposed facility complies with all applicable standards described in this Article 15.04.614; and

3. the applicant has provided a meaningful comparative analysis that demonstrates all alternative designs and locations identified in the application review process are either technically infeasible or not potentially available.

C. **Conditional Approvals.** The Approval Authority may impose reasonable conditions on an administrative use permit or conditional use permit, related and proportionate to the subject matter in the application, as the Approval Authority deems necessary or appropriate to promote and ensure conformance with the General Plan, any applicable specific plan and the provisions in this Article.

D. **Notice of Decision.** Within five days after the Approval Authority approves or denies an application for a conditional use permit or an administrative use permit, the Approval Authority shall provide written notice to the applicant, in accordance with subsection 15.04.803.080(E) (Notice of Decision). All denial notice must contain the reasons for the denial.

E. **Appeals.**

1. **Conditional Use Permits.** Any person or entity may appeal a final decision by the Planning Commission in accordance with Section 15.04.803.130 (Appeals), except as modified in this subsection E.1. The appeal must state in plain terms the grounds for reversal and the facts that support those grounds. The City Council shall review the decision of the Planning Commission de novo.

2. **Administrative Use Permits.** Any person or entity may appeal a final decision by the Zoning Administrator in accordance with Section 15.04.803.130 (Appeals), except as modified in this paragraph. The appeal must state in plain terms the grounds for reversal and the facts that support those grounds. The Planning Commission shall review the decision of the Zoning Administrator de novo.

**15.04.614.070 Standard Conditions of Approval**

All applications for a conditional use permit, administrative use permit or Section 6409 Request shall be subject to the standard conditions of approval provided in this section. The Approval Authority may add, remove or modify any conditions of approval as necessary or appropriate to protect and promote the public health, safety and welfare.

A. **Permit Duration.** The permit will automatically expire 10 years from the issuance date, except when California Government Code section 65964(b), as may be amended, authorizes the City to issue a permit with a shorter term.
B. **Permit Renewal.** Any application to renew this permit must be tendered to the City between 365 days and 180 days prior to its expiration, and must be accompanied by all required application materials, fees and deposits for a new application as then in effect. The City shall review an application for permit renewal in accordance with the standards for new facilities as then in effect. The Zoning Administrator may, but is not obligated to, grant a written temporary extension on the permit term to allow sufficient time to review a timely submitted permit renewal application.

C. **Build-out Period.** Any permit approved under this Article or by operation of law shall automatically expire one year from the approval date if the applicant fails to commence construction within that one-year period; provided, however, that the Zoning Administrator may renew any such permit for up to one additional year if the Zoning Administrator receives a written request from the permittee within 30 days prior to the expiration date, at the Zoning Administrator’s sole discretion.

D. **Compliance with Laws.** Permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinance or other rules.

E. **Permittee’s Contact Information.** Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Zoning Administrator within one business day after permittee receives a written request from the Zoning Administrator.

F. **Cooperation with Access and Inspections.** The City or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The City reserves the right to enter or direct its designee to enter the facility to support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.

G. **Maintenance.** The site and the facility, including but not limited to all landscaping, fencing and related transmission equipment, must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.

H. **Concealment Elements.** Permittee acknowledges and agrees that each and every aspect and/or element of the wireless facility, including without limitation its coloring, finishes, placement, orientation and proportionality with the structures in the immediate vicinity, that, by its sense and context, aids, contributes or otherwise furthers the concealment of the facility, in whole or in part, shall be deemed to be a concealment element of the support structure.

I. **Graffiti Abatement.** Permittee shall promptly remove any graffiti on the wireless facility at permittee’s sole cost and expense, and in no instance more than 48 hours from the time of notification by the City or after discovery by the permittee.

J. **Backup Generator Use.** Permittee shall not use any backup or standby power generator except (1) when necessary due to a primary power source failure or (2) for
routine maintenance/cycling. Permittee shall not operate the generator for maintenance/cycling more frequently than twice per month and then only for no longer than 30 minutes at a time on Wednesdays between 10:00 am and 11:00 am.

K. **Indemnification.** The permittee and, if applicable, the non-government owner of the private property upon which the tower/and or base station is installed shall defend, indemnify and hold harmless the City, its agents, officers, officials and employees (i) from any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs of mandamus and other actions or proceedings brought against the City or its agents, officers, officials or employees to challenge, attack, seek to modify, set aside, void or annul the City’s approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, law suits or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one’s agents, employees, licensees, contractors, subcontractors or independent contractors. In the event the City becomes aware of any such actions or claims the City shall promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. It is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City’s defense, and the property owner and/or permittee (as applicable) shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.

L. **Adverse Impacts.** Permittee shall take all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility.

**15.04.614.080 Permit Revocation; Discontinued Uses; Facility Removal**

A. **Permit Revocation.** Any permit issued under this Article, including any permit deemed granted or deemed approved by operation of law, may be revoked in accordance with the provisions in Section 15.04.803.120 (Revocation).

B. **Discontinued Uses.**

1. **Discontinued by Application.** Any permittee that intends to decommission a wireless facility must send 30-days’ prior written notice by United States Certified Mail to the Director. The permit will automatically expire 30 days after the Director receives such notice of intent to decommission, unless the permittee rescinds its notice within the 30-day period.

2. **Facilities Declared Discontinued.** To promote the public health, safety and welfare, the Director may declare a facility abandoned when: (i) the permittee notifies the Director that it abandoned the use of a facility for a continuous period of 90 days; or (ii) the permittee fails to respond within 30 days to a written notice sent by Certified U.S. Mail, Return Receipt Requested, from
the Director that states the basis for the Director’s belief that the facility has been abandoned for a continuous period of 90 days; or (iii) the permit expires and the permittee has failed to file a timely application for renewal.

a. After the Director declares a facility abandoned, the permittee shall have 90 days from the date of the declaration (or longer time as the Director may approve in writing as reasonably necessary) to: (i) reactivate the use of the abandoned facility subject to the provisions of this Article and all conditions of approval; (ii) transfer its rights to use the facility, subject to the provisions of this Article and all conditions of approval, to another person or entity that immediately commences use of the abandoned facility; or (iii) remove the facility and all improvements installed solely in connection with the facility, and restore the site to a condition compliant with all applicable codes consistent with the then-existing surrounding area.

b. If the permittee fails to act as required in paragraph 15.04.614.080(B)(2)(a) above within the prescribed time period, the City Council may deem the facility abandoned and revoke the underlying permit(s) in the manner provided in Section 15.04.803.120 (Revocation). Further, the City Council may take any legally permissible action or combination of actions reasonably necessary to protect the public health, safety and welfare from the abandoned wireless facility.

C. Removal and Restoration Obligations.

1. **Removal by Permittee.** The permittee or property owner must completely remove the wireless facility and all related improvements within 90 days after the (1) the permit expires, (2) the City Council properly revokes a permit in accordance with Section 15.04.803.120 (Revocation), (3) the permittee discontinues the wireless facility, or (4) the City Council properly deems the wireless facility abandoned pursuant to subsection 15.04.614.080(B). In addition, within the 90-day period, the permittee or property owner must restore the former wireless facility site area to a condition compliant with all applicable codes and consistent with the then-existing surrounding area.

2. **Removal by City.** The City may, but is not obligated to, remove an abandoned wireless facility, restore the site to a condition compliant with all applicable codes and consistent with the then-existing surrounding area, and repair any and all damages that occurred in connection with such removal and restoration work. The City may, but shall not be obligated to, store the removed wireless facility or any part thereof, and may use, sell or otherwise dispose of it in any manner the City deems appropriate in its sole discretion. The last-known permittee or its successor-in-interest and, if on private property, the real property owner shall be jointly liable for all costs incurred by the City in connection with its removal, restoration, repair and storage, and shall promptly reimburse the City upon receipt of a written demand,
including any interest on the balance owing at the maximum lawful rate. The City may, but shall not be obligated to, use any financial security required in connection with the granting of the facility permit to recover its costs and interest. A lien may be placed on all abandoned personal property and the real property on which the abandoned wireless facility is located for all costs incurred in connection with any removal, repair, restoration and storage performed by the City. The City Clerk shall cause such a lien to be recorded with the County of Contra Costa Recorder’s Office.

15.04.614.090 Limited Exceptions; Variances

A. Limited Exceptions for Personal Wireless Service Facilities. The City Council recognizes that federal law prohibits a permit denial when it would effectively prohibit the provision of personal wireless services and the applicant proposes the least intrusive means to provide such services. The City Council finds that, due to wide variation among wireless facilities, technical service objectives and changed circumstances over time, a limited exemption for proposals in which strict compliance with this Article would effectively prohibit personal wireless services serves the public interest. The City Council further finds that circumstances in which an effective prohibition may occur are extremely difficult to discern, and that specified findings to guide the analysis promotes clarity and the City’s legitimate interest in well-planned wireless facilities deployment. Therefore, in the event that any applicant asserts that strict compliance with any provision in this Article, as applied to a specific proposed personal wireless services facility, would effectively prohibit the provision of personal wireless services, the Planning Commission may grant a limited, one-time exemption from strict compliance subject to the provisions in this subsection 15.04.614.090(A).

1. Required Findings. The Planning Commission shall not grant any exemption unless the applicant demonstrates with clear and convincing evidence all the following findings:

   a. The proposed wireless facility qualifies as a “personal wireless services facility” as defined in U.S.C 47 § 332(c)(7)(C)(ii);

   b. The applicant has provided the City with a clearly defined technical service objective and a clearly defined potential site search area;

   c. The applicant has provided the City with a meaningful comparative analysis that includes the factual reasons why an alternative location(s) or design(s) suggested by the City or otherwise identified in the administrative record, including by not limited to potential alternatives identified at any public meeting or hearing, are not technically feasible or potentially available; and

   d. The applicant has provided the City with a meaningful comparative analysis that includes the factual reasons why the proposed location and design deviation is the least noncompliant location and design
necessary to reasonably achieve the applicant’s reasonable technical service objectives.

2. **Scope of Exemption.** The Planning Commission shall limit its exemption to the extent to which the applicant demonstrates such exemption is necessary to reasonably achieve its reasonable technical service objectives. The Planning Commission may adopt conditions of approval as reasonably necessary to promote the purposes in this Article and protect the public health, safety and welfare.

B. **Variances.** All other requests to relieve or waive any provision under this Article for any non-personal wireless services facility are subject to the variance procedures under Article 15.04.808.

15.04.614.100 **Special Provisions for Section 6409 Approvals**

A. **Applicability.** The provisions in this Section 15.04.614.100 apply only to applications for collocations and/or modifications to existing wireless towers or base stations submitted for approval pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act, Pub. L. No. 112-96, 126 Stat. 156 (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)). Any approval under this section shall be referred to as a “Section 6409(a) Approval”.

B. **Definitions.** The definitions in this section are applicable to Type I applications for a minor modification and are provided for easy reference. In the event that any defined term conflicts with any applicable federal law or regulation, the federal law or regulation shall control.

1. “**Base station**” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(1), as may be amended, which defines that term as follows:

   A structure or equipment at a fixed location that enables [FCC]-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in [47 C.F.R. § 1.40001(b)(9)] or any equipment associated with a tower.

   a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

   b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

   c. The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of this section that has been reviewed
and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

d. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i)–(ii) of this section.

Note: As an illustration and not a limitation, the FCC’s definition refers to any structure that actually supports wireless equipment even though it was not originally intended for that purpose. Examples include, but are not limited to, wireless facilities mounted on buildings, utility poles and transmission towers, light standards or traffic signals. A structure without wireless equipment replaced with a new structure designed to bear the additional weight from wireless equipment constitutes a base station.

2. “Collocation” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.”

3. “Eligible facilities request” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(3), as may be amended, which defines that term as “[a]ny request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) [c]ollocation of new transmission equipment; (ii) [r]emoval of transmission equipment; or (iii) [r]eplacement of transmission equipment.”

4. “Eligible support structure” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(4), as may be amended, which defines that term as “[a]ny tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section.”

5. “Existing” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(4), as may be amended, which provides that “[a] constructed tower or base station is existing for purposes of [the FCC’s Section 6409(a) regulations] if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.”

6. “Site” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(6), as may be amended, which provides that “[f]or towers other than towers in the
public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.”

7. “Substantial change” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(7), as may be amended, which defines that term as a collocation or modification that:

a. increases the overall height more than either (i) 10 percent or the height of one additional antenna array not to exceed 20 feet (whichever is greater) for towers on private property, or (ii) 10 percent or 10 feet (whichever is greater) for towers in the public rights-of-way and base stations;

b. increases the width more than either (i) 20 feet or the width of the tower at the level of the appurtenance (whichever is greater) for towers on private property, or (ii) 6 feet from the edge of the support structure for towers in the public rights-of-way and base stations;

c. for towers on private property, involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four;

d. for towers in the public rights-of-way and base stations, involves the installation of (i) any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets, or (ii) any new ground-mounted equipment cabinets that are 10 percent larger in height or volume than any existing ground-mounted equipment cabinets;

e. for towers on private property, involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site;

f. for towers in the public rights-of-way and base stations, involves excavation or deployment of equipment outside the area in proximity to the structure and other transmission equipment already deployed on the ground;

g. would defeat the existing concealment elements of the support structure as determined by the Approval Authority; or

h. violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets or excavation that is inconsistent with the thresholds for a substantial change.
**Note:** The thresholds for a substantial change outlined above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur. The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally-permitted support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012—the date that Congress passed Section 6409(a) of the Middle Class Tax Relief and Job Creation Act.

8. “**Tower**” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(9), as may be amended, which defines that term as “[a]ny structure built for the sole or primary purpose of supporting any [FCC]-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.” Examples include, but are not limited to, monopoles, mono-trees and lattice towers.

9. “**Transmission equipment**” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(8), as may be amended, which defines that term as “[e]quipment that facilitates transmission for any [FCC]-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.”

C. **Required Permits.** Any request to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted for approval under Section 6409(a) shall require a Section 6409(a) Approval subject to the Zoning Administrator’s approval, conditional approval or denial under the standards and procedures contained in this Section 15.04.614.100. No construction in connection with any Section 6409(a) Approval may occur unless the applicant also obtains all other permits or regulatory approvals from other City departments and state or federal agencies. An applicant must obtain a Section 6409(a) Approval before it may apply for permits or other regulatory approvals from other City departments. Furthermore, any Section 6409(a) Approval granted under this Section 15.04.614.100 shall remain subject to the lawful conditions and/or requirements associated with such other permits or regulatory approvals from other City departments and state or federal agencies.
D. Applications.

1. **Application Required; Applicability.** The City shall not grant any application for any permit under this Section 15.04.614.100 except upon a duly filed application consistent with the provisions in this section and any written rules or regulations the Director may publish in any publicly stated format.

2. **Application Content.** The City Council authorizes the Director to develop and publish permit application forms, checklists, informational handouts and other related materials. Without further authorization from the City Council, the Director may from time-to-time update and alter the permit application forms, checklists, informational handouts and other related materials as the Director deems necessary or appropriate to respond to regulatory, technological or other changes. The materials required under this section are minimum requirements for any application the Director may develop.

   a. **Application Fee.** Applicants must tender to the City the fee required in the City’s Master Fee Schedule. In the event that the City’s Master Fee Schedule does not contain a specific fee for wireless applications, the highest fee applicable to conditional use permits will be required.

   b. **Project Plans.** A fully dimensioned site plan and elevation drawings prepared and sealed by a California-licensed engineer showing any existing wireless facilities with all existing transmission equipment and other improvements, the proposed facility with all proposed transmission equipment and other improvements and the legal boundaries of the leased or owned area surrounding the proposed facility and any associated access or utility easements. The plans must specifically depict and call out the original overall height of the structure and the overall height that existed on February 22, 2012 (if the structure was constructed prior to February 22, 2012). The plans must contain all other elements and details required for site plans submitted with a conditional use permit.

   c. **Site Photographs and Photo Simulations.** Photographs and photo simulations that show the proposed facility in context of the site from reasonable line-of-sight locations from public streets or other adjacent viewpoints, together with a map that shows the photo location of each view angle.

   d. **Prior Regulatory Approvals.** Evidence that the applicant holds all current licenses and registrations from the FCC and any other applicable regulatory bodies where such license(s) or registration(s) are necessary to provide wireless services utilizing the proposed wireless facility. For any prior local regulatory approval(s) associated with the wireless facility, the applicant must submit copies of all such approvals with any corresponding conditions of approval.
Alternatively, the applicant may submit a written justification that sets forth reasons why prior regulatory approvals were not required for the wireless facility at the time it was constructed or modified.

c. RF Exposure Compliance Demonstration. An RF exposure compliance report prepared and certified by an RF engineer acceptable to the City that certifies that the proposed facility, as well as any collocated facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radiated power (ERP)) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

d. Section 6409(a) Justification Analysis. A written statement that explains in plain factual detail whether and why Section 6409(a) and the related FCC regulations at 47 C.F.R. § 1.40001 et seq. require approval for the specific project. A complete written narrative analysis will state the applicable standard and all the facts that allow the City to conclude the standard has been met—bare conclusions not factually supported do not constitute a complete written analysis. As part of this written statement the applicant must also include (i) whether and why the support structure qualifies as an existing tower or existing base station; and (ii) whether and why the proposed collocation or modification does not cause a substantial change in height, width, excavation, equipment cabinets, concealment or permit compliance.

3. Pre-application Conferences. Prior to application submittal, applicants must schedule and attend a pre-application conference with City staff. Such pre-application conference is intended to streamline the application review through discussions including, but not limited to, the appropriate project classification, including whether the project may qualify for approval pursuant to Section 6409(a); potential concealment issues (if applicable); coordination with other City departments responsible for application review; and application completeness issues. Applicant’s may but shall not be required to bring any particular materials to a pre-application conference. City staff will endeavor to provide applicants with an appointment within approximately five business days after receipt of a written or email request. For any applicant that schedules, attends and fully participates in a pre-application conference, the Zoning Administrator may grant a written exemption from a specific application requirement or requirements when the applicant shows that the information requested is duplicative of information.
contained in other materials to be submitted with the application or otherwise unnecessary for the City’s review under the facts and circumstances in that particular case. Any such written waiver shall be limited to the project discussed at the pre-application conference and shall not extend to any other projects.

4. **Submittal Appointments.** Applicants must submit an application at a pre-scheduled appointment. Applicants may generally submit only one application per appointment, but may schedule successive appointments for multiple applications whenever feasible and not prejudicial to other applicants. City staff will endeavor to provide applicants with an appointment within five business days after staff receives a written request for an appointment. Any applications received without an appointment, whether delivered in-person or any other means, shall not be considered duly filed unless the applicant received a written exemption at a pre-submittal conference.

5. **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, an application will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the City within 90 calendar days after the City deems the application incomplete in a written notice to the applicant. The Zoning Administrator may, in the Zoning Administrator’s sole discretion, grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant’s reasonable control will be considered good cause to grant the extension.

6. **Authorization to Develop Departmental Rules.** The City Council authorizes the Director to establish other reasonable rules and regulations, which may include without limitation regular hours for appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.

7. **Independent Consultants.**

   a. **Authorization.** The City Council authorizes the Zoning Administrator to, in the Zoning Administrator’s discretion, and at any time in the review process, select and retain an independent consultant with qualifications and expertise satisfactory to the Zoning Administrator.

   b. **Scope.** The Zoning Administrator may request independent consultant review on any issue that involves specialized or expert knowledge in connection with the permit application. Such issues may include, but are not limited to:

   i. permit application completeness or accuracy;
ii. planned compliance with applicable RF exposure standards;

iii. whether and where a significant gap exists or may exist, and whether such a gap relates to service coverage or service capacity;

iv. whether technically feasible and potentially available alternative locations and designs exist;

v. the applicability, reliability and sufficiency of analyses or methodologies used by the applicant to reach conclusions about any issue within this scope; and

vi. any other issue that requires expert or specialized knowledge identified by the Zoning Administrator.

c. **Notice to the Applicant.** The Zoning Administrator shall send written notice to the applicant when it elects to retain an independent consultant. The applicant shall have two business days to withdraw the application without any liability for any costs or expenses in connection with the independent consultant’s review.

d. **Deposit; Invoices.** The applicant must pay for the cost and expense in connection with the independent consultant’s review and participation in any meeting. Before the City incurs any costs or expenses, the Zoning Administrator shall require the applicant to tender a reasonable deposit, at the Zoning Administrator’s sole discretion. In the event that the deposit is insufficient to cover all costs and expenses, the Zoning Administrator may either (a) require an additional deposit or (b) invoice the applicant. Any required deposit or invoice must be paid in full within 10 days. The City shall not issue any permit to an applicant who has not paid any applicable fee, deposit or invoice as required in this Code.

E. **Notice; Decisions; Appeals.**

1. **Posted Notice.** Within 10 days after the applicant submits a request for approval pursuant to Section 6409(a), the applicant must post notice at the project site. The posted notice must contain (i) a general explanation of the proposed collocation or modification; (ii) the applicant’s identification and contact information as provided on the application submitted to the City; (iii) contact information for the Zoning Administrator; and (iv) a statement substantially similar to “Federal Communications Commission regulations may deem this application granted by operation of law unless the City approves or denies the application within 60 days from the filing date, or the City and applicant reach a mutual tolling agreement.”

2. **Findings for Approval.** The Zoning Administrator may approve or conditionally approve an application submitted for approval pursuant to Section 6409(a) when it finds that the proposed project:
a. involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and
b. does not substantially change the physical dimensions of the existing wireless tower or base station.

3. **Criteria for Denial.** Notwithstanding any other provisions in this Article, and consistent with all applicable federal laws and regulations, the Zoning Administrator may deny an application submitted for approval pursuant to Section 6409(a) when it finds that the proposed project:
   a. does not satisfy the criteria for approval;
   b. violates any legally enforceable standard or permit condition reasonably related to public health and safety then in effect; or
   c. involves the replacement of the entire support structure.

4. **Conditional Approvals.** Subject to any applicable limitations in federal or state law, nothing in this Article is intended to limit the City’s authority to conditionally approve an application for a Section 6409(a) Approval to protect and promote the public health, safety and welfare.

5. **Written Decision.** Within five working days after the Zoning Administrator renders a decision, the Zoning Administrator shall send written notice to the applicant. In the event that the Zoning Administrator determines that an application submitted for approval pursuant to Section 6409(a) does not qualify for approval, the Zoning Administrator will send written notice to the applicant that includes the reasons to support the Zoning Administrator’s decision and states that the application will be automatically denied on the 60th day after the date the application was filed unless the applicant withdraws the application.

6. **Appeal.** Subject to the applicable federal timeframe for permit application review (accounting for any tolling periods), any aggrieved party may appeal an action of the Director as provided in Section 15.04.803.130 of this Code. The Planning Commission shall serve as the hearing body for all appeals of all actions of the Zoning Administrator taken pursuant to this Article, subject to further appeal to the City Council. The applicable hearing body shall limit its review to whether the project should be approved or denied in accordance with the provisions in paragraphs (E)(2) and (E)(3) in this section.

F. **Standard Conditions of Approval.** Any Section 6409(a) Approval, whether approved or deemed-granted by the operation of federal law, shall be automatically subject to the conditions of approval described in this subsection 15.04.614.100(F).

1. **No Extension of the Underlying Permit Duration.** The City’s grant or grant by operation of law of a Section 6409(a) Approval constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. The City’s grant or grant by operation of law of a
Section 6409(a) Approval will not extend the permit term for any conditional use permit, land use permit or other underlying regulatory approval and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station.

2. **Accelerated Permit Terms Due to Invalidation.** In the event that any court of competent jurisdiction invalidates any portion of Section 6409(a) or any FCC rule that interprets Section 6409(a) such that federal law would not mandate approval for any Section 6409(a) Approval(s), such approval(s) shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved Section 6409(a) Approvals. A permittee shall not be required to remove its improvements approved under the invalidated Section 6409(a) Approval when it has submitted an application for either a conditional use permit or an administrative use permit for those improvements before the one-year period ends. The Zoning Administrator may extend the expiration date on the accelerated permit upon a written request from the permittee that shows good cause for an extension.

3. **No Waiver of Standing.** The City’s grant or grant by operation of law of a Section 6409(a) Approval does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409(a), any FCC rules that interpret Section 6409(a) or any Section 6409(a) Approval.

4. **Build-out Period.** Any permit approved under this Article or by operation of law shall automatically expire one (1) year from the approval date if the applicant fails to commence construction within that one-year period; provided, however, that the Zoning Administrator may renew any such permit for up to one (1) additional year if the Zoning Administrator receives a written request from the permittee within thirty (30) days prior to the expiration date, at the Zoning Administrator’s sole discretion.

5. **Compliance with Laws.** Permittee shall at all times maintain compliance with all applicable federal, state and local laws, regulations, ordinance or other rules.

6. **Permittee’s Contact Information.** Permittee shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address and email address for at least one natural person. All such contact information for responsible parties shall be provided to the Zoning Administrator within one (1) business day after permittee receives a written request from the Zoning Administrator.

7. **Cooperation with Access and Inspections.** The City or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The City reserves the right to enter or direct its designee to enter the facility to
support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.

8. **Maintenance.** The site and the facility, including but not limited to all landscaping, fencing and related transmission equipment, must be maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.

9. **Concealment Elements.** Permittee acknowledges and agrees that each and every aspect and/or element of the wireless facility, including without limitation its coloring, finishes, placement, orientation and proportionality with the structures in the immediate vicinity, that, by its sense and context, aids, contributes or otherwise furthers the concealment of the facility, in whole or in part, shall be deemed to be a concealment element of the support structure.

10. **Graffiti Abatement.** Permittee shall promptly remove any graffiti on the wireless facility at permittee sole expense, and in no instance more than 48 hours from the time of notification by the City or after discovery by the permittee.

11. **Backup Generator Use.** Permittee shall not use any backup or standby power generator except (1) when necessary due to a primary power source failure or (2) for routine maintenance/cycling. Permittee shall not operate the generator for maintenance/cycling more frequently than twice per month and then only for no longer than 30 minutes at a time on Wednesdays between 10:00 am and 11:00 am.

12. **Indemnification.** The permittee and, if applicable, the non-government owner of the private property upon which the tower/and or base station is installed shall defend, indemnify and hold harmless the City, its agents, officers, officials and employees (i) from any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs of mandamus and other actions or proceedings brought against the City or its agents, officers, officials or employees to challenge, attack, seek to modify, set aside, void or annul the City’s approval of the permit, and (ii) from any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, law suits or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one’s agents, employees, licensees, contractors, subcontractors or independent contractors. In the event the City becomes aware of any such actions or claims the City shall promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. It is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City’s defense, and the property owner and/or permittee (as applicable) shall reimburse City for
any costs and expenses directly and necessarily incurred by the City in the course of the defense.

13. **Adverse Impacts.** Permittee shall take all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility.

15.04.614.110 **Compliance Obligations**

An applicant or permittee will not be relieved of its obligation to comply with every applicable provision in the Code, this Article, any permit, any permit condition or any applicable law or regulation by reason of any failure by the City to timely notice, prompt or enforce compliance by the applicant or permittee.
Series 700  Land Divisions, Dedications and Improvements

Article 15.04.701  General Provisions

Sections:
15.04.701.010  Title, Citation, Authority and Incorporation by Reference
15.04.701.020  Purpose
15.04.701.030  Application

15.04.701.010  Title, Citation, Authority and Incorporation by Reference

The 700 Series will be known and cited as the “Subdivision Ordinance of the City of Richmond” or the “Subdivision Ordinance.” The Subdivision Map Act (Title 7, Division 2, of the California Government Code, as amended) is hereby adopted by reference and made a part of this Ordinance as though it was fully set forth herein. The provisions of this Series are supplemental to the Subdivision Map Act.

15.04.701.020  Purpose

The purpose of this Ordinance is to regulate and control the division of land within the City of Richmond. These provisions implement and supplement the requirements of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of all maps provided for by the Subdivision Map Act and the procedure to be followed in securing the official approval of the Zoning Administrator, Planning Commission, Director of Public Works, and City Council regarding the maps.

To accomplish this purpose, the regulations in this Ordinance are determined to be necessary for the preservation of the public health, safety and general welfare, to promote orderly growth and development and to promote open space, conservation, protection and proper use of land, and to ensure provision for adequate traffic circulation, utilities and services. It is also the purpose of this Ordinance to ensure that the design and improvements of subdivisions is consistent with and promotes the goals and policies of the General Plan.

15.04.701.030  Application

The regulations set forth in this Ordinance shall apply to all parts of subdivisions within the City of Richmond and to the preparation of subdivision maps and to other maps provided for in the Subdivision Map Act. All subdivisions and parts of subdivisions lying within the City shall be made, and all subdivision maps shall be prepared and presented for approval, as provided for and required by this Ordinance. This Ordinance shall not apply to, affect, or modify any subdivision or part of a subdivision, lawfully created and recorded prior to the
effective date of this Ordinance, or to any approval or conditions of approval of any map approved prior to the effective date of this Ordinance. This Ordinance is also inapplicable to actions that the Subdivision Map Act specifically excludes from its provisions including, but not limited to, the following:

A. **Financing or Leasing of Buildings.** The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile home parks, or trailer parks.

B. **Other Leases.** Mineral, oil, or gas leases.

C. **Cemeteries.** Land dedicated for cemetery purposes under the California Health and Safety Code.

D. **Lot Line Adjustments.** Lot line adjustments between four or fewer existing, adjoining parcels, provided:
   1. No additional parcels are created;
   2. The lot line adjustment is approved by the Director and the Public Works Director or by the Planning Commission on appeal based on a determination of conformance with the General Plan and Article XV, Planning and Zoning.

E. **Secondary Residences.** The construction, financing, or leasing of secondary residences on a residential lot;
Article 15.04.702  Administration & Common Procedures

Sections:
15.04.702.010  Responsibilities
15.04.702.020  Coordination with Zoning Approval
15.04.702.030  Notification Procedures for Public Hearings
15.04.702.040  Exceptions
15.04.702.050  Appeals
15.04.702.060  Fees and Deposits
15.04.702.070  Initiation Procedures
15.04.702.080  Maps Required
15.04.702.090  Parcel Map – Waiver of Requirement
15.04.702.100  Required Findings

15.04.702.010  Responsibilities

A.  City Attorney.  The City Attorney shall be responsible for approving as to form all subdivision Improvement Agreements and improvement securities.

B.  City Council.  The City Council shall have final jurisdiction in the approval of final maps and subdivision improvement agreements and the acceptance by the City of lands and/or improvements as may be proposed for dedication to the City for Major Subdivisions.  The City Council shall act as the final appeal board for hearing appeals of the approval, conditional approval or denial of tentative subdivision maps for Major and Minor Subdivisions.

C.  Director of Public Works.  The Director of Public Works shall be responsible for:

   1.  Establishing design and construction details, standards, and specifications;
   2.  Determining if proposed subdivision improvements comply with the provisions of this Ordinance and the Subdivision Map Act and for reporting the findings together with any recommendations for approval or conditional approval of the tentative map for Major Subdivisions and Minor Subdivisions to the Zoning Administrator.
   3.  Processing of final maps, reversion to acreage maps, and amended maps;
   4.  Processing and approval of subdivision improvement plans;
   5.  Examining and determining that final maps are in substantial conformance with the approved tentative map.
   6.  Inspecting and approving subdivision improvements.
   7.  Accepting dedications and improvements for Minor Subdivisions and offsite dedications lying outside a subdivision boundary that require a separate grant deed.
8. Recording a notice of completion of private subdivision improvements when not to be maintained by the City.
9. Collecting all required deposits and fees.

D. **Zoning Administrator.** The Zoning Administrator shall be responsible for the processing of tentative maps and parcel maps, lot line adjustments, mergers, and certificates of compliance; and for the collection of application fees. The Zoning Administrator shall also be responsible for investigating proposed subdivisions for conformity to the General Plan, specific plans, and the Zoning Ordinance of the City.

E. **Planning Commission.** The Planning Commission shall be the body responsible for approving, conditionally approving, or denying tentative maps for Major Subdivisions and appeals of Parcel Maps.

F. **Zoning Administrator.** The Zoning Administrator shall be responsible for the approval, conditional approval or denial of Parcel Maps.

**15.04.702.020 Coordination with Zoning Approval**

Subdivision review may be carried out concurrently with the review of any applications for zoning approval.

**15.04.702.030 Notification Procedures for Public Hearings**

Notification for public hearings shall be provided according to the provisions for notification of public hearings in the Zoning Ordinance.

**15.04.702.040 Exceptions**

Following a public hearing, the Planning Commission may authorize exceptions to any of the requirements and regulations set forth in this Ordinance. A request for an exception shall be made by the subdivider and filed with the application for a tentative or parcel map. In order to approve an exception, the Commission shall make all of the following findings:

A. There are special circumstances or conditions affecting the property that make it impractical to conform to all of the provisions prescribed by this Ordinance provided, however, that no exceptions may be granted to any requirements imposed by the Subdivision Map Act or any other applicable provision of State law;
B. The exception is necessary to preserve the subdivider’s substantial property rights;
C. Granting the exception will not be detrimental to the public welfare or other property in the area where the subject property is located;
D. Granting the exception will be consistent with the General Plan and any applicable specific plan.
15.04.702.050 Appeals
Decisions that are subject to appeal under the Subdivision Map Act or the Subdivision Ordinance shall be filed and processed in accordance with the procedures for appeals provided in the Zoning Ordinance (see Section 15.04.803.130) and the procedures provided below.

A. Appeals to the Planning Commission. A decision by the Zoning Administrator, the Director, or the Public Works Director may be appealed to the Planning Commission within 10 days of the issuance of the Notice of Action by filing a written appeal with the Planning Department. The appeal shall identify the decision being appealed, clearly and concisely state the reason for the appeal, and be accompanied by the fee specified in the City’s Master Fee Schedule.

B. Appeals to the City Council. A decision by the Planning Commission may be appealed to the City Council within 10 days of the issuance of the Notice of Action by filing a written appeal with the City Clerk. The appeal shall identify the decision being appealed, clearly and concisely state the reason for the appeal, and be accompanied by the fee specified in the City’s adopted Master Fee Schedule.

C. Procedures. The Director or the City Clerk, in the case of appeals to the City Council, shall schedule the appeal for consideration by the authorized hearing body within 30 days of the date the appeal was filed and shall provide written notice to the appellant, the subdivider, and all other parties known to have interest in the matter as required by the Zoning Ordinance and the Subdivision Map Act. The hearing body may sustain, modify, or reject the decision that is the subject of the appeal.

D. Appeal Stays All Proceedings. The timely filing of an appeal shall stay all proceedings in the matter appealed.

15.04.702.060 Fees and Deposits
All persons submitting maps and other documents required by the Subdivision Ordinance shall pay all fees and/or deposits as provided by the City’s Master Fee Schedule.

Fees shall be established by the City pursuant to Section 66451.2 of the Subdivision Map Act and the Mitigation Fee Act (Sections 66000 to 66025 of the Government Code).

15.04.702.070 Initiation Procedures
A. Initial Application.
Prior to or accompanying the submittal of a preliminary plan, the subdivider must complete an application on a form supplied by the Planning Division. This form must officially identify the subdivider as that person or entity responsible for the requirements set forth in the Subdivision Ordinance.
B. Preliminary Plan and Accompanying Data.

Prior to a Subdivision Conference, if requested (see subsection (C) below), the subdivider or the subdivider’s representative must submit to the Planning Division a preliminary plan of the proposed subdivision, which may be in rough sketch form, together with general information of existing conditions of the site and the proposed development, including the following information:

1. **Intended Land Use**, such as residential, industrial or other purposes;
2. **Location Map** showing the relationship of the proposed subdivision to existing community facilities and other developments that serve or influence it;
3. **Sketch Plan**, which may be a freehand pencil sketch made directly on a print of a topographic survey, and must delineate in simple form the proposed layout of streets, lots and other features in relationship to existing conditions;
4. **Map Details** including the development name, if any, and location; main traffic arteries; proposed bicycle and pedestrian circulation and accommodation of transit; shopping centers; schools; parks and playgrounds; other community features such as carports, hospitals and churches, unusual features of terrain such as rock outcrops, tree masses, and watercourses on and adjacent to the proposed subdivision; scale; north arrow; date; perimeter boundary line of proposed subdivision; existing public utility facilities and easements therefor; sanitary sewer facilities and railroads, if any; and
5. **Photographs**, such as site photographs to supplement the sketch plan (not mandatory).

C. Optional Subdivision Conference. After the submittal of the preliminary plan and accompanying data, and prior to the submittal of a tentative map or tentative parcel map, the subdivider or his or her representative may request a Subdivision Conference. At the Subdivision Conference, the subdivider will be advised if areas for park, playground, schools, fire stations, libraries, bicycle paths, transit facilities, and other public and semipublic uses are required, and suitable locations may be suggested for them. Measures that will help produce excellence of design will also be suggested to the subdivider or the subdivider’s representatives. The subdivider or the subdivider’s representatives will be fully informed of applicable General Plan and specific plan policies and any other adopted policies, standards and regulations affecting development in the area.

D. Written Copy of Comments and Recommendations Provided. A written copy of the comments and recommendations resulting from the Subdivision Conference shall be furnished to the subdivider.

15.04.702.080 Maps Required

The provisions for when tentative maps, tentative parcel maps, final maps, and parcel maps are required are as follows:
A. A tentative map and final map are required for all divisions of land creating five or more parcels, five or more condominiums as defined by the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where any one of the following occurs:

1. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications are required by the legislative body;

2. Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway;

3. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths; or

4. Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

B. A tentative parcel map and parcel map are required for all divisions of land into four or fewer parcels, and for those divisions of land described above in paragraphs (A)(1)-(4).

C. A tentative parcel map or parcel map shall not be required for the following divisions of land:

1. Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Section 230 of the Public Utilities Code, which are created by short-term leases terminable by either party on not more than 30 days' notice in writing; or

2. Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subdivision, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license.

D. Whenever a provision of the Subdivision Map Act or this Ordinance requires the filing of a tentative map, a vesting tentative map may be filed instead in accordance with the provisions of this Ordinance.

15.04.702.090 Parcel Map – Waiver of Requirement

A. Applicability. In the following cases, the subdivider or his or her representative may submit an "application for waiver of parcel map" to the Zoning Administrator:
1. A division of real property or interests therein created by probate, eminent domain procedures, partition, or other civil judgments or decrees; or

2. A division of property resulting from the conveyance of land, or interest therein, to a public agency for a public purpose, such as school sites, public building sites, or rights-of-way for streets, sewers, utilities, drainage, etc.

B. Procedure. This waiver shall only be granted by the Zoning Administrator upon a finding by the Planning Commission that the proposed division of land complies with the requirements of this Ordinance or the Subdivision Map Act as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this Subdivision Ordinance, and upon a finding that the Subdivision Map Act does not prohibit such a waiver.

C. Tentative Parcel Map Required. Where the requirement for a parcel map is waived, a tentative parcel map shall be required.

15.04.702.100 Required Findings
A tentative or vesting tentative map or parcel map may not be approved unless the decision-making body makes all of the following findings:

A. Consistency. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, the Zoning Ordinance, and other applicable provisions of the City’s Municipal Code.

B. Physically Suitable. The site is physically suitable for the type of development and the proposed density of the development.

C. No Environmental Damage. The proposed subdivision, together with the provisions for its design and improvement, are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, unless an Environmental Impact Report (EIR) was prepared and a finding was made that specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible, pursuant to Section 21081(a)(3) of the Public Resources Code.

D. Public Health Problems. The proposed subdivision, together with the provisions for its design and improvement, is not likely to cause serious public health problems.

E. No Conflict with Easements. The proposed subdivision, together with the provisions for its design and improvement, will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The City may approve a map if it finds that alternate easements for access or for use will be provided and that these easements will be substantially equivalent to ones previously acquired by the public.

F. Availability of Water. Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Section 66473.7 of the Subdivision Map Act.
Article 15.04.703  Tentative Maps and Parcel Maps

Sections:
15.04.703.010  Purpose
15.04.703.020  Application for Vesting Tentative Map
15.04.703.030  Optional Preliminary Conference
15.04.703.040  Tentative Subdivision Maps and Parcel Maps: Filing, Form and Content, and Fee
15.04.703.050  Department Review and Referral
15.04.703.060  Public Hearing on Tentative Map
15.04.703.070  Commission Action on a Tentative Map
15.04.703.080  Shoreline Access Considerations
15.04.703.090  Parcel Maps: Action by the Zoning Administrator
15.04.703.100  Expiration and Extensions

15.04.703.010  Purpose
The purpose of this Article is to establish the form, contents, submittal, and procedures for approval of all tentative maps, including tentative maps for divisions of land into five or more parcels and preliminary parcel maps for divisions of land into four or fewer parcels or where a tentative map is not required.

15.04.703.020  Application for Vesting Tentative Map
A vesting tentative map may be prepared and filed in place of a tentative map, pursuant to Article 15.04.704.

15.04.703.030  Optional Preliminary Conference
Prior to the submittal of any map, the subdivider may request a consultation with Department staff for technical advice and procedural instructions. Preliminary sketches of the subdivision may be submitted and discussed. Preliminary sketches must be to scale and in sufficient detail to indicate the essential characteristics of the subdivision, including the number, size, and design of the lots, the location and width of streets; the location of significant reservations of lands or easements; the relation of the subdivision to surrounding properties; and any other details necessary to enable a preliminary review. The Zoning Administrator shall schedule a conference with the subdivider to discuss the preliminary map and make recommendations concerning the submittal of a tentative or vesting tentative map. Such recommendations are not binding on the City or the applicant.

15.04.703.040  Tentative Subdivision Maps and Parcel Maps: Filing, Form and Content, and Fee
A subdivider shall file an application for a tentative map or preliminary parcel map with the Planning Department in a form determined by the Zoning Administrator. The application shall be accompanied by the materials specified below and any additional materials that the
Zoning Administrator determines necessary to fulfill the requirements of this Ordinance and the Subdivision Map Act and the required fee.

A. The tentative map shall be prepared by a California-registered civil engineer or California-licensed land surveyor and must contain the following information, unless waived by the Director of Public Works:

1. The subdivision name or number, date, north arrow, scale, and reference to the Richmond city datum with a sufficient legal description to define boundaries of the proposed subdivision and a vicinity map showing the location of the subdivision and City boundaries.

2. The name and address of the record owner, the subdivider, and the civil engineer or land surveyor under whose direction the map was prepared, including the registration number of the engineer or surveyor.

3. Topography, using contour intervals of one foot or less where ground slope is five percent or less, and contour intervals of five feet or less where ground slope is greater than five percent. Contours of adjacent land must also be shown whenever the surface features of such land affect the design and/or improvement of the proposed subdivision. The tentative map must contain a statement by the person preparing the map stating the source of contours shown on the map.

4. The location and outline to scale of each structure on the property proposed for division. Each structure that is to be retained must be so noted.

5. Approximate boundaries of areas subject to inundation or stormwater overflow, and the location, width and direction of flow of all watercourses.

6. Approximate location of all trees and tree masses, 12 feet or more in height, standing within the boundaries of the subdivision.

7. The locations, widths, grades and names of all existing or proposed streets, alleys, pedestrian ways, bicycle paths, transit facilities, railroad rights-of-way and grade crossing, and other rights-of-way within and adjacent to the subdivision, and the radius of each centerline curve. All streets and alleys intended to be private must be clearly so designated.

8. The location and dimension of all known existing easements and reserves and all proposed public easements.

9. The location of existing utilities, sewers, drainage ditches and other drainage facilities located in, or adjacent to, the proposed subdivision.

10. The approximate lot layout and the approximate dimensions of each lot and of each building site, the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, and the top and toe of cut and fill slopes to scale.

11. Proposed plan and easements for drainage and for handling stormwater.
12. Statement of the present use, zoning district(s), and the proposed use(s), including areas to be reserved for public or semi-public use.

13. Source of water supply and proposed plans and easements for sewerage and provision for sewage disposal.

B. The following information, data and reports shall be submitted with, but not on, the tentative map or tentative parcel map:

1. A grading and drainage plan.
   a. The grading plan shall show:
      i. Existing and proposed contour lines;
      ii. Topographic information on any adjoining properties within 100 feet of the boundary lines of the proposed tentative map; and
      iii. The location, size and species of all trees.
   b. Tentative maps within a hillside area shall include topographic information based on a field survey or an aerial survey.


3. Preliminary geologic and seismic safety reports for tentative maps that are within geologic or seismic hazard areas or in hillside areas.

4. A preliminary archaeological survey for tentative maps within an area of cultural significance, including but not limited to, prehistoric or historic archaeological sites, buildings, structures, objects, and unique cultural resources.

5. An acoustical analysis may be required by the Zoning Administrator to demonstrate compliance with the standards of the General Plan.

6. The characteristics of all proposed parks, open spaces and school facilities, including the methods of land acquisition, improvement and maintenance.

C. The Zoning Administrator may waive the submittal of any of the reports required by subsection B upon determining that adequate information exists in City records regarding the area involved and that no additional analysis is necessary.

D. The Zoning Administrator may require additional development-related applications be filed concurrently with the submittal of a tentative map application.

E. The Director shall forward copies of the tentative map and pertinent information to affected public agencies, including the local school districts, and utility companies for comments and recommendations.
15.04.703.050 Department Review and Referral

A. **Determination of Complete Application.** The Zoning Administrator shall determine whether the application for approval of a tentative map or tentative parcel map is complete within 30 days from receipt of the application. The tentative map shall be accepted for filing only when the Zoning Administrator determines that:

1. All maps and information required by this Ordinance and the Subdivision Map Act have been submitted, checked and accepted as complete;

2. All information required to conduct environmental review in compliance with the California Environmental Quality Act and the City’s environmental review regulations has been submitted; and

3. The required fees and deposits have been paid.

B. **Department Referral.** The Zoning Administrator shall forward copies of the proposed map to all affected public agencies, including the Director of Public Works. The affected public agencies may, in turn, forward to the Zoning Administrator their findings and recommendations.

15.04.703.060 Public Hearing on Tentative Map

Upon receipt of an application for a tentative map or tentative parcel map that is accepted as complete, the Zoning Administrator shall schedule the proposed map for review and public hearing by the Planning Commission and shall provide notice of the public hearing according to the following requirements:

A. **Timing and Contents.** At least 10 calendar days before the public hearing, a notice shall be given of the time, date and place of the hearing, including a general explanation of the proposed division of land to be considered and a general description of the area affected, and the street address, if any, of the property involved.

B. **Method.** Notice shall be given by publication once in a newspaper of general circulation, published and circulated by the City, and by posting in City Hall, and on the City’s website, with copies to any interested agencies, organizations, or individuals.

C. **Parties.** Copies of the notice shall be sent to the following parties:

1. The subdivider.

2. Each owner of property, as shown on the last equalized assessment roll, as owning real property within 300 feet of the subdivision boundaries, and to each resident in the subdivision.

3. Each local agency expected to provide water, sewage, streets, schools, or other essential facilities or services to the subdivision.
4. In the event that the proposed application has been submitted by a person other than the property owner shown on the last equalized assessment roll, the owner of the property as shown on the last equalized assessment roll.

5. Any person who has filed a written request with the Department. The City may impose a reasonable fee on persons requesting notice for the purpose of recovering mailing costs.

15.04.703.070 Commission Action on a Tentative Map

A. **Factors to be Considered.** In making a decision on a proposed tentative map, the Planning Commission shall consider the effect of that decision on the housing needs of the region and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

B. **Approval by the Planning Commission.** After the conclusion of the public hearing, the Planning Commission shall approve, conditionally approve, or deny the tentative map or tentative parcel map in accordance with the required findings in Section 15.04.702.090, and within 50 days after the map has been accepted for filing, an Environmental Impact Report (EIR) has been certified, a negative declaration has been adopted, or the City has determined that the project is exempt from the requirements of the California Environmental Quality Act, whichever is latest.

C. **Reporting of Decision.** The Planning Commission shall report its action to the subdivider and transmit a copy of the tentative or parcel map and a memorandum setting forth its decision to the Director of Public Works.

15.04.703.080 Shoreline Access Considerations

A. The Planning Commission shall not approve a tentative map or parcel map of any subdivision fronting upon the shoreline when the subdivision does not provide or have available reasonable public access by fee or easement from public highways to land below the ordinary high-water mark on any ocean coastline or bay shoreline within or at a reasonable distance from the subdivision. Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated.

B. Reasonable public access, as used in subsection A, shall be determined by the Planning Commission.

C. In making the determination of what shall be reasonable public access, the Planning Commission shall consider:

1. That access may be by highway, foot trail, bike trail, or any other means of travel.

2. The size of the subdivision.

3. The type of coastline or shoreline and the various appropriate recreational, educational and scientific uses, including, but not limited to, diving,
sunbathing, surfing, walking, swimming, fishing, beachcombing, taking of shellfish and scientific exploration.

4. The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

D. Nothing in this section shall require the Planning Commission to disapprove either a tentative or final map solely on the basis that the reasonable public access otherwise required by this section is not provided through or across the subdivisions itself, if the Planning Commission makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final map.

E. The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by the Planning Commission prior to the effective date of this section.

F. The provisions of this section shall not apply to the final or tentative map of any subdivision which is in compliance with the plan of any planned development or any planned community approved by the Planning Commission or the City Council prior to December 31, 1968. The exclusion provided by this subsection shall be in addition to the exclusion provided by subsection E.

G. Nothing in this section shall be construed as requiring the subdivider to improve any access route or routes that are primarily for the benefit of nonresidents of the subdivision area.

H. Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which such route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. Such conveyance or transfer shall be recorded by the recipient state or local agency in the Contra Costa County Clerk-Recorder’s Office, County Recorder Division.

15.04.703.090 Parcel Maps: Action by the Zoning Administrator

The Zoning Administrator shall approve, approve with modifications, or deny a tentative map application with the required findings in Section 15.04.702.090, within 50 days after the map has been accepted for filing, or the Environmental Impact Report (EIR) has been certified, a negative declaration has been adopted, or the City has determined that the project is exempt from the requirements of the California Environmental Quality Act, whichever is latest. The Zoning Administrator may modify or delete any of the conditions of approval recommended by the affected public agencies, except conditions required by the Richmond Municipal Code, other City Ordinances, or Standard Specifications approved by the City Council.
15.04.703.100  **Expiration and Extensions**

A. **Expiration.** The approval or conditional approval of a tentative map or tentative parcel map shall be valid for 24 months from the date of its approval within which time the final map may be presented to the City Council for acceptance and recordation unless an extension is granted as provided in this section or is allowed pursuant to the Subdivision Map Act.

B. **Effect of Expiration.** The expiration of the approved or conditionally approved tentative map or tentative parcel map shall terminate all proceedings and no final map of all or any portion of the real property included within the map shall be filed without first processing a new tentative map. Approval, processing and recording of the tentative map may occur after the expiration date if the signed final map and Improvement Agreement (if required) are submitted to the Director of Public Works Director prior to the expiration date.

C. **Extensions.**

1. **Request for Extension.** Prior to the expiration of the tentative map or tentative parcel map, the subdivider may request in writing to the Zoning Administrator an extension of the map’s expiration date. The map shall automatically be extended for 60 days or until the application for extension is approved, conditionally approved, or denied, whichever occurs first.

2. **Zoning Administrator Action.** The Zoning Administrator shall review the request for extension and shall approve, conditionally approve, or deny the request within 30 days of the request. The Zoning Administrator may extend the expiration date pursuant to this section for a period(s) of time not to exceed the requirements of the Subdivision Map Act.
Article 15.04.704  Vesting Tentative Maps

Sections:
15.04.704.010  Purpose
15.04.704.020  Applicability
15.04.704.030  Filing and Processing
15.04.704.040  Fees
15.04.704.050  Rights of a Vesting Tentative Map
15.04.704.060  Expiration and Extension
15.04.704.070  Amendments

15.04.704.010  Purpose
The purpose of this Article is to establish the form, contents, submittal requirements, and approval process for vesting tentative maps pursuant to the authority granted by Chapter 4.5 of the Subdivision Map Act.

15.04.704.020  Applicability
Whenever a provision of the Subdivision Map Act or this Ordinance requires the filing of a tentative map, a vesting tentative map may be filed instead in accordance with the provisions of this Ordinance. If a subdivider does not choose to seek the rights conferred by this Ordinance, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

15.04.704.030  Filing and Processing
A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner as a tentative map, except as hereinafter provided:

A.  Title. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

B.  Required Information. The following information shall be submitted at the time a vesting tentative map is filed:
   1.  Consistency with Zoning. A statement that the vesting tentative map shows a subdivision whose development is consistent with the Zoning Ordinance, or that an application has been filed for rezoning or prezoning the land that will be processed prior to, or concurrently with, the vesting tentative map.
   2.  Tentative Utility and Improvement Plan. A tentative utility and improvement plan indicating the location of all public utilities and facilities including, but not limited to, facilities for water, sewer, electric, gas, cable TV, internet, streets, storm drains, and street lighting to be installed to serve
the subdivision and any facilities that currently exist within the boundary of
the subdivision.

3. Building Information. The height, size, location, architectural plans, and use
of all buildings to be constructed within the subdivision.


5. Approval Letters. Required approval letters from other agencies where
applicable.


7. Other Studies. Any other studies required because of the peculiarities of the
subdivision and as required by the City.

15.04.704.040 Fees

The subdivider shall pay all required fees and/or deposits for checking and processing maps,
plans, and reports, as set forth in the Master Fee Schedule established by the City. The
amount of all other fees required for the subdivision may be determined at the time an
application for the building permit is made.

15.04.704.050 Rights of a Vesting Tentative Map

A. Vested Rights. The approval or conditional approval of a vesting tentative map
shall confer a vested right to proceed with development in substantial compliance
with the ordinances, policies, and standards described in Government Code Section
66474.2. However, if Section 66474.2 of the Government Code is repealed, the
approval or conditional approval of a Vesting Tentative Map shall confer a vested
right to proceed with development in substantial compliance with the ordinances,
policies, and standards in effect at the time the vesting tentative map is approved or
conditionally approved.

B. Condition or Denial. Notwithstanding subsection (A), a permit, approval,
extension, or entitlement may be made conditional or denied if any of the following
are determined:

1. A failure to do so would place the residents of the subdivision or the
   immediate community, or both, in a condition dangerous to their health or
   safety, or both.

2. The condition or denial is required in order to comply with state or federal
   law.

C. Expiration of Rights. Vested rights allowed under this Section shall expire if a final
map is not approved prior to the expiration of the vesting tentative map. If the final
map is approved, these rights shall last for the following periods of time:

1. Initially. An initial period of one year after recording of the final
   map. Where several final maps are recorded on various phases of a project
covered by a single vesting tentative map, this initial period shall begin for each phase when the final map for that phase is recorded.

2. **Automatic Extension.** The initial time period set forth in subsection (C)(1) shall be automatically extended for any time used to process a complete application for a grading permit or for design review, if such processing exceeds 30 days from the date a complete application is filed.

3. **Requested Extension.** A subdivider may apply for a one-year extension at any time before the expiration of the initial time period set forth in subsection (C)(1). The request for extension shall be submitted in writing to the Planning Commission. The Commission’s decision may be appealed to the City Council within 10 days. If the subdivider submits a complete application for a building permit during this time, the rights referred to herein shall continue until the expiration of that permit.

**15.04.704.060  Expiration and Extension**

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, as a tentative map.

**15.04.704.070  Amendments**

Amendments to vesting tentative maps may be made in accordance with Section 15.04.7-5.050, Correction and Amendments of Maps.
Section 15.04.705 Final Maps for Major Subdivisions

Sections:
15.04.705.010 General
15.04.705.020 Preparation and Form
15.04.705.030 Accompanying Data
15.04.705.040 Review and Action
15.04.705.050 Correction and Amendment

15.04.705.010 General
The form, contents, accompanying data and filing of the final map shall be governed by the provisions of this Article.

15.04.705.020 Preparation and Form
The final map shall be prepared by, or under the direction of, a registered civil engineer or licensed land surveyor and shall be based upon a survey.

A. **Size and Material.** The final map shall be in digital form (in a CAD file format approved by the City) or legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

The sheet size shall be as specified by the Zoning Administrator; each sheet shall be numbered and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

All printing or lettering on the final map shall be of one-eighth-inch minimum height and of such shape and weight as to be readily legible on reproductions and reductions made from the original map.

B. **Title of Map.** The title of each final map shall consist of a subdivision number as secured from the county Planning Division conspicuously placed at the top of the sheet, followed by the words "in the City of Richmond," or "partly in the City of Richmond," or "partly in the City of Richmond and partly in the City of ...." as the case may be. If three or more sheets are used, a key diagram shall be included on the title sheet, showing what part of the map appears on each sheet. The height of lettering of the subdivision number shall be not less than one-half inch. If the subdivision is also given a name, it shall have smaller lettering than the subdivision number and shall appear below the subdivision number. The title of the map shall appear on each sheet of the map.
C. **Description.** Below the title shall appear a subtitle consisting of a description of all the property to be subdivided by reference to such map or maps of the property to be subdivided as shall have been last previously recorded or filed in the Contra Costa County Clerk-Recorder’s Office, County Recorder Division. Each reference to a recorded map shall be spelled out and worded identically with said recorded map and must show the book and page of the county records where the map is filed.

D. **Vicinity Map.** A small vicinity map shall appear on the title sheet showing the location of the subdivision in relation to major arteries and landmarks.

E. **Name of Surveyor and Date of Survey.** On the title sheet, below the title and subtitle shall appear the name of the registered civil engineer or licensed land surveyor and the date of the survey.

F. **Certificates and Acknowledgments.** The following certificates and acknowledgments shall appear on the title sheet of the final map:

1. **Owner's Certificate.** A certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the final map, as required by Section 66436 of the Subdivision Map Act. Dedications of or offers to dedicate interests in real property for specified public purposes shall be made in this certificate. An offer to dedicate real property for street or public utility easement purposes shall only be deemed to include any public utility facilities located on or under such real property if and only to the extent that an intent to dedicate such facilities is expressly stated in the certificate.

2. **City Clerk's Certificate.** A certificate for execution by the city clerk stating that the City Council approved the map and accepted, subject to improvement, or rejected, on behalf of the public, any real property offered for dedication for public use.

3. **Engineer's Certificate.** A certificate by the engineer or surveyor responsible for the survey and final map giving the date of the survey, stating that the survey and final map were made by him/her or under his/her direction, and that the survey is true and complete as shown. The certificate shall also state that the monuments that have not already been set will be set in the positions indicated on or before a specified later date, and that they will be sufficient to enable the survey to be retraced. The certificate shall also state that the map is based on the California Plane Coordinate System, Zone 3, and shall indicate the area of the subdivision in acres. The certificate shall be signed and sealed by the registered civil engineer or licensed land surveyor.

4. **Director of Public Works' Certificate.** A certificate by the Director of Public Works stating that he/she has examined the map, the subdivision as shown is substantially the same as it appeared on the tentative map and any approved alterations thereof, all provisions of state laws and local ordinances applicable at the time of approval of the tentative map have been complied with, and he/she is satisfied that the map is technically correct.
5. **Soils Report Statement.** A statement giving the date of the soils report and the name and registration number of the engineer making the report. This statement is only necessary if a soils report was prepared.

6. **Planning Director's Certificate.** A certificate by the Director stating that the Planning Commission or the City Council, after an appeal, has approved the tentative map upon which the final map was based;

7. **County Recorder's Certificate.** A certificate by the County Recorder stating that the map is accepted for recordation, the company issuing the title report and the date of the report, that the map complies with state laws and local ordinances, and the recording data of the map.

G. **Other Certificates.** The Director of Public Works may require additional certificates and acknowledgments to appear on the title sheet of the final map when appropriate. For example:

1. If the subdivision lies partly in another jurisdiction, a certificate by the clerk of the legislative body approving the map and a certificate by the engineer of the jurisdiction shall be required.

2. If the subdivision does not lie entirely within the Richmond Municipal Sanitary District No. 1, a certificate of the appropriate sanitary district shall be required.

H. **Form of Map.** The final map shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and radii, central angle and arc length for all curves, and such information as may be necessary to determine the location of the center of curves and ties to existing monuments used to establish the subdivision boundaries. The final map shall also conform to the following conditions:

1. **Scale.** The scale of the map shall be 20 feet, 30 feet, 40 feet or 50 feet to one inch, or as approved by the Director of Public Works. The scale shall appear on each map sheet.

2. **North Point, Basis of Bearing, and Sheet Numbers.** The north point, basis of bearing, the number of the sheet and the total number of sheets shall appear on each map sheet. The number of the sheet and the total number of sheets shall also appear on the title sheet. The basis of bearing shall be the California Plane Coordinate System, Zone 3. Each north point shall indicate the equation of grid north to true north at an indicated point within the subdivision.

3. **Boundary Line.** The boundary of the subdivision shall be designated, and all lines shown on the map that do not constitute a part of the subdivision itself shall be clearly distinguishable from those lines that are part of the subdivision, and any area enclosed by such lines shall be labeled "not a part of this subdivision."
4. **Adjoining Subdivisions and Owners.** All adjoining subdivisions shall be identified by the subdivision number or name if no number has been assigned, and reference shall be made to the book and page of the final map thereof. If no subdivision is adjacent, then the name of the last recorded owner and the book and page of the recorded deed shall be indicated.

5. **Linear, Angular, and Radial Data.** All dimensions shall be given in feet and hundredths of a foot. Sufficient data shall be shown to determine the bearings and lengths of the boundary lines of the subdivision and every lot, parcel, roadway and easement within the subdivision. Radial bearings shall be given for all non-tangent curves and at all points of compound curvature and reverse curvature. Radial bearings shall also be given on curves where lot lines, easement lines, etc., intersect. Arc lengths and central angles shall be given for all portions of curves shown in addition to total radius, arc length and central angle for all curves.

6. **Lot and Block Numbering.** All lots shall be numbered consecutively, without omission or duplications, throughout each block, starting with the number "1." If blocks are not numbered, the lots shall be numbered consecutively without omissions or duplications, throughout the entire subdivision, starting with the number "1." Parcels offered for dedication other than for streets or easements shall be designated by letters. If blocks are to be numbered, they shall be numbered consecutively, without omissions or duplications, throughout the entire subdivision, starting with the number "1." All lots and blocks shall be shown in their entirety on one sheet wherever possible.

7. **Streets and Easements.** The name, if any, and the total width of all streets, alleys, pedestrian ways, equestrian and hiking trails and bikeways shall be shown, in addition to the width on each side of any monument line. The width of all easements and other rights-of-way shall be shown where practical. If irregular configurations occur, the bearings and lengths of all sides shall be indicated. Each easement shall be clearly labeled and identified as to its nature and purpose. The recording data of any existing easement shall be given. Easements shall be denoted by fine dashed lines.

8. **Access Limits.** All limitations on rights of access to and from streets and lots and other parcels of land shall be clearly designated.

9. **Adjoining Streets and Easements.** The location, width and name of any street, and the location and width of any alley, pedestrian way, equestrian or hiking trail, bicycle path, railroad right-of-way or other right-of-way adjacent to the subdivision shall be shown.

10. **City Boundary.** City boundaries that cross or adjoin the subdivision shall be clearly designated and located in relation to adjacent lot or block lines.

11. **Existing Monuments.** Any stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision shall be
fully and clearly shown. Any stakes or monuments found tagged shall be indicated on the map with the number of the registered civil engineer or licensed land surveyor.

12. **New Monuments.** The location of monuments set and to be set shall be shown. California Plane Coordinates shall be indicated for all boundary monuments and street line monuments.

13. **Inundation.** The high-water line of any stream, channel or other body of water in or adjacent to the subdivision shall be shown.

**15.04.705.030 Accompanying Data**

The final map shall be accompanied by the following:

A. **Survey Field Notes.** All exterior boundary monuments shall be set prior to recordation of the final map unless extensive grading operations or improvement work makes it impractical to set such monuments. In the event any or all of the exterior boundary monuments are to be set after recordation of the final map, the engineer or surveyor making the survey shall compile field notes showing the boundary survey and the reference of the proposed monuments to a sufficient number of adjacent reference points to enable each boundary monument to be accurately set at a later date.

B. **Traverse and Calculations.** A traverse of the exterior boundary of the subdivision shall be computed from field measurements of the ground. Computer calculations must be made for all lots, blocks, streets, monument lines and easements.

C. **California Coordinate System Ties.** Field notes and calculations shall be made showing ties to the California Plane Coordinate System, Zone 3.

D. **Improvement Plans and Specifications.** Complete plans, profiles, cross-sections and specifications shall be prepared and applicable permits shall be obtained for the construction and installation of improvements. However, such improvement plans and specifications for final maps on projects devoted exclusively to condominium or cooperative association ownership may, at the discretion of the Director of Public Works, be temporarily waived so long as they are provided for in the improvement agreement. A grading permit and a watercourse permit may be required in conjunction with the improvement plans. However, on projects devoted exclusively to condominium or cooperative association ownership, where such improvement plans and specifications have been temporarily waived, approval of such permits may, at the discretion of the Director of Public Works, be withheld until such time as said improvement plans and specification have been approved by the Director of Public Works.

E. **Development Plan.** If the building of dwelling units for sale or lease is a part of the subdivision operation, a development plan shall be submitted, in accordance with Article 15.04.707.
F. **Maintenance of Private Improvements.** Documents relating to the maintenance of private improvements in the subdivision shall be prepared in the form in which they will be recorded after approval of the Director of Public Works.

G. **Improvement Security.** Improvement security shall be obtained as required by this Ordinance.

H. **Improvement Agreement.** An agreement guaranteeing construction of improvements shall be entered into as required by this Ordinance.

I. **Final Map Checking Fee.** The required fee shall accompany the final map when it is submitted for checking.

J. **Miscellaneous Data.** Any other data as required by the Director of Public Works or as a condition of approval of the tentative map shall be submitted.

15.04.705.040 **Review and Action**

A. **Sequential Filing.** The subdivider must have the approval of the Planning Commission to file a final map with the City Council that covers only a portion of the subdivision shown on the approved or conditionally approved tentative map. The subdivider must also have the approval of the Planning Commission to file with the City Council a final map in a different sequence or with a different boundary than that shown on the approved or conditionally approved tentative map.

If the Planning Commission finds that the portion of the subdivision proposed for filing does not conform to the previously approved or conditionally approved tentative map, then the Planning Commission may recommend to the City Council that it disapprove the final map.

B. **Preliminary Submittal to Director of Public Works.** The subdivider or his representative shall submit two sets of prints of the final map, two copies of the accompanying data required, and the final map checking fee to the Director of Public Works for checking.

C. **Action by Director of Public Works.** The Director of Public Works shall check the final map and accompanying data for correctness of surveying data, conformity with the improvement plans and specifications, conformity with the approved or conditionally approved tentative map and all amendments, conditions, modifications, and provisions made or required by the city, and compliance with the requirements of this Ordinance.

After completing the check, the Director of Public Works shall return one set of the final map prints and data with the required corrections noted thereon. The maps and data shall be corrected and resubmitted to the Director of Public Works. The checking, correcting and resubmitting shall continue until the Director of Public Works returns an approved set to the subdivider or his/her representative.

D. **Final Submittal to Director of Public Works.** The subdivider shall cause all certificates to be executed, and acknowledged where appropriate, except those to be
executed by the city clerk, the Director of Public Works, the county clerk, and the county recorder. The subdivider shall then submit the original final map and six copies, the required electronic file in digital format, as specified by the City, and one transparency of the map to the Director of Public Works, along with three copies of the accompanying data.

If the final map and the accompanying data are found to be correct, the Director of Public Works shall execute the Director of Public Works' certificate within 20 days from the time the final map is submitted to him or her, and shall file the map and accompanying material with the City Clerk for action by the City Council.

E. Council Actions on the Final Map.

1. **Time for Action.** The City Council shall within a period of ten days after the filing of the final map for approval or at its next regular meeting after the meeting at which it receives the map, whichever is later, approve the map if it conforms to all the requirements of the Subdivision Map Act and this Ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder or, if it does not so conform, disapprove the map, provided, that said requirements for approval shall be waived when the failure of the final map to conform to said requirements is the result of a technical and inadvertent error which, in the determination of the City Council, does not materially affect the validity of the final map.

2. **Map Deemed Approved.** If the City Council does not approve or disapprove the map within the prescribed time, or any authorized extension thereof, and the map conforms to all said requirements and rulings, it shall be deemed approved, and the city clerk shall certify its approval thereon.

3. **Public Improvements.** If, at the time of approval of the final map by the City Council, any public improvements required by the City pursuant to the provisions of the Subdivision Map Act or this Ordinance have not been completed and accepted in accordance with standards established in this Ordinance applicable at the time of the approval or conditional approval of the tentative map, the City Council, as a condition precedent to the approval of the final map, shall require the subdivider to enter into one of the following agreements specified by the city:

a. An agreement with the City upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense;

b. An agreement with the City to thereafter:

i. Initiate and consummate proceedings under an appropriate special assessment act for the financing and completion of all such improvements; or

ii. If not completed under such special assessment act, to complete such improvements at the subdivider's expense.
4. **Dedications.** At the time the City Council approves a final map, it shall also accept, accept subject to improvement, or reject any offer of dedication of real property within the subdivision for streets, alleys, including access rights and abutter's rights, drainage, public utility easements and other public easements. The City Clerk shall certify on the map the action by the City Council. Any rejected offers of dedication shall remain open in accordance with the terms of Section 66477.2 of the Subdivision Map Act or shall be terminated or abandoned in accordance with the terms of Section 66477.2 of the Subdivision Map Act.

F. **Recordation.** After the approval by the City of a final map of a subdivision, the City Clerk shall transmit the map to the Clerk of the County Board of Supervisors for ultimate transmittal to the County Recorder, and the subdivider or his representative shall contact the County Clerk and the County Recorder to determine the documents necessary to record the final map.

15.04.705.050 **Correction and Amendment of Maps**

After a final map is filed in the office of the County Recorder, such final map may be corrected or amended as provided in the Subdivision Map Act.
Article 15.04.706 Parcel Maps

Sections:
15.04.706.010 General
15.04.706.020 Review of Parcel Maps; Final Submittal and Recordation

15.04.706.010 General
This Article establishes procedures for final submission of parcel maps. Unless otherwise specified below, the form and content of parcel maps shall be as specified in Article 15.04.703.

15.04.706.020 Review of Parcel Maps; Final Submittal and Recordation
A. **Review by Zoning Administrator.** The Zoning Administrator shall check the parcel map and accompanying data for correctness of surveying data, conformity with the improvement plans and specifications, conformity with the approved or conditionally approved tentative parcel map, and all amendments, conditions, modifications and provisions made or required by the City, and compliance with the requirements of this Ordinance. After completing the check, the Zoning Administrator shall return one set of the parcel map prints and data with the required corrections noted thereon. The maps and data then shall be corrected and resubmitted to the Zoning Administrator for approval.

B. **Final Submittal.** The subdivider shall cause all certificates to be executed, and acknowledged where appropriate, except those to be executed by the Director of Public Works and the County Recorder. The subdivider shall then submit paper and electronic copies of the map to the Zoning Administrator, along with three copies of the accompanying data. If the parcel map is found to be correct, the Director of Public Works shall execute the Director of Public Works' certificate within 20 days from the time the parcel map is submitted to him. The execution of the Director of Public Works' certificate shall constitute approval of the parcel map.

C. **Recordation.** After the approval by the City of a parcel map, the City Clerk shall transmit the map to the Clerk of the Contra Costa County Board of Supervisors for ultimate transmittal to the County Recorder, and the subdivider or his/her representative shall contact the County Clerk and the County Recorder to determine the documents necessary to record the parcel map.
Article 15.04.707 Development Plans

Sections:
15.04.707.010 When Required
15.04.707.020 Form and Content
15.04.707.030 Review and Approval
15.04.707.040 Development Plan Revisions

15.04.707.010 When Required
When the building of dwelling units for sale or lease is a part of the subdivision operation, a development plan shall be required. After the approval or conditional approval of the tentative map or tentative parcel map and prior to the approval of the final map or parcel map, the subdivider shall submit a development plan to the Planning Division for approval.

15.04.707.020 Form and Content
The development plan shall be legibly drawn to an engineering scale large enough to show clearly all details, but not less than one inch equals 40 feet (1” = 40’). If necessary, more than one sheet may be used. Each sheet shall be the same size, but not more than 42 inches in width and 60 inches in length. A key map may be required, showing the entire area, including streets, and showing the area covered by each sheet of the development plan.

The development plan shall contain the following information:

A. **Title.** The title, which shall contain the subdivision number assigned by the County or the parcel map number assigned by the City, and may contain such name or unit number as may be selected by the subdivider.

B. **Layout.** Lot lines and location of houses and driveways; dimensions of front and side yard setbacks.

C. **Circulation.** The circulation system within the subdivision and its connection with the system outside of the subdivision. The circulation system includes any bicycle paths and pedestrian paths.

D. **Landscaping.** Location of street trees and landscaping of any common areas or paths.

E. **Elevations of the Following:**
   1. Lot corners.
   2. Building pads.
   3. Finished floors.
   4. Parking areas.
   5. Centerline of driveway curb cuts.
6. Storm drain or sanitary sewer structures not shown on the improvement plans.

F. **Drainage.** Drainage details for privately maintained systems.

G. **Parking.** Proposed parking layout when more than three cars are to be parked on a lot. It may be required that parking layouts be detailed at a scale of 1” = 10’ or 1/8” = 1’ for the checking of maneuverability.

H. **Driveways.** When any portion of a driveway exceeds ten percent slope, or when required by the Director of Public Works, a separate profile at a scale of 1” = 2’ shall be plotted for each such driveway. The Director of Public Works shall determine whether the driveway design is acceptable.

**15.04.707.030 Review and Approval**

A. **Initial Filing.** The subdivider shall submit to the Zoning Administrator paper and electronic copies of the plan. A development plan shall be considered as having been filed when the Zoning Administrator notifies the subdivider or his representative in writing that the development plan submittal is complete.

B. **Department Recommendations.** Within a period of 30 days after the filing of a development plan, each City officer, department or agency to which the Zoning Administrator has transmitted a copy may file with the Planning Division a report and recommendation on the action to be taken. The report shall recommend approval, conditional approval or disapproval, or shall indicate no comment. If conditional approval is recommended, the report shall identify the conditions. If disapproval is recommended, the report shall indicate the reasons for such disapproval.

C. **Staff Report.** The Planning Division shall compile the recommendations of any and all City officers, departments, and agencies into a Staff Report. The Planning Division shall send a copy of its report to the subdivider or his representative at least three days prior to the consideration of such report by the development review committee.

D. **Action by Zoning Administrator.** The Zoning Administrator shall approve, conditionally approve, or disapprove the development plan within 50 days after the filing thereof with the Planning Division.

**15.04.707.040 Development Plan Revisions**

Minor changes in an approved development plan may be approved by the Zoning Administrator provided no buildings are added and such changes are consistent with the intent and spirit of the approved plan. Major changes that would alter the content of an approved development plan to a significant degree, as determined by the Zoning Administrator, shall require submittal of a revised development plan. Any such revised development plan shall be processed in conformance with the requirements for a new development plan in effect at the time such revised development plan is filed.
Article 15.04.708  Reservations and Dedications

Sections:
15.04.708.010  Purpose
15.04.708.020  Reservations
15.04.708.030  Park and Recreation Dedication and Fees
15.04.708.040  Public Right-of-Way and Easement Dedication

15.04.708.010  Purpose
The purpose of this Article is to establish the reservations and dedications the City may impose on a subdivider as a condition for approval of a tentative map or a parcel map.

15.04.708.020  Reservations
A.  General. As a condition of approval of a map, the subdivider shall reserve sites, appropriate in area and location, for parks, recreational facilities, fire stations, libraries, or other public uses according to the standards and formula contained in this section.
B.  Standards and Formula for Reservation of Land. Where a park, recreational facility, fire station, library or other public use is shown in the General Plan or any applicable specific plan, the subdivider may be required by the Planning Commission to reserve sites as so determined by the Planning Commission in accordance with the standards contained in the General Plan or specific plan. The reserved area must be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The reserved area shall conform to the General Plan or any specific plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.
C.  Procedure. The public agency for whose benefit an area has been reserved shall, at the time of approval of the final map or parcel map, enter into a binding agreement, consistent with Government Code Section 66480, to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement.
D.  Payment. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.
E. Termination. If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement, the reservation of such area shall automatically terminate.

15.04.708.030 Park and Recreation Dedication and Fees

A. Purpose. This section is enacted pursuant to the authority granted by Section 66477 of the Subdivision Map Act. The park and recreational facilities for which dedication of land and/or payment of a fee is required by this section are in accordance with the policies and standards of the General Plan. The following formula is used to determine the required acres of parkland based on population size:

Formula 15.04.708.030 (A)

Average number of persons per dwelling unit × 3 acres / 1,000 population = Acres required

The following table of population density shall be used:

<table>
<thead>
<tr>
<th>Type of Dwelling</th>
<th>Average No. of Persons Per Dwelling Unit</th>
<th>Acreage Per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family (Detached or townhouse)</td>
<td>3.6</td>
<td>.0108 Acre</td>
</tr>
<tr>
<td>Multi-family (apartment or duplex)</td>
<td>3.1</td>
<td>.0093 Acre</td>
</tr>
</tbody>
</table>

B. Requirements. As a condition of approval of a final map or parcel map, the subdivider shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, for park or recreational purposes at the time and according to the standards and formula contained in this section.

C. General Standard. It is hereby found and determined that the public interest, convenience, health, welfare and safety require that three acres of property for each one thousand persons residing within the City be devoted to neighborhood and community parks (“local parks”) and recreational purposes. For purposes of this Ordinance, park and recreation purposes shall include land and facilities for the activity of “recreational community gardening,” which activity consists of the cultivation by persons other than, or in addition to, the owner of the land, of plant material not for sale.

D. Standards and Formula for Dedication of Land. Where a park or recreational facility has been designated in the General Plan, and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall dedicate land for a local park sufficient in size and topography to serve the residents of the subdivision. The amount of land to be provided shall be determined pursuant to the following standards and formula:
1. **Formula for Determining Amount of Acreage.** The formula for determining acreage to be dedicated per dwelling unit shall be as set out in Section 15.04.707.030 (A).

2. **Parcels—Including Dwelling Unit Construction.** On parcels where dwelling units are to be constructed as part of the subdivision operation, the actual type of dwelling unit to be constructed shall be used in the computation of the acreage of park land to be dedicated.

3. **Parcels—Not Including Dwelling Unit Construction.** On parcels where the construction of dwelling units is not a part of the subdivision operation, the acreage of park land to be dedicated shall be computed on the basis of the maximum allowable density of dwelling units combined with the type of dwelling unit yielding the maximum acreage. If fees are paid in lieu of land dedication, and if dwelling units are constructed on parcels within ten years after the date the final or parcel map was recorded which result in a lesser fee when computed pursuant to the provisions of this section, then the subdivider may request a refund of the excess fee previously paid.

4. **Resubdivision of Parcels.** Whenever a parcel of land is resubdivided, full credit shall be given for the acreage of land dedicated or the amount of in-lieu fee paid at the time the parcel was originally subdivided.

E. **Formula for Fees in Lieu of Land Dedication.**

1. **General Formula.** If there is no park or recreation facility designated in the General Plan to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land prescribed for dedication in this section and in an amount determined in accordance with the provisions of subsection A above, such fee to be used for a local park that will serve the residents of the area being subdivided.

2. **Fees in Lieu of Land—Fifty or Fewer Parcels.** If the proposed subdivision contains fifty or fewer parcels, the subdivider shall pay a fee equal to the land value of the portion of the local park required to serve the needs of the residents of the proposed subdivision as prescribed in subsection A of this section and in an amount determined in accordance with the provisions of subsection D.

   a. **Use of Money.** The money collected hereunder shall be used only for the purpose of providing park or recreational facilities reasonably related to serving the subdivision by way of the purchase of necessary land or, if the Planning Commission deems that there is sufficient land available for the subdivision, for improving of such land for park and recreational purposes. The money collected may be used for the purpose of developing new or rehabilitating existing park or recreational facilities in a neighborhood other than the neighborhood...
in which the subdivision for which fees were paid as a condition to the approval of a tentative map or parcel map is located, if all of the following requirements are met:

i.  The neighborhood in which the subdivision for which the fees were paid has a park area that meets or exceeds three acres per 1,000 persons.

ii. The City Council holds a public hearing before using the fees pursuant to this subparagraph.

iii. The City Council makes a finding supported by substantial evidence that it is reasonably foreseeable that future inhabitants of the subdivision for which the fee is imposed will use the proposed park and recreational facilities in the neighborhood where the fees are used.

iv. The fees are used within a specified radius that complies with this Ordinance and are consistent with the General Plan and any applicable specific plan. For purposes of this clause, “specified radius” includes a planning area, zone of influence, or other geographic region designated by the City, that otherwise meets the requirements of this section.

b.  Time Limits. Any fees collected under this Ordinance shall be committed within five years after the payment of the fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

F.  Criteria for Requiring Both Dedication and Fee. In subdivisions of more than fifty lots, the subdivider shall both dedicate land and pay a fee in lieu thereof in accordance with the following formula:

1.  Where only a portion of the land to be subdivided is proposed in the General Plan as the site for a local park, such portion shall be dedicated for local park purposes and a fee computed pursuant to the provisions of subsection E of this section shall be paid for any additional land that would have been required to be dedicated pursuant to subsection D.

2.  When a major part of the local park or recreational site has already been acquired by the city and only a small portion of land is needed from the subdivision to complete the site, such remaining portion shall be dedicated and a fee computed pursuant to the provisions of subsection E of this section shall be paid in an amount equal to the value of the land which would otherwise have been required to be dedicated pursuant to subsection D, such
fees to be used for the improvement of the existing park and recreational facility or for the improvement of other local parks and recreational facilities in the area serving the subdivision.

G. **Amount of Fee in Lieu of Park Land Dedication.** Where a fee is required to be paid in lieu of park land dedication, the amount of fee shall be the price of the land which would otherwise be required to be dedicated pursuant to subsection E of this section at the rate of $40,000 per acre or such other amount as the City Council may set.

H. **Determination of Land or Fee.** Whether the City accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be determined by the Director in consultation with the Director of Publix Works, in consideration of the following:

1. Recreational element or other applicable portions of the General Plan
2. Topography, geology, access and location of land in the subdivision available for dedication.
3. Size and shape of the subdivision and land available for dedication.
4. The feasibility of dedication.
5. Compatibility of dedication with the General Plan.
6. Availability of previously acquired park property.

Only the payment of fees may be required in subdivisions containing 50 or fewer parcels, except that when a condominium project, stock cooperative, or community apartment project, as those terms are defined in Sections 4105, 4125, and 4190 of the Civil Code, exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be fewer than 50. The determination of the Director as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

I. **Credit for Private Open Space.** Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit, not to exceed 50 percent, shall be given against the requirement of land dedication or payment of fees in lieu thereof provided that all the following standards are met:

1. Yards, court areas, setbacks and other open areas required by the Zoning Ordinance are not be included in computation of such private open space.
2. Continued maintenance of the private open space is adequately provided for by recorded written agreement, conveyance, or restrictions.
3. Use of the private open space is restricted for park and recreational purposes by a recorded covenant.
4. The private open space for which credit is given is a minimum of three acres and provides a minimum of five of the local basic park elements listed below, or a combination of such and other recreational improvements that will meet the specific recreation and park needs of the future residents of the area:
   a. Children's play apparatus area — .50 to .75 acres,
   b. Landscape, park-like and quiet areas — .50 to 1.00 acres,
   c. Family picnic area — .25 to .75 acres,
   d. Game court area — .25 to .50 acres,
   e. Turf play field — 1.00 to 3.00 acres,
   f. Swim pool — .25 to .50 acres,
   g. Recreation center building — .15 to .25 acres;

Before credit is given, the Director shall make written findings that the above standards are met.

J. **Joint or Shared Use Agreements.** The City may enter into a joint or shared use agreement with one or more other public districts in the jurisdiction, including, but not limited to, a school district or community college district, in order to provide access to park or recreational facilities to residents of subdivisions with fewer than three acres of park area per 1,000 members of the population.

K. **Procedure.** At the time of approval of the tentative map or tentative parcel map, the Director shall determine the land to be dedicated and/or fees to be paid by the subdivider. At the time of the filing of the final map or parcel map, the subdivider shall by separate instrument dedicate the land and/or pay the fees as previously determined by the Director. Such land, fees or combination thereof shall be used only for the purpose of providing park or recreational facilities to serve the subdivision. Open-space covenants for private park or recreational facilities shall be submitted to the city prior to approval of the final map or parcel map and shall be recorded contemporaneously with the final map or parcel map.

L. **Commencement of Development.** At the time of approval of the final map, the City Council shall specify when development of the park or recreational facilities shall be commenced.

M. **Exemptions.** The provisions of this section shall not apply to subdivisions containing fewer than five parcels and not used for residential purposes; provided, however, that a condition may be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

The provisions of this section also shall not apply to industrial subdivisions; nor to condominium projects that consist of the subdivision of air space in an existing apartment building that is more than five years old when no new dwelling units are
added to the building; nor to parcel maps for a subdivision containing fewer than five parcels or for a shopping center containing more than 300,000 square feet of gross leasable area and no residential development or uses.

15.04.708.040 Public Right-of-Way and Easement Dedication

A. Dedication Requirement. As a condition of approval of a final map or parcel map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets, alleys, including access rights and abutter's rights, drainage, scenic easements, public utility easements, and other public easements as determined by the Director of Public Works. In addition, the following dedications may be required by the Director of Public Works as appropriate:

1. Bicycle Paths. Whenever a subdivider is required to dedicate roadways to the public, he may also be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision.

2. Transit Facilities. The subdivider may be required to dedicate or make an irrevocable offer of dedication of land within the subdivision for local transit facilities, such as bus turnouts, benches, shelters, landing pads and similar items that directly benefit the residents of a subdivision if the City Council finds that transit services are or will within a reasonable time period be made available to such subdivision.

B. Waiver of Direct Street Access. As a condition of approval of a final map or parcel map, the subdivider may be required by the Director of Public Works to waive direct access rights to proposed or existing streets from any property within the subdivision abutting thereon. The area where the access rights are to be waived shall be shown on the final map or parcel map.
Article 15.04.709  Improvements

Sections:
15.04.709.010  Purpose
15.04.709.020  General Requirements
15.04.709.030  Improvements Required
15.04.709.040  Improvement Plans—Form
15.04.709.050  Improvement Plans—Content
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15.04.709.100  Construction and Inspection
15.04.709.110  Completion of Improvements
15.04.709.120  Acceptance of Improvements
15.04.709.130  Maintenance of Private Improvements

15.04.709.010  Purpose
The purpose of this Article is to establish the required types, procedures, and processes for improvements that may be imposed as a condition for approval of a subdivision.

15.04.709.020  General Requirements
The subdivider shall construct all required improvements, both on-site and off-site, according to standards approved by the City.

15.04.709.030  Improvements Required
A.  General. All improvements as may be required as conditions of approval of a tentative map or City ordinance, together with, but not limited to the following shall be required of all subdivisions.
   1. Requirements for construction of on-site and off-site improvements for subdivisions of four or fewer parcels shall be noted on the parcel map, or waiver of parcel map or the subdivision improvement agreement recorded prior to or concurrent with the parcel map.
   2. As a condition of approval of a tentative map, there may be imposed a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, number or length for the benefit of property not within the subdivision and that those improvements be dedicated to the public, subject to the provisions of Sections 66485-66489 of the Subdivision Map Act.
   3. The improvements shall be constructed to the satisfaction of the Director of Public Works in accordance with the approved improvement plans and
specifications and at the expense of the subdivider. Construction of improvements shall not begin until the final map or parcel map has been filed with the County Recorder; however, work under grading permits or watercourse permits may be initiated prior to such filing at the discretion of the Director of Public Works.

B. **Frontage Improvements.** The frontage of each lot shall be improved to its ultimate adopted geometric section, including street structural section, curbs, sidewalks, driveway approaches and transitions.

C. **Pedestrian Ways.**
   1. Pedestrian ways 10 feet or more in width may be required:
      a. Through the middle of blocks that are more than 1,000 feet in length;
      b. To connect culs-de-sac;
      c. To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or
      d. To provide access to bikeways or trails shown on the General Plan, the City of Richmond Bicycle Master Plan, any adopted specific plan, and City of Richmond Pedestrian Plan.
   2. The subdivider shall install paving, landscaping, and fences as, approved by the Planning Commission unless otherwise waived.

D. **Bikeways.**
   1. Bikeways shall be required as may be required by the Director of Public Works and Zoning Administrator in all locations shown on the General Plan and any adopted specific plan and the City of Richmond Bicycle Master Plan, or as approved by the Planning Commission and City Council.
   2. Widths shall be as established by the City of Richmond Bicycle Master Plan and are subject to approval by the Director of Public Works and Zoning Administrator.
   3. Appropriate signs as may be required by the Director of Public Works shall be furnished and installed by the subdivider.

E. **Trails.**
   1. Trail improvements shall be provided and graded out as may be required by the Director of Public Works and Zoning Administrator in all locations shown in the General Plan and any adopted specific plan, or as approved by the Planning Commission and City Council.
   2. Improvements (e.g., fencing, signs, etc.) shall be provided as necessary for the public health, safety, and general welfare.
F. **Street Trees.**

1. The subdivider shall be required to plant street trees at 30 feet on center along all public and private streets within and/or bordering a residential subdivision and 50 feet on center within a commercial, mixed-use or industrial subdivision. The minimum caliper shall be 1 1/2 inches or a minimum 15-gallon size.

2. The trees shall be of a species and size that are approved by the Director of Public Works in accordance with the General Plan, any applicable specific plan, the Zoning Ordinance and applicable Design Guidelines for each particular street.

3. The exact location, species, and size of trees approved to be installed shall be shown on the improvement and landscape plans.

G. **Storm Drainage.** Storm water runoff from the subdivision shall be managed on-site or collected and conveyed by an approved storm drain system. The storm drain system shall be designed for ultimate development of the watershed. The storm drain system shall provide for the protection of abutting and off-site properties that would be adversely affected by any increase in runoff attributed to the development. Off-site storm drain improvements may be required to satisfy this requirement.

H. **Sanitary Sewers.** Each unit or lot within the subdivision shall be served by the City's sewer collection system as required by the Municipal Code, unless an individual system is permitted thereunder.

I. **Water Supply.** Each unit or lot within the subdivision shall be served by an approved domestic water system.

J. **Utilities.** Each unit or lot within the subdivision shall be served by gas (if required), electric, telephone/internet, and cable television facilities. All utility distribution facilities (including but not limited to electric, video service, communication, and cable television lines) installed in and for the purpose of supplying service to any subdivision shall be placed underground in accordance with the utility's rules and regulations on file with the California Public Utilities Commission and also pursuant to the Municipal Code. Equipment appurtenant to underground facilities, such as transformers, streetlight poles, pedestal-mounted terminal boxes, and meter cabinets and concealed ducts, may be installed above the surface of the ground.

K. **Fire Hydrants.**

1. Subdividers shall install fire hydrants, gated connections, and appurtenances as required by the Richmond Fire Chief. Such hydrants, connections, and appurtenances shall be shown on the improvement plans.

2. The plans shall be reviewed and approved by the Fire Department.

3. The inspection and approval of fire hydrants, gated connections, and appurtenances, as herein required, shall be by the Richmond Fire Chief.
L. **Walls and Fences.** Along any street where lots front on one street, but back up to another street, or where no vehicular access is allowed, a decorative masonry wall at least six feet in height, as measured from the adjacent finished grade, shall be provided. The design and material of said wall shall be reviewed and approved by the Design Review Board. The setback of such fencing from the right-of-way line may be varied, but shall average of five feet, except that a lesser average setback may be allowed by the Design Review Board where a monolithic sidewalk is to be developed. All unpaved areas shall be landscaped, and a funding mechanism, such as a homeowners’ association, shall be created, and recordation of an agreement with the City will be required, to ensure maintenance of all landscaping and fencing.

M. **Off-Site Improvements.** If the subdivider is required to construct off-site improvements on land in which neither the City or the subdivider have sufficient title or interest to allow construction, the City shall, within 120 days of recording the final map, acquire by negotiation or commence condemnation of the land. If the City fails to meet the 120-day time limit for these actions, the condition for the construction shall be waived. Prior to approval of the final map, the City may require the subdivider to enter into an agreement to complete the off-site improvements at the time the City acquires title or interest in the land. The subdivider shall pay the cost of acquiring off-site land or an interest in the land required to construct the off-site improvements.

15.04.709.040 **Improvement Plans—Form**

Improvement plans shall be prepared under the direction of a California-registered civil engineer licensed by the State of California and conform to City requirements. The plans shall be submitted to the Director of Public Works for approval and must be approved before a final map or a parcel map may be filed.

15.04.709.050 **Improvement Plans—Content**

Improvement plans shall contain the following information:

A. Each sheet shall have a title, which shall consist of the subdivision number and a statement of what is shown on the sheet.

B. On the title sheet shall appear the title, a vicinity map showing the location of the subdivision in relation to major arteries and landmarks, an index of sheets, a key diagram showing what streets and sewers are shown on the various sheets, and a block for the signature of the Director of Public Works. In addition, the registered civil engineer preparing the plans shall certify that the plans have been prepared in conformance with the soils report. A certificate of approval by a sanitary district of any of the improvements of concern to said district shall appear on the title sheet. A certificate of approval by the Richmond Fire Chief and the fire chief of any fire district concerned with the improvements shall appear on the title sheet.

C. Each sheet shall be dated, shall be signed and stamped by a registered civil engineer in the State of California, shall have the appropriate scales prominently displayed,
shall refer to the elevation datum used, and shall have north arrows where appropriate.

D. The particular number of each sheet and the total number of sheets comprising the plans shall be stated on each sheet.

E. The plans shall show the plans, profiles and details for all street work, drainage channels and structures, and sewer facilities.

F. The plans shall show the plans and profiles of all public utility main-line installations, including but not limited to water mains, electric, telephone and television conduits, and gas mains. The location of all utility boxes, manholes and related facilities must be shown.

G. The plans shall show the location of electroliers and the location and depth of all street lighting conduit, the location of all fire hydrants, and the location of all street trees.

H. The plans shall show the plans and profiles of all other public-related improvements required to be installed as directed by the Director of Public Works.

I. The plans shall show the plan and profile of all existing improvements to remain in the subdivision.

15.04.709.060 Accompanying Data Required

Improvement plans shall be accompanied by the following:

A. **Grading Permit.** A grading permit must be obtained pursuant to Ordinance 12.44 of the Municipal Code for all grading in the subdivision.

B. **Watercourse Permit.** A watercourse permit must be obtained when required under Ordinance 12.08 of the Municipal Code.

C. **Drainage Calculations.** The subdivider or his representative shall submit any data, including profiles, contours, design calculations, or other information required by the Director of Public Works to ensure the design standards for drainage facilities are complied with.

D. **Specifications.** The subdivider or his representative shall submit specifications for all work shown on the improvement plans. Improvement work shall be constructed in conformance with the publication of the Southern California Ordinance of the American Public Works Association, et al., known as "Standard Specifications for Public Works Construction," as amended, and with any supplemental special conditions to be approved by the Director of Public Works.

E. **Improvement Plan Checking Fee.** The required fee shall accompany the improvement plans when they are submitted for checking.

F. **Improvement Estimate.** The subdivider or his representative shall submit an estimate of cost of improvements within public rights-of-way, easements, and common areas.
G. **Other Data.** The subdivider or his representative shall submit any other data that may be required by the Director of Public Works to support the design of improvements shown on the improvement plans.

15.04.709.070 **Surveys and Monuments**

A. **Traverse.** Exterior boundary traverses, based upon field measurements of the ground, must close within a limit of one foot to 10,000 feet of perimeter.

B. **Computer Calculations.** Computer calculations must be submitted showing that all linear, angular and radial data for lines shown on maps close and are mathematically compatible.

C. **Bearing Ties.** Ties to the California Coordinate System, Zone 3, shall be to second-order accuracy using primary horizontal control monuments approved by the Director of Public Works. Ties to other bases of bearings must have the approval of the Director of Public Works.

D. **Boundary Monuments.** Monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, points of tangency, and at intervals not to exceed 500 feet along the subdivision boundary. The monuments shall be galvanized iron pipes of at least one inch inside diameter and not less than 30 inches long. They shall be filled with cement mortar and shall be marked with a metal tag giving the license number of the engineer or surveyor setting the monuments.

E. **Street Monuments.** Monuments shall be set on all street centerlines or approved monument lines at angle points, points of tangency, street centerline or monument-line intersections, and at intersections with the subdivision boundary. The monument shall consist of a bronze pin set in concrete below a cast-iron frame and cover. Monuments shall conform to the details shown on city standard plans on file in the Department of Public Works.

F. **Bench Marks.** Accurate elevations shall be established for each street monument set based upon the National Geodetic Vertical Datum of 1929.

G. **Lot Corner Hubs.** Corners and points of tangency in lot lines of all lots in a subdivision shall be marked by a tack in a two-inch by two-inch redwood hub. Cross marks on the sidewalk or curb may be substituted for front line hubs.

15.04.709.080 **Improvement Agreement**

A. **When Required.** If at the time of approval of the final map by the City Council or the parcel map by the Director of Public Works any public improvements required by the City pursuant to the Subdivision Map Act or this Ordinance have not been completed and accepted in accordance with the applicable standards established by this Ordinance, the subdivider shall be required to enter into one of the following Improvement Agreements:

1. An agreement with the City upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense; or
2. An agreement with the City to:
   a. Initiate and consummate proceedings under an appropriate special assessment act for the financing and completion of all such improvements, or
   b. If not completed under such special assessment act, to complete such improvements at the subdivider's expense.

B. Contents. The Improvement Agreement shall be approved as to form by the City Attorney. The Improvement Agreement shall contain as a minimum the following provisions, where applicable:

1. The subdivider or his representative shall construct all required improvements at the subdivider's expense in accordance with the approved improvement plans and specifications therefor.

2. The subdivider or his representative shall complete construction of required improvements within a period of two years from the date of the agreement.

3. If the subdivider or his representative fails to complete the work within two years or any extension of time granted by the City Council, the City Council may, at its option, complete the required improvements and the subdivider and/or his surety shall be firmly bound under a continuing obligation for payment of the full cost and expense incurred or expended by the City in completing the work.

4. The subdivider or his representative shall reimburse the City for engineering and inspection services. Fees for engineering and inspection services shall be as established by resolution of the City Council.

5. The subdivider or his representative shall submit one set of acceptable reproducible "as-built" drawings, certified as such by the subdivider's engineer.

6. The subdivider or his representative shall submit a letter signed by the subdivider's soils engineer stating that the improvements were constructed in conformance with the approved improvement plans, grading plans and soils report.

7. The subdivider or his representative shall set all required monuments and corner stakes. A street monument list shall be submitted after the monuments have been installed and shall include the elevation and coordinates of each monument.

8. If required by the City, the subdivider shall arrange for the maintenance of all improvements not to be maintained by the City.

9. The subdivider shall furnish the City with the required improvement security.

10. The subdivider shall furnish the City with the required security for guaranteeing the improvement work.
C. **Extension.** If the subdivider wishes to extend the time of construction, he shall apply in writing to the Director of Public Works. Any extension of time shall be for a maximum of one year and shall be approved by the City Council.

D. **Action.** After approval by the City Attorney, the improvement agreement shall be signed and acknowledged by the subdivider. The agreement shall be considered by the City Council at the same time as the final map or prior to the approval of the parcel map by the Director of Public Works.

15.04.709.090  **Improvement Security**

A. **Required.** The subdivider shall secure any acts agreed to be performed in the Improvement Agreement in accordance with Section 66499 of the Subdivision Map Act.

B. **Form of Security.** The form of security shall be one or the combination of the following at the option and subject to the approval of the City:

1. Bond or bonds by one or more duly authorized corporate sureties. The form of the bond or bonds shall be in accordance with Section 66499.1 and 66499.2 of the Subdivision Map Act.

2. A deposit, either with the city or a responsible escrow agent or trust company, at the option of the city, of money or negotiable bonds of the kind approved for securing deposits of public moneys.

3. An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.

C. **Amount of Security.** A performance bond or security in the amount of one hundred percent of the estimated cost of the performance of the acts set forth in the improvement agreement shall be required. In addition, a payment bond for the security of laborers and materialmen or security in the amount of 50 percent of the estimated cost of the performance of the acts set forth in the improvement agreement shall be required. The estimated cost referred to in this subsection shall be approved by the Director of Public Works and shall include ten percent of the total cost for contingencies.

D. **Special Assessment Proceedings.** If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, the City at its option may, upon the furnishing by the contractor of the faithful performance and labor and material bonds required by the special assessment act being used, reduce the improvement security of the subdivider by an amount corresponding to the amount of such bonds so furnished by the contractor.

E. **Guarantee.** Security shall be required in the amount of 15 percent of the estimated cost of the secured improvements or $500, whichever is greater, for the guarantee and warranty of the work for a period of one year following the completion and final
acceptance thereof against any defective work or labor done, or defective materials furnished.

F.  **Release.**

1. **Performance Security.** Security given for faithful performance of any act or agreement may be released upon the performance of the act or final completion and acceptance of the required work by the Director of Public Works. The Director of Public Works may authorize in writing the release of a portion of the security in conjunction with the acceptance of the satisfactory completion of a part of the improvements as the work progresses upon application by the subdivider.

2. **Payment Security.** Security securing the payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment may, six months after the performance of the act or the completion and acceptance of the work, be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the City Council, and if no such actions have been filed, the security may be released in full.

Such release shall not apply to any required guarantee and warranty period nor to the amount of the security deemed necessary by the City for such guarantee and warranty period, nor to costs and reasonable expenses and fees, including reasonable attorneys’ fees.

3. **Guarantee Security.** The guarantee security shall be released upon satisfactory completion of the guarantee period, provided all deficiencies appearing on the final deficiency list for the subdivision have been corrected.

15.04.709.100  **Construction and Inspection**

The construction methods and materials for all improvements shall conform to the Standard Improvement Specifications established by the Director of Public Works. Construction shall not commence until required improvement plans have been approved by the Director of Public Works.

15.04.709.110  **Completion of Improvements**

The subdivider shall complete the subdivision improvements within 12 months, or at a time approved by the Director of Public Works Director, not to exceed 24 months, from the recording of the final map, unless an extension is granted by the City Council. If the subdivider fails to complete the improvements within the specified time, the City may, by resolution of the Council and at its option, cause any or all uncompleted improvements to be completed and the parties executing the surety or sureties shall be firmly bound for the payment of all necessary costs.
15.04.709.120  Acceptance of Improvements

A.  **Procedure.** Upon completion of the improvements required by the provisions of this Article, the subdivider or his authorized agent shall file a complete set of “as built” improvement plans with the Director of Public Works. Such “as built” plans shall be drawn on copies of the original tracings and be certified as to accuracy and completeness by the subdivider’s licensed contractor or engineer. Upon the receipt and acceptance of such “as built” plans, the Director of Public Works shall recommend to the City Council the formal acceptance of the improvements by the City.

B.  **Recordation of Acceptance.** If the subdivision has been accepted by the City and public improvements have been dedicated on the final map, the City Clerk shall file an Acceptance of Public Improvements with the County Recorder. The Director of Public Works shall file the acceptance of dedications on maps for four of fewer lots with the County Recorder. Acceptance of the improvements shall imply only that the improvements have been completed satisfactorily and that public improvements have been accepted for public use.

C.  **Acceptance of a Portion of the Improvements.** When requested by the subdivider in writing, the City may consider acceptance of a portion of the improvements as recommended by the Director of Public Works. The improvements will be accepted by the City only if it finds that it is in the public interest and such improvements are for the use of the general public. Acceptance of a portion of the improvements shall not relieve the subdivider from any other requirements imposed by this section.

15.04.709.130  Maintenance of Private Improvements

In the case of improvements that the City does not accept for maintenance, the subdivider may be required to arrange for the maintenance, control and management of such improvements in a manner acceptable to the Director of Public Works. If the maintenance, control, and management of such improvements is to be accomplished by a homeowner's association, the following apply:

A.  A homeowner's association must be established as a nonprofit association governed by a declaration of protective restrictions, conditions, covenants and charges made by the subdivider. One of the purposes of the homeowner's association must be to provide reasonable rules and regulations to enforce the covenants and restrictions and to keep, control, and maintain the common properties within the subdivision. The association also must provide for an assessment procedure to assure the necessary funds for the implementation of its purposes. The homeowner's association shall enter into an agreement with the City respecting the maintenance of the common properties.

B.  If a subdivision is to be developed in units, each unit shall be required to belong to the same homeowner's association. If adjacent areas are subdivided by the same subdivider, the subdivisions shall belong to the same homeowner's association. The creation of new homeowner's associations shall be avoided where it is feasible to annex to an existing association.
Article 15.04.710   Design Standards

Sections:

15.04.710.010   General
15.04.710.020   Lots and Blocks
15.04.710.030   Streets—Generally
15.04.710.040   Streets—Physical Section
15.04.710.050   Streets—Cross-Section
15.04.710.060   Paths
15.04.710.070   Design Standards—Private Streets
15.04.710.080   Storm Drains
15.04.710.090   Sanitary Sewers
15.04.710.100   Planting
15.04.710.110   Signs
15.04.710.120   Street Lighting
15.04.710.130   Utilities
15.04.710.140   Energy Conservation and Solar Access
15.04.710.150   Design Standards—Hillside Subdivisions

15.04.710.010   General
To ensure that proposed subdivisions reflect the best interest of the City, the design of all subdivisions and associated improvements shall conform to the standards of subdivision design of this Article

A. The size, design, character, grade, location, orientation and configuration of lots and improvements within a proposed subdivision shall be consistent with the density and uses authorized for the area by the General Plan and any applicable specific plan.

B. The density, timing or sequence of development may be restricted by considerations of safety, traffic access or circulation, the slope of the natural terrain, the physical suitability of the site, the nature or extent of existing development, the availability of public utilities, or other consideration as determined by the Director of Public Works.

15.04.710.020   Lots and Blocks
A. Building Lots. Lots created as the result of a subdivision shall be usable and buildable. No subdivision shall create lots which are impractical for improvement or use due to steepness or configuration of terrain, size, inadequate frontage, inadequate buildable area, inadequate access or other physical condition, unless such lots are approved as an exception on the tentative map or tentative parcel map, including provision for maintenance of said lots.
B. **Block Width.** Blocks shall ordinarily be of sufficient width to allow for two tiers of lots.

C. **Block Size.** Blocks shall be of sufficient size to allow adequate development for the type of use proposed. Block size shall allow for adequate parking, convenient pedestrian and vehicle circulation, and access to property.

D. **Lot Area.** Residential lots shall have a minimum area in accordance with the Zoning Ordinance.

E. **Lot Frontage.** All residential lots shall have frontage on a street. Residential lots abutting a major thoroughfare shall have frontages on a minor street or a collector street.

F. **Flag Lots.** Flag lots shall be approved only where there is no alternative design for the development of land due to topographic conditions or excessively deep parcels.

G. **Lot Lines.** Side lot lines shall be substantially normal or radial to street lines. Where slopes occur between building sites, the slope shall be made a part of the downhill lot.

H. **Building Pads.** Where building pads are being graded for the construction of buildings, the pads shall have a minimum slope of two percent toward the street. The pads shall be graded so that no water flows onto adjacent property.

15.04.710.030 **Streets—Generally**

All streets, whether public or private, shall be designed in accordance with the provisions of this Ordinance and the City of Richmond Standard Plans as approved or modified by the Director of Public Works.

A. **General Plan.** The street pattern of each proposed subdivision shall reflect the General Plan.

B. **Street Access at Subdivision Boundary.** Where street or other public rights-of-way abut a subdivision boundary, strips of land to control access to these rights-of-way may be required.

C. **Access to Thoroughfares.** Direct access rights to a thoroughfare from abutting properties shall be waived if required by the Director of Public Works. Distances between points of street access to major thoroughfares shall be as approved by the Director of Public Works.

D. **Access for Unsubdivided Land.** Where a subdivision adjoins unsubdivided land, streets in the subdivision shall ordinarily be extended to the adjacent unsubdivided land as prescribed by the Planning Commission to provide access to the unsubdivided land in the event said land is developed.

E. **Property Line Return Radius.** At street or alley intersections in residential subdivisions, the property lines shall have a 15-foot radius. In industrial subdivisions, the property lines shall have a 25-foot radius.
F. **Curvature and Alignment.** Curvature, alignment and sight distances shall conform to the current edition of the State of California, Department of Transportation "Highway Design Manual."

G. **Intersections.** All streets shall intersect as nearly as possible to right angles. The angle of intersection between two intersecting streets shall be at least 70 degrees and not more than 110 degrees. Streets at their intersection shall be straight or shall have a radius greater than 400 feet for a distance of 100 feet from their intersection. Collector or major streets at their intersection shall be straight or shall have a radius greater than 600 feet from their intersection.

H. **Intersection Grades.** At intersections, no part of the centerline of one street within 50 feet of the near curbline of the other street shall have a slope above the intersection in excess of six percent or below the intersection in excess of eight percent. The maximum grade of either street within an intersection shall be four percent.

I. **Street Names.** No street name shall be used which duplicates or may be confused with the name of any street existing in the City of Richmond, the cities of Albany, Berkeley, El Cerrito, San Pablo, or any place in Contra Costa County within five miles of the Richmond city limits.

J. **Cul-De-Sac Streets.** The length of a cul-de-sac street in a residential subdivision shall not exceed 1,000 feet nor have frontage of more than 20 lots, excluding corner lots. Secondary access for emergency vehicles only shall be provided if required by the Director of Public Works and the Fire Chief.

K. **Street Grades.** Street grades shall be one percent or greater, but not greater than fifteen percent for minor streets and ten percent for collector streets.

L. **Cut and Fill Slopes.** Excessive cut and fill slopes where necessary shall be included within the street right-of-way when required by the Director of Public Works.

### 15.04.710.040 Streets—Physical Section

A. **Curbs and Gutters.** Curbs and gutters shall be concrete, in the configuration shown on the City’s Standard Plans. Curbs shall be the same elevation at points on each side of the centerline on a line at right angles to the centerline.

B. **Sidewalks.** Sidewalks shall be at least four and one-half feet in width (four feet in industrial areas) and shall conform to the City’s Standard Plans.

C. **Driveways.** All driveways shall be concrete depressed monolithic sections extending from the face of the curb to the property line as shown on the City’s Standard Plans. Entrances to private streets shall be by standard driveway openings. A single residential driveway shall be 12 feet wide at the curb and a double residential driveway shall be 20 feet wide at the curb.

D. **Pavement.** The structural design of the roadbed shall be based on the traffic index (TI) as determined by the Director of Public Works, and the resistance value (R-value) as determined by the soils engineer. In no case shall the thickness of the
untreated base be less than six inches and in no case shall the thickness of the asphalt concrete surfacing be less than one and one-half inches.

15.04.710.050 Streets—Cross-Section

A. Street Classification. To implement the General Plan’s Place-based Circulation System and create a well-connected, multi-modal transportation system, new development will use one or more of the following types of streets to serve current and future travel needs of residents, businesses and visitors.

1. Auto Arterial. Auto Arterials are two- or four-lane roadways that serve high volumes of regional motor vehicle traffic including automobiles and trucks. These roadways prioritize vehicles; bicycle and pedestrian movements are secondary. Auto Arterials have limited intersections and curb cuts, and they serve as primary connections between destinations both within and outside of the City. Transit riders are served on these roadways. All Auto Arterials provide bicycle access; however, the higher design volumes on these roadways also require bike signage and painted arrows. On-street parking is generally not provided along Auto Arterials. Sidewalks are required on at least one side of the roadway.

2. Urban Arterial. Urban Arterials are similar in function to Auto Arterials, but different in character. They are two- or four-lane roadways that serve high volumes of regional motor vehicle traffic. However, they also provide access to adjacent neighborhoods and pedestrian-intensive commercial areas, and they better accommodate bicycle and pedestrian traffic. They provide primary connections within the City, and have frequent intersection and points of access. The roadways may include a bike lane. Urban Arterials support a pedestrian environment: they have continuous sidewalks with a minimum width of eight feet; a continuous row of street trees, and well-delineated sidewalks.

3. Mixed Use Boulevard. These roadways are located along the City’s mixed use corridors and accommodate moderate to high volumes of through-traffic within and beyond the City. They provide access to retail, commercial, and moderate- to high-intensity residential land uses while facilitating traffic to the freeway network and through the City. They are also key transit corridors. Signal preemption for transit vehicles, bus stops/shelters, and, where appropriate, bus lanes, are provided. Other travel modes, including automobiles and bicycles, are accommodated in the roadway, but if there are conflicts, transit has priority. Continuous bike lanes are required. Pedestrians in general have priority on these roadways, and particularly around major retail commercial nodes. Pedestrians are accommodated with minimum eight-foot sidewalks on both sides of the street, and amenities around bus stops (e.g. shelters, benches, lighting, etc.). There are continuous street trees and pedestrian-scale lighting, as well as well-delineated crosswalks, curb ramps, pedestrian refuges and actuated pedestrian signals where appropriate.
4. **Avenue.** Avenues function as collector streets, connecting Local Streets to Auto and Urban Arterials and Mixed Use Boulevards. Avenues have moderate to high volumes of vehicular traffic, and accommodate equally automobiles, bicycles, and pedestrians within the right-of-way. Transit use, if any, is incidental, and pedestrians are provided with continuous sidewalks on both sides of the street. On-street parking is allowed.

5. **Local Street.** Automobiles, bicycles, and pedestrians are accommodated equally in the right-of-way. Local streets accommodate low volumes of local traffic and primarily provide access to abutting property. On-street parking is provided, and through-traffic is discouraged.

B. **Correspondence with General Plan Circulation System Classifications.** The following table shows how the street classifications used for the street design standards in this Ordinance correspond to the General Plan Circulation System Classifications.

<table>
<thead>
<tr>
<th>General Plan Circulation System Classifications</th>
<th>Corresponding Street Cross-sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Street</td>
<td>Local</td>
</tr>
<tr>
<td>Neighborhood Street</td>
<td>Avenue (2 lanes; 2 + TWTL*)</td>
</tr>
<tr>
<td>Community Activity Street</td>
<td>Mixed-Use Boulevard (2-4 lanes)</td>
</tr>
<tr>
<td>Community Connector Street</td>
<td>Urban Arterial (2-4 lanes)</td>
</tr>
<tr>
<td>Regional Connector Street</td>
<td>Mixed-Use Boulevard (2-4 lanes)</td>
</tr>
<tr>
<td>Community Connector Street</td>
<td>Urban Arterial (2-4 lanes)</td>
</tr>
<tr>
<td>Urban Arterial (4-6 lanes)</td>
<td></td>
</tr>
</tbody>
</table>

*TWTL = Two-way left turn lane

C. **Street Cross-Sections and Dimensional Standards.** Street design standards, illustrated in Figure 15.04.109.050, establish typical street sections for each street type. Details include sidewalks, bike lanes, travel lanes, medians/left turn lanes (LTL), two-way left turn lanes (TWLTL), and parking areas. These street sections are intended to:

1. Provide guidance for a system of complete streets that will implement General Plan policies and the City of Richmond Pedestrian Plan.
2. Ensure that streets have appropriate facilities and dimensions to fulfill their intended function, consistent with the General Plan and the Pedestrian Plan, and to support multiple modes of travel.
3. Ensure that streets have adequate capacity, while minimizing width to create strong neighborhood character and supportive pedestrian environments.
4. Create a system of sidewalks and bikeways that promote safe walking and bicycle riding for transportation and recreation.

D. **Modification of the Standards for Specific Plans.** The street design standards may be modified by specific plans adopted by the City. In these instances, the cross-sections of
the adopted specific plans shall apply to new subdivisions in the area subject to the specific plan.

**FIGURE 15.04.710.050-D(1): STREET SECTIONS – AUTO ARTERIAL**

**Auto Arterial (4 - 6 lanes)**

**Auto Arterial (2 lanes)**

* Sidewalk where roadway is adjacent to uses and where ROW permits

* Sidewalk where roadway is adjacent to uses and where ROW permits
FIGURE 15.04.710.050-D(2): STREET SECTIONS – URBAN ARTERIAL

Urban Arterial (4 lanes)

- Sidewalk: 8'-10'
- Bike: 5'
- Travel: 11'
- Travel: 11'
- Median/LTL: 8'-14'
- Travel: 11'
- Bike: 5'
- Sidewalk: 8'-10'

Total: 64'-70'
Row: 80'-90'

Urban Arterial (2 lanes)

- Sidewalk: 8'
- Prkg: 7'
- Bike: 5'
- Travel: 11'
- Travel: 11'
- Bike: 5'
- Prkg: 7'
- Sidewalk: 8'

Total: 48'
Row: 64'
FIGURE 15.04.710.050-D(3): STREET SECTIONS —MIXED-USE BOULEVARD

Mixed-Use Boulevard (4 lanes)

sidewalk | prkg | bike | travel | travel | median/LTL | travel | travel | bike | prkg | sidewalk
9-12' | 8' | 5' | 11' | 11' | 10-14' | 11' | 11' | 5' | 8' | 9-12'

80-84'

100-108' ROW

Mixed-Use Boulevard (2 lanes)

sidewalk | prkg | bike | travel | TW/LTL | travel | bike | prkg | sidewalk
8-10' | 7-8' | 5-6' | 11' | 10-14' | 11' | 5-6' | 7-8' | 8-10'

56-64'

72-84' ROW
FIGURE 15.04.710.050-D(4): STREET SECTIONS – AVENUE

Avenue (2 lanes + TWLTL)

- Sidewalk: 5'-7'
- Parking: 7'
- Travel: 11'
- TWLTL: 10'
- Parking: 11'
- Sidewalk: 7'
- Sidewalk: 5'-7'

Total: 56'-60' ROW

Avenue (2 lanes)

- Sidewalk: 6'-10'
- Parking: 7'-8'
- Travel: 9'-12'
- Travel: 9'-12'
- Parking: 7'-8'
- Sidewalk: 6'-10'

Total: 44'-60' ROW
FIGURE 15.04.710.050-D(5): STREET SECTIONS – LOCAL

![Diagram of street sections]

E. Modifications of the Standard Streets for In-Fill Developments. It is recognized that standard streets may not be directly applicable to infill development. In these instances, the Director of Public Works may approve modifications to the street standards when applied to in-fill projects to fit a particular situation. Examples of reasons for modification of the standards include the need to match existing improvements, to promote high residential density in the medium- and high-density and intensity zones, to ensure a safe and appropriate design and/or to accommodate physical design constraints. When determining whether a standard or non-standard street design is appropriate for an in-fill project, a case-by-case evaluation of each location will be used to determine the appropriate street design. In all cases, proper engineering judgment and practices must be applied to the design of the street.

1. Determination of the appropriate street improvements for a particular project shall be made by the Director of Public Works;
2. In general, the modified street standards will be applied to projects with more than 200 feet of street frontage and where street frontage improvements are required;
3. If the site has less than 200 feet of street frontage, required street improvements should match existing improvements on the roadway; and
4. The 200 foot length requirement may be modified if the site is on a corner, the site is on a block that does not have any other frontage improvements, there is an opportunity to adequately transition street improvements to other existing improvements, or some other similar limitations exist. If necessary to separate the sidewalk from the curb, the use of pedestrian access easement(s) outside the right-of-way or other similar modification may be used.
F. **Industrial Streets.** Industrial streets shall be used in industrial subdivisions and shall have the following minimum dimensions, unless modified by an adopted specific plan:

1. **Minor Streets.**
   a. Right-of-way width: 60 feet
   b. Curb-to-curb width: 44 feet
   c. Planting strip width: 4 feet
   d. Sidewalk width: 4 feet

2. **Collector Streets.**
   a. Right-of-way width: 96 feet
   b. Curb-to-curb width: 80 feet
   c. Planting strip width: 4 feet
   d. Sidewalk width: 4 feet

15.04.710.060 **Paths**

A. **Pedestrian Paths.** Pedestrian paths shall be provided when required by the City for public convenience or access to public facilities. Pedestrian paths shall have a hard surface as approved by the Director of Public Works of a minimum width of five feet within a minimum right-of-way width of sixteen feet. Concrete paths shall conform to the City's Standard Plan for sidewalks.

B. **Stairways.** Where the grade of a pedestrian path exceeds 15 percent, groups of concrete steps shall be placed at appropriate locations in the path. The portion of a path above steps shall slope away from the steps for a minimum distance of 20 feet. A handrail shall be provided for lengths of five or more steps.

C. **Bicycle Paths.** Bicycle paths shall consist of asphalt or concrete surfacing with a minimum width of ten feet and a minimum thickness of one and one-half inches within a minimum right-of-way of 16 feet. The maximum grade of a bicycle path shall be ten percent. Design of bicycle paths shall be approved by the Director of Public Works.

15.04.710.070 **Design Standards—Private Streets**

A. **When Allowed.** Private streets may be allowed upon approval of the Director of Public Works. Private streets serving more than six dwelling units may not be allowed in single-family residential areas. Driveways serving two or more properties shall be considered private streets.

B. **Design.** Private streets shall be designed to the same standards as public streets. Private streets serving three or fewer dwelling units shall be designed in accordance with the requirements of the Director of Public Works. Entrances to private streets shall be by standard driveway openings.
C. **Maintenance.** The subdivider shall arrange for permanent maintenance of private streets in accordance with this Ordinance.

**15.04.710.080 Storm Drains**

A. **Runoff Design.** Stormwater runoff from the subdivision shall be managed on-site or collected and conveyed by a storm drain system approved by the Director of Public Works. Maximum runoff shall be computed using the rational method. The rainfall intensity duration curve, contained in the Richmond Storm Drainage Report of 1954, as updated or supplemented by more recent information, and "C" values approved by the Director of Public Works shall be used in the computation. Runoff design shall accommodate the full and anticipated future development within the drainage area. In cases where the drainage areas are undeveloped, fully improved conditions shall be determined by the designation of the area on the General Plan and the zoning of the area. The storm drain system shall provide for the protection of abutting properties that would be adversely affected by any increase in runoff attributed to the development, for which off-site storm drain improvements may be required.

B. **Capacity of Channels and Conduits.** Drainage channels and conduits shall have the following minimum capacities:

1. **Major Drainage Channels.** Major drainage channels and conduits shall have sufficient capacity to contain a fifty-year frequency of occurrence runoff.

2. **Secondary Drainage Channels.** Secondary drainage channels and conduits shall have sufficient capacity to contain a twenty-five-year frequency of occurrence runoff.

3. **Minor Drainage Channels.** Minor drainage channels, conduits and appurtenant facilities shall have sufficient capacity to contain a ten-year frequency of occurrence runoff.

C. **Closed Conduit System.** Stormwater shall be placed in conduits when the gutter now comes within an inch of the top of the curb or when the flow encroaches on the travelled portion of the street. Open flow shall not be allowed across a street. Stormwater in natural or artificial drainage channels shall be placed in closed conduits where the quantity does not exceed eighty cubic feet per second, except that the Zoning Administrator may recommend that an existing natural watercourse, endowed with significant natural beauty in the form of trees, shrubs or scenic attraction, may be utilized for an open drainage facility with such drainage improvements as may be designated by the Director of Public Works when such areas are dedicated for public use.

D. **Conduit.** The minimum conduit size shall be 12 inches. In general, all storm drain conduit shall be standard strength reinforced concrete pipe. All storm sewers shall have a minimum invert grade not less than that which will provide a minimum velocity of two and one-half feet per second for the design flow. Radii of curves in
conduit must be approved by the Director of Public Works and shall not be less than those recommended by the pipe manufacturer.

E. Manholes. A standard manhole shall be constructed at all changes in horizontal or vertical alignment and at least one manhole shall be constructed every eight hundred feet on straight runs of pipe. A standard manhole shall be constructed at all pipe intersections.

F. Inlet Structures. Standard inlet structures shall be constructed at each pickup point in the system. Inlets shall be as shown on the city standard plans and as directed by the Director of Public Works. No more than two inlets shall be on any one lateral line. The maximum difference between gutter inlet elevation and pipe outlet flow-line elevation shall be five feet.

G. V-Ditches. Standard v-ditches shall intercept runoff from slopes. The city shall not accept maintenance of v-ditches. Design flow in v-ditches shall be at least one inch below the top of the ditch. Pickup points in v-ditches shall be at locations approved by the Director of Public Works.

H. Tidal Action. Drainage structures shall account for tidal action, where applicable, and drainage shall be accomplished by gravity without surcharge in catchbasins or manholes except by design.

I. Minimum Curb Elevation. The minimum top of curb elevation shall be 7.83 feet.

15.04.710.090 Sanitary Sewers

The City’s Sewer Standards apply and are hereby incorporated by reference. All sanitary sewer design shall conform to the standards of the California Plumbing Code, the American Society for Testing and Materials (ASTM), American Water Works Association, California Department of Health Services, and the City and/or Sewer District Standard Specifications. In the event of a conflict among the criteria in these documents, the City Manager shall determine which document governs.

A. Sewer Districts. All sewers shall be in accordance with the provisions of this section and the regulations of the sewer district within which the sewer is located. In case of conflict between these provisions and the sewer district regulations, the more stringent regulation shall govern.

B. Sewer Service. Each building site within the subdivision shall be provided with sewer service from an approved sewer system.

C. Pipe Size. All sanitary sewer mains shall be at least eight inches in diameter and all sewer laterals shall be at least four inches in diameter.

D. Slope. All sanitary sewer mains shall have a minimum invert grade not less than that which will provide a minimum velocity of two feet per second at the design flow.

E. Cover. All sanitary sewer mains shall have a minimum cover of three feet measured from the surface of the pavement.
15.04.710.100 Planting
A. **Roadway Planting.** Planting bordering public ways shall be as directed by the Director of Public Works.
B. **Existing Trees.** Existing trees shall be preserved whenever such trees are suitably located, healthy, and of a desirable variety. The Director of Public Works shall make an inspection of existing trees to determine the health and desirability of species; his/her determination shall be final.
C. **Slope Planting.** All cut and fill slopes shall be planted as directed by the Director of Public Works and the Director of Public Works.
D. **Landscaping.** Landscaping of public and private land shall be as directed by the Director of Public Works.

15.04.710.110 Signs
A. **Street Name Signs.** Street name signs shall be installed by the subdivider or his representative at all intersections of streets and named paths, and shall be conspicuous to pedestrian and vehicular traffic in all directions. The post shall be installed two feet from the curb face or at such other location that will not block pedestrian use of the sidewalk. Street name signs shall conform to the City Standard Plans. Private street signs may be of a different type if approved by the Director of Public Works. A "Private Street" sign shall be placed on each private street.
B. **Warning and Regulatory Signs.** The subdivider or his representative shall install all necessary traffic and warning signs as determined by the Director of Public Works at locations specified by the Director of Public Works. Such signs shall conform to the current Sign Chart of the state of California, Department of Transportation. All signs shall be installed at the expense of the subdivider.
C. **Pavement Markings.** The subdivider or his representative shall install all necessary pavement markings as determined by the Director of Public Works. Pavement markers shall be installed on all collector streets and arterials as specified by the Director of Public Works.

15.04.710.120 Street Lighting
A. **Lighting Required.** Adequate lighting shall be provided in all subdivisions along all streets, paths, bicycle ways, private streets, and other pedestrian or vehicular ways.
B. **Materials.** Street lighting standards shall be as shown on the city Standard Plans. Path lighting standards shall be as approved by the Director of Public Works. Either a pull box or a street lighting standard with a handhole shall be placed at all sharp bends in the conduit or every 200 feet on straight runs of conduit.
C. **Illumination Intensity.** Spacing of street lighting standards shall be approved by the Director of Public Works. Size of luminaires and length of mast arms shall be as shown on the city standard plans. The minimum average illumination as determined by the Director of Public Works shall be 1.0 foot-candle for major arterials, 0.6 foot-
candle for collector streets, 0.4 foot-candle for minor streets, and 0.2 foot-candle for paths.

15.04.710.130 Utilities

A. **Service to Lot Line.** Services from public utilities and sanitary sewers shall be made available for each lot in such manner that the street pavement, curb and gutter will not have to be disturbed when service connections are made.

B. **Underground Electrical Service.** Communication and electric facilities installed in and for the purpose of serving the subdivision shall be placed underground in streets, alleys, highways, or in easements provided by the subdividers, as determined by the Director of Public Works. At the time of the filing of the final map or parcel map, the subdivision shall automatically become an underground utility district and shall conform to the requirements of Chapter 12.48 of the Richmond Municipal Code. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts, may be installed aboveground. The subdivider shall be responsible for compliance with this requirement, shall make the necessary arrangements with the utility companies, and shall submit satisfactory evidence thereof prior to the approval of the improvement plans.

C. **Electrical Utilities in Industrial Subdivisions.** In subdivisions which are zoned for general industrial use communication and electrical facilities may be installed overhead. Such overhead facilities and their associated poles and appurtenances shall be placed upon easements at the rear of lots or along lot lines, and shall not be permitted in the street right-of-way nor in front of lots abutting the street right-of-way.

D. **Water Distribution System.** Subdivisions shall be provided with a water system with mains of sufficient size and having a sufficient number of outlets to furnish an adequate water supply to each lot of the subdivision in accordance with the standards of the utility serving the area and with sufficient fire hydrants, gated connections and appurtenances to provide adequate fire protection in accordance with the standards of the fire department of the City and of the fire district in which the subdivision is located.

15.04.710.140 Energy Conservation and Solar Access

A. A subdivision for which a tentative map is required shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.

B. Examples of passive or natural cooling opportunities include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.
C. Consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and such provision shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure.

D. The requirements of this section do not apply to condominium projects that consist of the subdivision of airspace in an existing building when no new structures are added.

E. For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

15.04.710.150 Design Standards—Hillside Subdivisions

A. Designation as a Hillside Subdivision. Any hill area which is proposed to be developed in substantial compliance with the policies set out in Resolution No. 8620, adopted by the City Council on April 19, 1965, and any amendments thereto, may be designated a hillside subdivision by the Director. Hillside subdivisions shall be designed in accordance with the standards of this section; said standards shall take precedence over conflicting standards elsewhere in this Ordinance. The standards and requirements of this section are enacted for the purpose of preserving, enhancing and promoting the existing and future appearance and resources of hill areas, and for protecting the public safety in the development of hill areas.

B. Grading. A preliminary grading plan, signed by the registered civil engineer who prepared the soil investigation and geological reconnaissance report, shall be submitted as a part of all tentative maps and tentative parcel maps. All grading shall be shaped to complement the natural land forms. The successive padding or terracing of building sites in the hills shall be avoided.

C. Erosion Control. All manufactured slopes, other than those constructed in rock, shall be planted or otherwise protected from erosion and shall be benched or terraced as necessary to provide for adequate stability. Irrigation facilities shall be required where necessary to provide for proper maintenance of planted areas. Irrigation facilities and erosion control planting as recommended by the soils engineer and approved by the Director of Public Works shall be installed as soon as possible after grading. Manufactured slopes in rock shall be provided with soil pockets to contain landscaping where appropriate.

D. Slope Maintenance. The city will not accept maintenance of slopes except those within a public street right-of-way.

E. Street Intersections. The angle of intersection of two streets shall be at least sixty degrees and not more than one hundred twenty degrees.

F. Street Grades. Collector streets may have a maximum grade of 15 percent for short distances, subject to the approval of the Director of Public Works. Minor streets may have a maximum grade of 20 percent for short distances, subject to the approval of the Director of Public Works. All lots having vehicular access exclusively on streets
with grades greater than 15 percent shall be subject to the approval of the Director of Public Works and the Fire Chief.

G. **Sidewalks.** Sidewalks may be omitted from one side of minor or collector streets if approved by the Director of Public Works. Where sidewalks are omitted, there shall be a minimum of five feet from the curb face to the property line, and the right-of-way widths may be reduced accordingly.

H. **Parking.** Parking may be eliminated on one or both sides of a street, subject to the approval of the Director of Public Works, where existing topography renders development adjacent to the street impractical, where the street serves solely as an access road, or where an adequate number of off-street parking spaces are provided on each lot adjacent to the street. One-lane one-way streets or two-lane two-way streets without parking lanes shall be provided with emergency parking stalls adequate for at least two vehicles. Emergency parking stalls shall be provided for every 500 feet of roadway without parking lanes, and the stalls shall be a maximum of 600 feet apart.

I. **Driveways.** Driveways on streets with a grade greater than 15 percent or on streets with no parking lanes shall be subject to the approval of the Director of Public Works.
Article 15.04.711  Common Interest Development

Sections:
15.04.711.010  Standards for New Residential Condominiums
15.04.711.020  Condominium, Community Apartment, and Stock Cooperative Conversion Regulations

15.04.711.010  Standards for New Residential Condominiums

A.  Purpose. The purpose of this section is to establish development and design standards, procedures and required findings for new condominiums, stock cooperatives, community apartments, or any other subdivision of community owned property to prevent problems inherent in community ownership that might be detrimental to the health, safety, and welfare of residents of such projects and the community at large. More specifically, the purposes of this section are to:

1.  Ensure that new condominiums meet sound construction criteria required under state and local regulations, that reasonable amenities are provided to condominium residents, and that the character of condominium projects is compatible with nearby structures;

2.  Promote the creation of condominium projects to provide a reasonable balance of rental and ownership housing in Richmond and meet the variety of housing needs for all income groups in the city; and

3.  Protect the interest of condominium homeowners under the special conditions created by condominiums by ensuring adequate provision for long-term management.

B.  Development Standards. In addition to the development standards established in the Zoning Ordinance, the following development standards apply to common interest developments:

1.  Laundry Facilities. All units shall be equipped with space and outlets for washers and dryers.

2.  Open Space. Total usable open space in a common interest development having three or more dwelling units shall be at least 200 square feet per dwelling unit. This requirement shall be met by providing Private Open Space, Common Open Space, or a combination of the two.

3.  Private Open Space. Private Open Space must be located within the project, directly accessible from one unit, and separate and distinct from Common Open Space.

   a.  Qualifying Facilities. Private Open Space may include but not necessarily be limited to decks, balconies, porches, patios and enclosed yards.
a. **Standards.** Private Open Space must have minimum dimensions no less than six feet when a horizontal rectangle is inscribed within it; have at least two weatherproofed electrical outlets; and be at approximately the same level as, and immediately accessible from, a room within the unit.

4. **Common Open Space.** Common Open Space must be located within the project, and accessible to all dwelling units that it is designed to serve. Common Open Space may not include driveways and parking areas. It must be located at least 15 feet from any door or window of any dwelling unit.

a. **Permitted Accessory Structures.** Accessory structures within Common Open Space may include but are not limited to benches, tables and BBQ structures.

b. **Standards.** Common Open Space must be designed for the leisure use by all residents; have minimum dimensions of no less than 10 feet when a horizontal rectangle is inscribed within it; and be open to the sky.

5. **Recreational Open Space.**

b. **Requirement.** In addition to the Private and Common Open Space requirements above, a project of 25 units or more shall provide at least one element of Recreational Open Space. For projects of 100 or more units, a multi-purpose or recreation room shall be provided.

c. **Location and Access.** Recreational Open Space must be located within the project, and accessible to all units of the project. Any Recreational Open Space element must be located at least 15 feet from any door or window of a dwelling unit.

d. **Qualifying Facilities.** Recreational Open Space must be designed for active use by all residents, and may include but is not limited to game courts, recreational rooms, swimming pools, garden roofs, sauna baths, putting greens, or play lots.

6. **Modification of Open Space Requirement.** The Open Space requirements above may be modified by the Planning Commission, based on findings that a project site is physically constrained, or that the quality of life accommodated by the project will not be compromised, or that the residents will benefit from other amenities that are located in close proximity to the project site.

7. **Guest Parking.** A minimum of one on-site visitor parking space shall be provided for every three units in low density residential neighborhoods, as designated in the General Plan. The Planning Commission may waive up to five percent of the resident and guest parking ratio requirement, based upon a finding of unique circumstances of the site, location or occupancy of the
project. In no case shall requirements established in the Zoning Ordinance for assigned resident spaces be waived.

8. **Storage Space.** Each unit shall have a minimum of 200 cubic feet of Storage Space that is enclosed, weatherproofed and lockable, with no less than a horizontal surface area of 25 square feet, and an interior dimension of 3-1/2 feet. If the space is a reach-in type, it shall have an opening of 3-1/2 feet by six feet. If the space is a walk-in type, it shall have a minimum clear access opening of 2-1/2 feet by 6-2/3 feet. This Storage Space shall be in addition to guest, linen, food pantry, and clothes closets that are customarily provided in each unit. In addition, Storage Space:

   a. May be provided in any location that is safe, convenient, and unobtrusive) but shall not be divided into two or more locations; and

   b. If located within a Common Area, the Condominium Owners’ Association shall be responsible for the care and maintenance of the exterior surface of the space.

9. **Trash and Recycling Collection Areas.** Trash and recycling collection areas shall be provided within 250 feet of the units they are designed to serve, and shall comply with the Central Contra Costa Sanitary District's specifications for trash enclosures.

10. **Utilities.** All utility meters and other utility apparatus shall be concealed from public view.

11. **Budget for Maintenance.** Copy of the approved proposed budget for maintenance and operation of common facilities, plus reserves, including the estimated monthly costs to the owner of each unit, projected over a five-year period. Such budget shall be reviewed or prepared by a professional management firm familiar with costs of similar properties, or by other qualified professional, and that firm or person shall provide a statement of recommendations on the budget, together with a statement of professional qualifications.

12. **Warranties.** The developer shall provide to the Condominium Owners’ Association the following minimum warranties from the date of Final or Parcel Map approval, unless otherwise specified:

   a. **Roof and Exterior Finish.** A five-year warranty that all roofs and exterior finishes have been repaired as is necessary to ensure weatherproof conditions.

   b. **Moisture Barriers.** A five-year warranty that moisture barriers are sufficient to prevent collection of moisture on the ground under the buildings.

   c. **Paved Areas.** A five-year warranty of a useful life for all paved areas within the project.

e. *Appliances.* A one-year warranty at the close of escrow on any fixed appliances appurtenant to each unit.

f. *Condition of Equipment Owned in Common.* A one-year warranty at such time as escrow has closed on the sale of 51 percent of the units that all appliances and mechanical equipment to be owned in common are in operable working condition. The developer shall be responsible to maintain any appliances and mechanical equipment prior to the time that 51 percent of the units are sold.

g. *Reserves.* The developer shall establish the following minimum reserves prior to issuance of the first certificate of occupancy. One fund in the name of the Association shall be earmarked for long-term reserves for capital maintenance replacement, and shall be equal to two times the estimated monthly assessment for each dwelling unit. A second fund, established through cash deposit or bond, equal to $500.00 for each dwelling unit in the project, shall provide minimum security for the various warranties required by this subsection. Such fund shall be maintained for the maximum period of the warranties.

C. **Contents of the Covenants, Conditions, and Restrictions (CC&Rs).** Project covenants, codes, and restrictions (CC&Rs) shall be developed, and shall be reviewed and approved by the City Attorney and Zoning Administrator prior to approval of the Final or Parcel Map. In addition to the following provisions, the CC&Rs shall reference by incorporation the approved Conditions of Approval, and shall be recorded in conjunction with the Final or Parcel Map.

1. **Conveyance of Private Open Space.** The surface area and appurtenant air space of Private Open Space areas, including but not limited to the patio, deck, balcony, solarium, or atrium and any integral portion of that space that may exceed the minimum area requirements, shall be described and conveyed in the grant deed as an integral part of the unit.

2. **Conveyance of Storage Space.** The surface and appurtenant air space of Storage Space areas shall be described and conveyed in the declaration as an integral part of the unit.

3. **Assignment and Use of Required Parking Spaces.** Required parking spaces shall be permanently and irrevocably specifically assigned to particular units within the project. To the maximum practicable extent, the spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one unit overhang or take its access from the required parking space of another unit. All units shall be assigned at least one parking space and may rent additional spaces from the Association. All parking spaces shall be used solely for the purpose of parking motor vehicles as defined by the California Vehicle Code, and shall not be used for trailers, unmounted campers, boats, or similar recreational vehicles.
4. **Right of Public Entry to Common Area.** Officers, agents, and employees of the city, the county, the state, and the United States Government, and any department, bureau, or agency thereof, shall have the right of immediate access to all Common Areas at all times for the purpose of preserving the public health, safety, and welfare, except in those instances where a Common Area is accessible only through a private unit.

5. **Maintenance of Common Area.** Provision shall be made both for annual assessments of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies that the Association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. Assignment of the maintenance responsibilities of all improvements and utility systems for each unit shall be specified.

6. **Sharing of Water Costs.** When separate water meters are not provided for each unit, the CC&Rs shall make provisions for the equitable sharing of water costs.

7. **Utility Easements over Private Streets and Other Areas.** Required public utility easements shall be referenced and any required access routes necessary to assure that firefighting equipment can reach and operate efficiently in all areas shall be provided.

8. **Access for Construction, Maintenance, or Repairs.** Each Owner of a Condominium Unit and the Condominium Owners’ Association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the Common Area or the owners of the units in common.

9. **Right to Terminate Management and Maintenance Contracts.** Unless otherwise prohibited by law, or any local, state, or federal regulation, reference shall be made to the Association's right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three months after the Association assumes control of the project, or at that time renegotiate any such contracts.

10. **CC&R Amendments.** A statement that the CC&Rs shall not be amended, modified, or changed without first obtaining the written consent of the City.
A. **Purpose.** The purpose of this section is as follows:

1. To regulate and control the conversion of residential rental property to condominiums and other community housing;
2. To implement the goals and policies of the General Plan;
3. To implement and supplement the provisions of the state Subdivision Map Act;
4. To prohibit the conversion of residential rental property to condominiums and other community housing when, after conversion, the project will consist of fewer than five units.

B. **Conversion Defined.** "Conversion" means a proposed change in the type of ownership of a parcel or parcels of land, together with the existing attached structures, from residential rental property to a condominium project or community apartment project containing five or more units, regardless of whether substantial improvements have been made to such structures.

C. **Tenant Notifications—By Subdivider.**

1. The subdivider shall give written notice of intention to convert at least 60 days prior to the filing of a tentative map to each tenant of the property to be converted.
2. The subdivider shall give written notice, commencing at a date not less than 60 days prior to the filing of a tentative map, to each person applying after such date for rental of a unit of the property to be converted immediately prior to the acceptance of any rent or deposit from the prospective tenant by the subdivider.
3. The subdivider, if a public report is required by the California Department of Real Estate, shall give written notice to each tenant of the property to be converted, at least ten days prior to final city action on the related final map, that an application for a public report will be or has been submitted to the California Department of Real Estate, and that such report will be available on request.
4. The subdivider shall give written notice to each tenant within ten days of approval of a final map for the proposed conversion.
5. The subdivider shall give at least 180 days' written notice to each tenant of subdivider's intention to convert prior to termination of tenancy due to the proposed conversion.
6. The subdivider shall give each tenant written notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or
terms more favorable to the tenant. The right shall run for a period of not less than ninety days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, or for a similar period following final city approval of the related map, unless the tenant gives prior written notice of his or her intention not to exercise the right.

7. The written notices referred to above shall be deemed satisfied if they comply with the legal requirements of service by mail.

8. Immediately following the giving of the above notices, subdivider shall furnish the Director with evidence sufficient to demonstrate that the required notices have been properly and timely given.

D. Tenant Notification—By City.

1. The City shall give at least ten days' written notice to each tenant of the date, time, and place of any public hearing held by the Planning Commission on the tentative map or tentative parcel map.

2. The City shall serve a copy of any report or recommendation on a tentative map by the Planning Division staff on the subdivider and on each tenant of the subject property at least three days prior to any hearing or action on such map by the Planning Commission or City Council.

3. The City shall mail notice to each tenant of the subject property at least three days prior to any hearing upon an appeal filed on Planning Commission action with respect to a tentative map regarding conversion.

4. The written notices referred to above shall be deemed satisfied if they comply with the legal requirements of service by mail.

E. Tentative Map and Tentative Parcel Map Requirements. In addition to other information required by this Ordinance, and the information and notices required by this section, the tentative map or tentative parcel map application shall be accompanied with the following information:

1. A current list of the names, ages and addresses of all tenants of the property proposed to be converted. This list must be kept current and accurate at all times during the conversion process;

2. A report prepared and signed by both a California licensed general contractor and a registered civil engineer on the physical condition of the structure, or structures to be converted containing the following:
   a. Describe the condition and useful life of the roof and foundations, and the mechanical, electrical, plumbing and structural elements of all existing structures on the property,
   b. Describe and rate existing condition of insulation surrounding each unit for fire safety and noise ratings, and
c. Estimate future property maintenance costs;

3. A structural pest report prepared and signed by a licensed pest control operator, conforming to California Business and Professions Code Section 8516;

4. Five copies of accurately drawn floor plans and plot plans showing what the project will be like after conversion;

5. Any additional information which the Director of Planning and Building Services or Director of Public Works may require to determine whether the project is consistent with the goals and policies of the General Plan and this Ordinance.

F. Action on Tentative Maps and Tentative Parcel Maps. No tentative map or tentative parcel map shall be approved and no building permit shall be issued unless the appropriate approving body makes the following findings:

1. Each unit shall be provided with private open space or shall have access to common area open space areas meeting the requirements of the zoning district in which the project is located.

2. Each dwelling unit shall be separately metered for gas and electricity.

3. Each dwelling unit in a structure to be converted will, after conversion, conform to the minimum requirements of the building code of the City of Richmond and all applicable state codes in effect at the time of filing a complete application for conversion.

4. Each unit shall have at least 200 cubic feet of enclosed weatherproofed and lockable private storage space in addition to guest, linen, pantry and clothes closets customarily provided. Such space may be provided in any location approved by the Planning Division, but shall not be divided into more than two locations.

5. Either a laundry area in each unit or common laundry areas shall be provided; provided such facilities shall consist of not less than one automatic washer and dryer for each five units or fraction thereof.

6. A landscape plan, including an irrigation system, has been submitted to and approved by the city's department of recreation and parks.

7. Permanent on-site parking will be provided which meets the minimum requirements of the zoning district within which the project is located.

8. Approval of the conversion will not be inconsistent with the goals and policies of the General Plan.

9. After conversion, no access from one unit to another unit in the attic area above units will be possible.

G. Conversion Application Form and Fees. The Director of Planning and Building Services may develop a conversion application form to assist with the
implementation and administration of this section and shall charge all applicants fees therefor as set forth in a resolution adopted by the City Council.

H. **Moving Expenses and Rental Payments.**

1. Failure of the subdivider to give the required notice shall not be grounds to deny a conversion. However, if such notice is not given, the subdivider shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice, and who does not purchase his or her unit pursuant to this section, an amount equal to the sum of the following:
   a. Actual moving expenses incurred when moving from the subject property, and
   b. The first month's rent on the tenant's new rental unit, if any, immediately after moving from the subject property, but not to exceed two times the tenant's monthly rental rate immediately prior to moving.

2. The subdivider shall provide moving expense assistance to displaced rental housing tenants who are residents at the time of delivery of the notice of intent to convert, the amount of which shall not be less than two times the monthly rental rate of the unit in effect at the time of vacation of said unit.

I. **No Sales Before Project Conversion Completed.** No unit in a project may be sold until after the entire project covered by the final map has been converted and all requirements of this Article implemented or bonded in compliance with all requirements of this section and the Director of Public Works so certifies.

J. **Condominium Owner's Association and Restrictions.**

1. The subdividers shall form a condominium owner's association prior to assumption of project management by the association.

2. The covenants, conditions and restrictions (CC&R's) for the conversion project shall provide for ownership and maintenance of all project and common area improvements.

3. The subdivider must contract with a professional management firm for a period of at least one year from the date that the owners comprise the majority of the board of directors of the Association to manage the project and advise the Association.

4. Prior to approval of the final map, the subdivider shall provide the Director of Planning and Building Services with evidence of establishment of a fund in the name of the Association. Such fund shall be earmarked for long-term revenues for replacement of common area improvements and shall be equal to not less than 100 dollars for each dwelling unit or whatever higher amount may be required by the California Department of Real Estate.
5. The CC&R's shall state that discrimination against families with children is prohibited unless the entire project is exclusively established and maintained for persons sixty-two years of age and older.

K. **Warranty to Purchasers/ Condominium Owner's Association.** A warranty granting to each purchaser a one-year warranty on all appliances installed in his or her unit, and further granting to the Association and to all purchasers of individual units a five-year warranty on all structures in the project and on all electrical, heating, air conditioning, plumbing, ventilation equipment, roofing, elevators and exterior covering.

L. **Rent Increase Limitation.** Upon filing an application for conversion with the City, a tenant's residential rent shall not be raised by more than the amount of 100 percent of the change in the Consumer Price Index—rental component for the San Francisco-Oakland SMSA for the previous twelve-month period prior to filing. The rental increase limitation is cumulative within each successive twelve-month period and shall apply to subleased units.

M. **Temporary Relocation.** In the event that any tenant or renter of a unit enters into a written agreement with the subdivider to purchase their unit once it has been converted and is thereafter required to temporarily vacate or is temporarily displaced from said unit because the subdivider is renovating or effecting certain structural modifications to comply with the subdivider's plans or the City's requirements, the subdivider shall be responsible for:

1. Finding suitable temporary replacement housing for such tenant and, if the monthly rent is higher for the replacement housing than for the unit vacated, pay the difference in such monthly rent; and
2. Paying such tenant's actual moving expenses in temporarily moving from said unit and moving back into the unit when the renovation or structural modifications have been completed and approved by the city.

N. **Right to Cancel Purchase Agreement.** The subdivider shall provide a written statement granting to each purchaser of a unit the right to cancel their purchase of such unit, without cost or liability, provided they give written notice of cancellation to the subdivider within five days after they sign a purchase agreement.
Article 15.04.712  Reversions to Acreage

Sections:
15.04.712.010  Purpose
15.04.712.020  Initiation of Proceedings
15.04.712.030  Contents of Petition
15.04.712.040  Submittal of Petition to Zoning Administrator
15.04.712.050  City Council Approval
15.04.712.060  Required Findings
15.04.712.070  Conditions
15.04.712.080  Filing with County Recorder

15.04.712.010  Purpose
The purpose of this Article is to establish procedures and standards, consistent with the requirements of the Subdivision Map Act, for the reversion of previously subdivided property to acreage.

15.04.712.020  Initiation of Proceedings
Proceedings to revert subdivided property to acreage may be initiated by the City Council or by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the Zoning Administrator and shall contain information deemed necessary to comply with the requirements of the Subdivision Map Act.

15.04.712.030  Contents of Petition
The petition shall contain all of the following:

A. Evidence of title to the real property within the subdivision;
B. Evidence of the consent of all of the owners with an interest in the property;
C. Evidence that none of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later;
D. Evidence that no lots shown on the final or parcel map have been sold within five years from the date such final or parcel map was filed for record;
E. A tentative map in the form required by this Ordinance, and, if applicable, a final or parcel map in the form required by this Ordinance, which delineates dedications that will not be vacated and dedications required as a condition to reversion. Final or parcel maps shall be conspicuously designated with the title, "The Purpose of this Map is a Reversion to Acreage";
F. The required fees; and
G. Any other information the Zoning Administrator may require.

15.04.712.040 Submittal of Petition to Zoning Administrator

The final or parcel map for the reversion together with all other data as required by this Article shall be submitted to the Zoning Administrator for review. Upon finding that the petition meets all the requirements of this Ordinance and the Subdivision Map Act, the Director of Public Works shall submit the final or parcel map, together with a report and recommendations of approval or conditional approval of the reversion to acreage, to the City Council for its consideration.

15.04.712.050 City Council Approval

A public hearing shall be held by the City Council on all petitions for initiations for reversions to acreage. Notice of the public hearing shall be given as required by the Zoning Ordinance. The Zoning Administrator may give other notice that he or she deems necessary or advisable.

15.04.712.060 Required Findings

The City Council may approve a reversion to acreage only if it finds that any outstanding dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes and that:

A. All owners of an interest in the real property within the subdivision have consented to reversion; or

B. None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for recording, or within the time allowed by agreement for completion of the improvements, whichever is later; or

C. No lots shown on the final or parcel map were sold within five years from the date such map was filed for recording.

15.04.712.070 Conditions

The City Council shall require as conditions of the reversion that:

A. The owners dedicate or offer to dedicate streets, public rights-of-way or easements; and

B. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities, if necessary to accomplish any of the provisions of this Ordinance.

15.04.712.080 Filing with County Recorder

Upon approval of the reversion to acreage by the City Council, the City Clerk shall transmit the final or parcel map, together with the City Council resolution approving the reversion, to the County Recorder for recordation. Reversions shall be effective when the final or parcel map is filed with the County Recorder.
Article 15.04.713  Parcel Mergers

Sections:
15.04.713.010  Purpose
15.04.713.020  Required Mergers
15.04.713.030  Mergers Initiated by the City
15.04.713.040  Mergers Initiated by Property Owner
15.04.713.050  Unmerged Parcels

15.04.713.010  Purpose

The purpose of this Article is to establish the procedures and standards for the merger of contiguous parcels of land that were created under the provisions of the Subdivision Map Act or any prior State law regulating the division of land.

15.04.713.020  Required Mergers

Pursuant to the Subdivision Map Act and the requirements of this Ordinance, the City may initiate the merger of two or more contiguous parcels or units held by the same owner if any one of the contiguous parcels or units does not conform to the standards for minimum parcel or lot size established by the Zoning Ordinance, and if all the following requirements are satisfied:

A.  At least one of the affected parcels is undeveloped or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

B.  With respect to any affected parcel, one or more of the following conditions exists:

1.  The parcel comprises less than 5,000 square feet in area at the time of the determination of merger.

2.  The parcel was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

3.  The parcel does not meet current standards for sewage disposal and domestic water supply.

4.  The parcel does not meet slope stability standards.

5.  The parcel has no legal access that is adequate for vehicular and safety equipment access and maneuverability.

6.  Development would create health or safety hazards.
15.04.713.030 Mergers Initiated by the City

A. **Notice of Intention to Determine Merger Status.** The Planning Division shall mail, by certified mail, a notice of intention to determine the potential merger status to the current record owner of the property. The notice shall state that the affected parcels may be merged, and the owner may request a hearing on the determination of status before the Planning Commission to present evidence that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record at the office of the Contra Costa County Recorder on the same day that the notice is mailed to the property owner.

B. **Hearing on Determination of Status.** The owner of the affected property may file a written request for a hearing with the Zoning Administrator within 30 days after the recording of the notice of intention to determine status. Upon receipt of the request, the Planning Division shall set a time, date and place for a hearing and notify the owner by certified mail. The hearing shall be conducted not more than 60 days following the receipt of the owner's request, or may be postponed or continued by mutual consent of the Zoning Administrator and the property owner. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the requirements of this Ordinance.

C. **Determination of Merger.** At the conclusion of the hearing, the Planning Commission shall determine whether the affected parcels shall be merged or not and shall prepare a notice of merger and notify the owner of the determination.

1. If the Planning Commission makes a determination that the parcels are to be merged, the Director of Public Works shall record a determination of merger within 30 days of the Commission’s determination unless the owner files an appeal.

2. The determination of merger shall specify the name of the record owners and a description of the property.

3. If the City determines that the parcels shall not be merged, the Director of Public Works shall record a release of the notice of intention to determine status and shall mail a clearance letter to the owner of record.

15.04.713.040 Mergers Initiated by Property Owner

A. **Request for Determination.** Upon written application by the owner to the Director of Public Works, and payment of required fees, the Zoning Administrator and Director of Public Works shall determine whether the affected parcels shall be merged and shall notify the owner of the determination. If the Zoning Administrator and Director of Public Works determine that the parcels shall not be merged, the owner may file a written request for a hearing with the Planning Commission pursuant to the requirements of this article. If the Planning Commission determines that the parcels shall be merged, a determination of merger shall be recorded.

B. **Waiver of Right to Hearing.** If the merger of contiguous parcels or units is initiated by the record owner(s), the owner(s) may waive the right to a hearing before
the Zoning Administrator and to all notices required by this Article. Upon receipt of the waiver, the Director of Public Works shall record a notice of intention to determine status, a waiver of right of hearing and notice, and a notice of merger simultaneously.

15.04.713.050 Unmerged Parcels

A property owner may apply to the City for a determination that any parcels or units of land for which a notice of merger had not been recorded on or before January 1, 1984 are deemed not to have been merged under Section 66451.30 of the Subdivision Map Act. If the Zoning Administrator determines that the parcels meet the standards specified in Section 66451.30, the City shall issue the owner, and record with the County Recorder, a notice of the status of the parcels and a declaration that the parcels are not merged.
Article 15.04.714  Lot Line Adjustments

Sections:
15.04.714.010  Purpose
15.04.714.020  Permitted Lot Line Adjustments
15.04.714.030  Zoning Administrator’s Responsibility
15.04.714.040  Required Plans and Materials
15.04.714.050  Procedures
15.04.714.060  Determination, Notice and Appeal
15.04.714.070  Post-Approval Actions
15.04.714.080  Recording with County Recorder

15.04.714.010  Purpose
The purpose of this Article is to establish the procedures and standards for changing the boundary or boundaries between four or fewer existing adjoining parcels as provided for in the Subdivision Map Act to ensure that such adjustments are consistent with the General Plan and applicable zoning and building requirements.

A.  A lot line adjustment is an administrative approval to adjust the location of a lot line between two or more existing adjacent lots, where land taken from one lot is added to an adjacent lot, and where a greater number of lots than originally existing is not thereby created.

B.  It is the intent of this Article to allow lot line adjustments that conform to the General Plan and this Ordinance, the Zoning Ordinance, and applicable building ordinance in order to overcome practical difficulties between neighboring parcels, such as minor improvements encroachments, misaligned fences, etc., and to allow infill development that would not otherwise occur.

15.04.714.020  Permitted Lot Line Adjustments
A lot line adjustment is permitted, provided that all of the following conditions are met:

A.  The adjustment is between four or fewer parcels;
B.  No additional parcels are created;
C.  The resulting parcels comply with the provisions of this Ordinance, the Subdivision Map Act, the General Plan, any applicable specific plan, and the Zoning Ordinance, including minimum lot dimensions and minimum area;
D.  The resulting parcels do not interfere with existing utilities, infrastructure or easements;
E.  Real property taxes have been paid; and
F. The Director of Public Works and the Zoning Administrator approve the adjustment.

15.04.714.030 Zoning Administrator’s Responsibility

The Zoning Administrator shall approve or disapprove an application for a lot line adjustment based on whether or not it conforms to this Ordinance and the Zoning Ordinance. The Zoning Administrator shall impose conditions on the approval of a lot line adjustment if needed to facilitate the relocation of existing utilities, infrastructure, or easements or to achieve compliance with this Ordinance or any other applicable requirements of the Municipal Code.

15.04.714.040 Required Plans and Materials

The following plans and materials shall be submitted with an application for a lot line adjustment, provided that the Zoning Administrator may waive submission of items deemed unnecessary to determine compliance with applicable requirements of this Article.

A. Eleven copies of a fully dimensioned drawing, prepared by registered civil engineer or licensed land surveyor, and accurately drawn to a convenient architect's or engineer's scale, showing:

1. Scale of plan, north arrow, and date;
2. The engineer or surveyor's name, address, and telephone number;
3. Title: "Lot Line Adjustment Map";
4. All existing lot lines, their dimension, and bearing;
5. Proposed lot line, its dimension, and bearing—dash the lot line to be adjusted, draw solid the lot line in its proposed new location, and indicate the distance between them;
6. Legal description for all involved lots;
7. Footprints of all existing structures on the involved properties, including setback information and standards in the Zoning Ordinance, where relevant;
8. Location of all driveway and parking areas;
9. All other improvements, drainage facilities, utilities, dedications, rights-of-way, and easements;
10. Location of major trees near the affected lot line;
11. Area calculations, in square feet, of affected lots before and after the lot line adjustment.

B. A preliminary or final title report no older than three months, with legal description, verifying ownership and mortgages/trust deed holders of record.
C. Legal description of the area to be traded, or new legal descriptions of each lot and closure calculations verifying new legal descriptions.

D. A written statement of the reasons for the lot line adjustment.

**15.04.714.050 Procedures**

An application for a lot line adjustment shall be made to the Planning Division, accompanied by the required plans and materials, a filing fee in accordance with the City’s Master Fee Schedule, and a map to be retained in the City files. If required by Section 8762 of the Business and Professions Code, a record of survey shall also be submitted. Within 30 days of the receipt of an application, the Zoning Administrator may require additional information as deemed necessary to determine whether the proposed adjustments meet the requirements of this section.

A. **Action by Zoning Administrator.** Within 30 days of the receipt of a complete application, the Zoning Administrator, in consultation with the Director of Public Works, shall approve, conditionally approve, or deny the application for lot line adjustment and shall notify the owner of the determination.

B. **Required Findings.** The Zoning Administrator shall approve a lot line adjustment application if on the basis of the application, plans, and materials the Zoning Administrator finds the adjustment conforms to Section 15.04.714.020 and:

1. That the proposed lot line adjustment is in conformance with the base zoning district and any overlay zoning districts or specific plans that apply to the site;

2. That said lot line adjustment is consistent with the General Plan; and

3. That the lot line adjustment is exempt from the subdivision requirements of the Subdivision Map Act.

C. **Limitations on Conditions.** The Zoning Administrator shall not impose any conditions on the approval of a lot line adjustment except to comply with the requirements of this Ordinance on permitted lot line adjustments. Any improvements that are required to be installed or constructed shall be installed or constructed pursuant to the requirements of this Ordinance.

**15.04.714.060 Determination, Notice and Appeal**

A. The Zoning Administrator shall render the determination within 45 days of receipt of a complete application submittal.

B. Notice of the determination and information about the appeal period and procedures shall be mailed to the applicant, the owner of record of all involved lots, and adjacent property owners on the date of the decision.

C. The determination of the Zoning Administrator shall become final 15 days after the determination is rendered, unless appealed to the Planning Commission in accordance with the provisions for such appeals in this Ordinance.
15.04.714.070 Post-Approval Actions

A. When the decision becomes final, the Zoning Administrator will prepare a notice of lot line adjustment if the lot line adjustment was approved or in the case of conditional approval, the notice of lot line adjustment will be prepared when applicable approval conditions have been satisfied; the notice of lot line adjustment will be mailed to the applicant.

B. The resulting changes in ownership of the affected land must be conveyed by legal document by the involved owners within one year of the Zoning Administrator's determination, or the notice of lot line adjustment will expire.

15.04.714.080 Recording with County Recorder

The lot line adjustment shall be reflected in a deed and shall be filed for record in the Contra Costa County Clerk-Recorder’s Office, County Recorder Division.
Series 700: Land Divisions, Dedications and Improvements

Article 15.04.715 Approvals and Acceptance of Improvements; Exceptions

Sections:
15.04.715.010 Approval and Acceptance of Improvements
15.04.715.020 Exceptions

15.04.715.010 Approval and Acceptance of Improvements

A. Approval. When the required improvements in a subdivision have been completed, the subdivider shall request that the Director of Public Works approve the construction of the improvements. Prior to such approval by the Director of Public Works, the subdivider shall conform to the following regulations:

1. "As-built" Plans. The subdivider or his representative shall submit one complete set of improvement plans, grading plans, watercourse permit plans, and any other plans showing all improvements as finally constructed in paper and electronic format (e.g. computer-aided design or CAD files) as specified by the Director of Public Works. All changes from the original approved plans shall be noted. The subdivider's civil engineer and soils engineer shall certify on the plans that they are "as-built" plans.

2. Letter of Certification. The subdivider's soils engineer and civil engineer shall certify that the improvements have been constructed in conformance with the approved plans, including any changes authorized by the City and the soils report, if a report was prepared.

3. Monument List. The subdivider or his/her representative shall submit a street monument list showing the location, elevation and coordinates of each monument as set forth in this Ordinance.

4. Maintenance of Private Improvements. The subdivider or his/her representative shall submit documentation, if required, satisfactory to the Director of Public Works, that maintenance of private improvements is assured by one of the methods set forth in this Ordinance.

5. Guarantee. The subdivider shall submit a bond or cash deposit to guarantee the work as required in this Ordinance.

B. Acceptance. Following the approval of the construction of the improvements, the Director of Public Works may recommend that certain improvements be accepted for maintenance by the City. The City Council shall accept said improvements for maintenance by resolution.
15.04.715.020 Exceptions

A. Tentative Subdivision or Parcel Map. Whenever, in the opinion of the Planning Commission, the subdivision involved is of such size or shape, subject to such title limitations of record, affected by such topographic conditions, or to be devoted to such use that it is physically impossible or impractical in a particular case for the subdivider to conform fully to the regulations contained in this Ordinance, the Planning Commission may in approving a tentative map or tentative parcel map approve such exceptions from the requirements and regulations of this Ordinance as in its opinion are reasonable, necessary and in conformity with the spirit and purpose of the Subdivision Map Act, the Richmond General Plan, and of this Ordinance.

Any proposals for exceptions may be referred by the Planning Commission for a period of at least one week to the official, department, division or agency under whose particular jurisdiction the regulations fall, and to any other interested officials, departments, divisions or agencies for their review and written recommendations.

The subdivider shall, at the time of the tentative map or tentative parcel map submittal, also state in writing the grounds for the requested exceptions and the facts relied upon. If necessary for adequate consideration, the subdivider shall grant additional time to said commission for consideration of the tentative map or tentative parcel map.

B. Improvement Plans, Development Plans, and Design Standards. Exceptions to detailed requirements on improvement and development plans and minor exceptions to design standard requirements may be granted by the Director of Public Works in the case of improvement plans and design standards and the Zoning Administrator in the case of development plans.
Article 15.04.716 Enforcement and Judicial Review

Sections:
15.04.716.010 Purpose
15.04.716.020 Prohibition
15.04.716.030 Penalty for Violation
15.04.716.040 Remedies
15.04.716.050 Building Permits
15.04.716.060 Certificate of Compliance
15.04.716.070 Notice of Violation
15.04.716.080 Judicial Review

15.04.716.010 Purpose
This Article establishes procedures that the City will use to enforce the requirements of the Subdivision Ordinance, including compliance with any conditions of approval imposed to protect public health, safety, and welfare and promote development in accordance with the General Plan.

15.04.716.020 Prohibition
A. No person shall offer to sell or lease, to contract to sell or lease, or sell or lease, or to finance any parcel or parcels of real property or to commence construction of any building for sale, lease or financing thereon, except for model homes, or to allow occupancy thereof, for which a final map is required by the Subdivision Map Act or this Ordinance, until such map thereof in full compliance with the provisions of the Subdivision Map Act and this Ordinance has been filed for record by the recorder of the county in which any portion of the subdivision is located.

B. No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a parcel map is required by the Subdivision Map Act or this Ordinance, until such map thereof in full compliance with the provisions of the Subdivision Map Act and this Ordinance has been filed for record by the recorder of the county in which any portion of the subdivision is located.

C. Conveyances of any part of a division of real property for which a final map or parcel map is required by the Subdivision Map Act or this Ordinance shall not be made by parcel or block number, initial or other designation, unless and until such map has been filed for record by the recorder of the county in which any portion of the subdivision is located.

D. This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt
from any law, regulating the design and improvement of subdivisions in effect at the
time the subdivision was established.

15.04.716.030  Penalty for Violation

A violation of this Ordinance by a person who is the subdivider or an owner of record, at
the time of the violation, of property involved in the violation is punishable by
imprisonment in the county jail not exceeding one year or in the state prison, by a fine not
exceeding $10,000, or by both fine and imprisonment. Every other violation of this
Ordinance is a misdemeanor.

15.04.716.040  Remedies

A.  Any deed of conveyance, sale or contract to sell real property that has been divided,
or that has resulted from a division, in violation of the provisions of the Subdivision
Map Act, or of the provisions of this Ordinance, is voidable at the sole option of the
grantee, buyer or person contracting to purchase, his/her heirs, personal
representative, or trustee in insolvency or bankruptcy within one year after the date
discovery of the violation of the provisions of the Subdivision Map Act or this
Ordinance, but the deed of conveyance, sale or contract to sell is binding upon any
successor in interest of the grantee, buyer or person contracting to purchase, other
than those above enumerated, and upon the grantor, vendor or person contracting to
sell, or his assignee, heir or devisee.

B.  Any grantee, or his successor in interest, of real property which has been divided, or
which has resulted from a division, in violation of the provisions of the Subdivision
Map Act or this Ordinance, may, within one year of the date of discovery of such
violation, bring an action in the superior court to recover any damages he/she has
suffered by reason of such division of property. The action may be brought against
the person who divided the property in violation of the provisions of the Subdivision
Map Act or of this Ordinance and against any successors in interest who have actual
or constructive knowledge of such division of property.

C.  The provisions of this subsection shall not apply to the conveyance of any parcel of
real property identified in a certificate of compliance or identified in a recorded final
map or parcel map, from and after the date of recording.

D.  The provisions of this subsection shall not limit or affect in any way the rights of a
grantee or his/her successor in interest under any other provision of law.

E.  The Subdivision Map Act and this Ordinance do not bar any legal, equitable or
summary remedy to which any aggrieved local agency or other public agency, or any
person, firm or corporation may otherwise be entitled, and any such local agency or
other public agency, or such person, firm or corporation may file a suit in the
superior court of the county in which any real property attempted to be subdivided
or sold, leased or financed in violation of the Subdivision Map Act is located, to
restrain or enjoin any attempted or proposed subdivision or sale, lease or financing in
violation of the Subdivision Map Act.
F. The City shall not issue any permit or grant any approval necessary to develop any real property that has been divided, or that has resulted from a division, in violation of the provisions of the Subdivision Map Act or this Ordinance, if the City finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of record at the time of such violation or whether the applicant therefor is either the current owner of record or a vendee of the current owner of record pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his/her interest in such real property.

G. If the City issues a permit or grants approval for the development of any such real property, the City may impose those conditions that would have been applicable to the division of the property at the time the applicant acquired his/her interest in such real property, and which has been established at such time by the Subdivision Map Act or this Ordinance, except that if a conditional certificate of compliance has been filed for record, only such conditions stipulated in that certificate shall be applicable.

15.04.716.050 Building Permits

A. Building Permit. No building permit or similar entitlement of use shall be issued for the development of any lot within a subdivision until all required improvements are substantially completed to the satisfaction of the Director of Public Works, except as permitted in this section.

B. Model Homes. Not more than seven lots (or seven structures in a planned development) in a subdivision may be designated as model home sites. If such sites are approved by the Director of Public Works as capable of being developed without conflicting with the work or construction of required subdivision improvements, then building permits and entitlements may be issued therefor. Each site shall be easily accessible from existing improved streets. No model home shall be located more than 300 feet from an approved source of water for firefighting purposes.

C. Condominium Developments in Planned Area Districts. Building permits may be issued subsequent to the approval or conditional approval of the tentative map, but before the filing of the parcel map or final map, for buildings in condominium developments in planned area districts, provided that a final development plan has been approved, as defined in the Zoning Ordinance.

15.04.716.060 Certificate of Compliance

A. Any person owning real property or a vendee of such person pursuant to a contract of sale of such real property may request, and the Director of Public Works shall determine, whether such real property complies with the provisions of the Subdivision Map Act and this Ordinance.

B. Upon making such a determination, the Director of Public Works shall cause a certificate of compliance to be filed for record with the county recorder. The
C. If the Director of Public Works determines that such real property does not comply with the provisions of the Subdivision Map Act or this Ordinance, he/she may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his/her interest therein, and which had been established at such time by the Subdivision Map Act or this Ordinance. Upon making such a determination and establishing such conditions, the Director of Public Works shall cause a conditional certificate of compliance to be filed for record with the County Recorder. Such certificate shall serve as notice to the property owner or vendee who has applied for the certificate pursuant to this subsection, a grantee of the property owner, or any subsequent transferee or assignee of the property, that the fulfillment and implementation of such conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.

D. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued by the City.

E. A certificate of compliance shall be issued for any real property that has been approved for development pursuant to this Ordinance.

F. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described therein.

15.04.716.070 Notice of Violation

A. Whenever the Director of Public Works has knowledge that real property has been divided in violation of the provisions of the Subdivision Map Act or this Ordinance, he/she shall cause to be filed for record with the County Recorder a notice of intention to record a notice of violation, describing the real property in detail, naming the owners thereof, and describing the violation, and stating that an opportunity will be given to the owner to present evidence.

B. Upon recording a notice of intention to record a notice of violation, the Director of Public Works shall mail a copy of such notice to the owner of such real property. The notice shall specify a time, date and place at which the owner may present evidence to the Planning Commission why such notice should not be recorded.

C. If, after the owner has presented evidence, it is determined that there has been no violation, then the Director of Public Works shall record a release of the notice of intention to record a notice of violation with the County Recorder.

D. If, however, after the owner has presented evidence, the Planning Commission determines that the property has been illegally divided, or if within 60 days of receipt of such copy the owner of such real property fails to inform the Director of Public Works...
Works of his/her objection to recording the notice of violation, the Planning Commission shall record the notice of violation with the County Recorder.

E. The notice of intention to record a notice of violation and the notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.

15.04.716.080 Judicial Review

An action or proceeding to attack, review, set aside, void or annul a decision of the City under this Ordinance must be commenced and served on the City within 90 days after the date of the decision. After 90 days, all persons are barred from any such action.
Series 800  Administration and Permits

Article 15.04.801  General

Sections:
15.04.801.010  Purpose
15.04.801.020  Applicability

15.04.801.010  Purpose
This Series establishes the procedures and criteria by which the City of Richmond will review proposed land use and development for compliance with Article XV, Zoning and Subdivision Regulations, of the Municipal Code of the City of Richmond (“Article XV”).

15.04.801.020  Applicability
All use and development of land or structures, construction of buildings and improvements to the land, and changes in the use of land or structures must obtain permits and approvals in accordance with Article XV, unless specifically exempted.
Article 15.04.802 Planning Authorities

Sections:
15.04.802.010 Purpose
15.04.802.020 City Council
15.04.802.030 Planning Commission
15.04.802.040 Design Review Board
15.04.802.050 Historic Preservation Commission
15.04.802.060 Technical Review Committee
15.04.802.070 Director of Planning and Building Services
15.04.802.080 Zoning Administrator
15.04.802.090 Approval Authority.

15.04.802.010 Purpose
This Article states the roles and responsibilities of all bodies, officials, and administrators with respect to administering and enforcing Article XV.

15.04.802.020 City Council
The powers and duties of the City Council under Article XV include, but are not limited to the following:

A. Approve the appointment of each member of the Design Review Committee, as required by Section 15.04.802.040 (Design Review Board).

B. Approve the appointment of each member of the Historic Preservation Commission, as required by Section 15.04.802.050 (Historic Preservation Commission).

C. Adopt guidelines for design review pursuant to Article 15.04.805 (Design Review).

D. Hear and decide appeals to revoke permits, as required by Section 15.04.803.120 (Revocation).

E. Hear and decide appeals from decisions of the Planning Commission on Use Permits, variances, and any other permits that can be appealed, as required by Section 15.04.803.130 (Appeals).

F. Initiate, consider, and adopt, reject, or modify amendments to the General Plan map and text as required by the provisions of Article 15.04.813 (General Plan Amendments) following a public hearing and recommended action by the Planning Commission.

G. Initiate, consider, and adopt, reject, or modify amendments to the Zoning Map and to the text of Article XV as required by the provisions of Article 15.04.814 (Amendments to Zoning Map and Text), following a public hearing and recommended action by the Planning Commission.
H. Hear and decide applications for development agreements, as required by Article 15.04.811 (Development Agreements).

15.04.802.030 Planning Commission

The Planning Commission is established and organized pursuant to Chapter 3.20 (Planning Commission) of Article III of the Municipal Code and the requirements of the Government Code. The powers and duties of the Planning Commission under Article XV include, but are not limited to the following:

A. Initiate proceedings, conduct hearings and decide on proposed revocations of permits, pursuant to Section 15.04.803.120 (Revocation).

B. Hear and decide appeals of approvals, determinations, interpretations, and any other decisions made by the Director or the Zoning Administrator in the administration and enforcement of Article XV that are subject to appeal, as required by Section 15.04.803.130 (Appeals).

C. Hear and decide appeals of decisions by the Design Review Board on major design review applications, pursuant to Section 15.04.805.020 (Major and Minor Design Review).

D. Approve, conditionally approve, modify, or deny Conditional Use Permits in accordance with Article 15.04.806 (Use Permits).

E. Approve, conditionally approve, modify, or deny applications for Variances in accordance with Article 15.04.808 (Variances).

F. Initiate, conduct hearings, and make recommendations to the City Council on proposed amendments to the General Plan map and text, as required by the provisions of Article 15.04.813 (General Plan Amendments).

G. Initiate, conduct hearings, and make recommendations to the City Council on proposed amendments to the Zoning Map and to the text of Article XV, as required by the provisions of Article 15.04.814 (Amendments to Zoning Map and Text).

15.04.802.040 Design Review Board

The Design Review Board is established to conduct design review of proposed development in accordance with Article 15.04.805 (Design Review). It is organized and has the power and responsibilities as follows:

A. Membership.

1. The Design Review Board must consist of at least three and no more than seven persons who live or work in the City of Richmond. At least a majority of its members must reside in the City of Richmond.

2. To the extent practicable, membership of the Design Review Board must consist of one architect, two laypersons, one person from the business community, and one landscape architect or expert in a wide range of...
design/construction fields. The remaining two positions must be held by persons who are qualified to analyze and interpret architectural and design plans.

B. **Quorum.**

1. A quorum is needed to conduct business in the name of the Design Review Board. A majority of Design Review Board’s current members constitutes a quorum, provided, however, that a quorum is never fewer than three members.

2. If a quorum is present, a majority of the votes cast is sufficient for the adoption of any motion, provided, however, that at least three affirmative votes is required for the adoption of a motion.

C. **Responsibility.** The powers and duties of the Design Review Board under Article XV include, but are not limited to, the following:

1. Consider all applications that are subject to major design review, pursuant to Article 15.04.805 (Design Review).

2. Approve, conditionally approve, or deny applications for major design review, in accordance with Article 15.04.805 (Design Review).

D. **Appointment.** Each member of the Design Review Board must be appointed by the Mayor with the approval of the City Council.

E. **Term.** Members of the Design Review Board are appointed for two-year terms. No member may serve for more than four consecutive full terms, provided however, that a member may remain in office until that member's successor has been appointed by the Mayor and confirmed by the Council.

F. **Automatic Resignation.** The absence of any member from more than eight regularly scheduled meetings of the Design Review Board within any twelve-consecutive-month period constitutes an automatic resignation from the Design Review Board; provided that the nonattendance by a member of the Design Review Board at a regularly scheduled meeting due to the requirements of other city business does not constitute an absence. Automatic resignation from the Design Review Board does not disqualify an individual from subsequently being appointed to the same or any other City commission or board.

G. **Rules of Procedure Required.** The Design Review Board must adopt formal procedural rules governing the duties and operation of the Board and the conduct of meetings.

H. **Meetings.** All meetings of the Design Review Board must be open to the public and noticed in accordance with Section 15.04.803.060 (Public Notice).

I. **Technical Assistance.** If, in the opinion of the Design Review Board, any design proposal may cause the emission of dangerous or objectionable noise, light, or vibrations, or not conform to design policies established in the General Plan or any applicable specific plan, the Design Review Board may refer the application for
investigation and request a report from one or more expert consultant(s) qualified to advise as to how the design proposal might be modified to conform to the General Plan and to applicable regulations, policies, development standards, and performance standards. The Planning Division will manage the consultant(s). The applicant will be required to pay the fee for services performed by the consultant(s) plus overhead costs, as established in the Master Fee Schedule.

15.04.802.050 Historic Preservation Commission

The Historic Preservation Commission is established to identify historic resources, assist in the creation and implementation of regulations for Historic Districts and Landmarks in accord with Article 15.04.303, and review and approve, reject, or approve with conditions all proposed projects involving major alterations to historic resources. It is organized and has the powers and responsibilities as follows.

A. Membership. The Historic Preservation Commission shall consist of seven members who reside or work in the City and have a demonstrated special interest, competence or knowledge of historic preservation. At least a majority of the currently serving members shall be persons who reside in the City. To the extent practicable, membership shall consist of at least one licensed architect, one licensed landscape architect, one general building contractor, one representative from the National Park Service, and one lay person. The remaining members may be representatives from recognized historic preservation organizations or professionals in the disciplines of history, architecture, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, conservation, and landscape architecture, urban planning, American studies, American civilization, or cultural geography.

B. Appointment. Members shall be nominated by the Mayor and appointed with concurrence of at least four other members of the City Council.

C. Training. Each member of the Historic Preservation Commission shall complete at least one training session in historic preservation public policy and local historic resources each year. The training session shall be conducted by professional architects, historians, archaeologists, planners and/or attorneys affiliated with or sponsored by established organizations, public agencies or institutions with extensive experience in historic preservation public policy implementation, such as the State Office of Historic Preservation, State Historical Resources Commission, colleges and universities, American Institute of Architects or the California Preservation Foundation.

D. Quorum.

1. A quorum is needed to conduct business in the name of the Historic Preservation Commission. A majority of Historic Preservation Commission’s current members constitutes a quorum, provided, however, that a quorum is never fewer than three members.
2. If a quorum is present, a majority of the votes cast is sufficient for the adoption of any motion, provided, however, that at least three affirmative votes is required for the adoption of a motion.

E. Responsibility. The Historic Preservation Commission shall meet at least four times annually to perform the following tasks:

1. Act in an advisory capacity to the City Council in all matters pertaining to historic preservation;
2. Maintain a local inventory of historical resources within the City; publicize and update the inventory periodically;
3. Recommend the designation of archaeological resources, historic resources and historic districts pursuant to Article 15.04.303 (Historic Districts and Landmarks Overlay District) and review and approve certificates of appropriateness and demolition permits pursuant to Article 15.04.303;
4. For projects requiring Planning Commission approval, the Historic Preservation Commission shall review only the historic preservation and design-related issues and make a recommendation to the Planning Commission.
5. Investigate and report to the Council on the use of various federal, state, local, or private funding sources and mechanisms available to promote preservation in the City;
6. Review and comment on the decisions and documents (including environmental assessments, environmental impact reports, and environmental impact statements) of other non-City public agencies when they affect historic resources in the City;
7. Cooperate with local, county, state, and federal governments in the pursuit of the objectives of historic preservation and request and receive any appropriate information from any City departments or Historic Preservation Commission;
8. Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to historical resources;
9. Render advice and guidance upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping, or maintenance of any historic resource;
10. Perform any other functions that may be designated by resolution or motion of the Council.

F. Rules of Procedure Required. The Historic Preservation Commission must adopt formal procedural rules governing the duties and operation of the Commission and the conduct of meetings.
G. **Meetings.** All meetings of the Historic Preservation Commission must be open to the public and noticed in accordance with Section 15.04.803.060 (Public Notice).

H. **Reporting.** Each year, the Historic Preservation Commission shall forward its certified local government annual report to the City Council. This item shall be for information purposes only and shall not require action by the City Council.

I. **Surveys.** The Historic Preservation Commission shall develop procedures for conducting surveys of historic resources. Such surveys shall be conducted in accordance with guidelines published by the California State Office of Preservation, including the use of state-approved inventory forms, encoding sheets, and the California Historic Resources Inventory Survey Workbook. Procedural standards for evaluation of properties shall be consistent with the National Register of Historic Places Criteria.

J. **Term of Office of Members.** The term of each member shall be for four years; provided, however, that a member may remain in office until that member's successor has been appointed by the Mayor and confirmed by the Council.

K. **Absence from Meetings.** The absence of any member of the Historic Preservation Commission from more than three regularly scheduled meetings of the Commission within any twelve-consecutive-month period shall constitute an automatic resignation from the Commission; provided that the nonattendance by a member of the Commission at a regularly scheduled meeting due to the requirements of other City business shall not constitute an absence. Such a resignation shall not, however, disqualify an individual from subsequently being appointed to the same or any other City Commission or Board. In the event of any such resignation, the vacancy shall be filled by appointment for the unexpired portion of the term of the appointee's predecessor in the manner prescribed above.

### 15.04.802.060 Technical Review Committee

The Technical Review Committee is established to assist with the technical screening and review of proposed development. It is organized and has the power and responsibilities as follows.

A. **Membership.** The Technical Review Committee consists of one member of each of the following City Departments or Divisions: Planning and Building Services, Engineering Services, Public Works, Recreation, and Public Safety (Police and Fire). Members must be appointed by the Director or Chief of their department or division. If the member is unable to attend a regular meeting of the Technical Review Committee, his or her chosen alternate must represent the respective department or division at the meeting.

B. **Responsibility.** The powers and duties of the Technical Review Committee under this Article include, but are not limited to the following:

1. Assist the Planning Division in preparing appropriate project modifications, redesigns, and conditions of approval for discretionary or design review
action by the Planning Commission and Design Review Board to be consistent with good planning practices and to meet the standards of fire and building codes, the Municipal Code, Article XV, specific plans, and City Council policy resolutions.

2. Assist in the screening for completeness of development applications that require a discretionary hearing by the Zoning Administrator or Planning Commission or that require a design review hearing by the Design Review Board.

C. Meetings. The Technical Review Committee meets monthly or more frequently, as needed, to review proposed development applications.

15.04.802.070 Director of Planning and Building Services

The powers and duties of the Director of Planning and Building Services (the “Director”) under Article XV include, but are not limited to the following.

A. Maintain and administer Article XV, including oversight of processing of applications, abatements and other enforcement actions.

B. Prepare and effect rules and procedures necessary or convenient for the conduct of the Director’s business. These rules and procedures may include the administrative details of hearings officiated by the Director or the Zoning Administrator (e.g. scheduling, rules of procedure and recordkeeping) as well as other written policies and procedures needed to implement Article XV.

C. Issue administrative regulations for the submission and review of applications subject to the requirements of Article XV and Government Code Section 65950 (Deadlines for Project Approval Conformance; Extensions), including determining what constitutes a complete application.

D. Negotiate specific components and provisions of development agreements, as provided by Article 15.04.811 (Development Agreements).

15.04.802.080 Zoning Administrator

A. Designation of Zoning Administrator. The Director shall designate the staff member to serve as the Zoning Administrator, which may be the Director himself/herself.

B. Zoning Administrator's Responsibilities. The powers and duties of the Zoning Administrator under Article XV include, but are not limited to the following.

1. Interpret Article XV for members of the public and to other City Departments.

2. Review applications for discretionary permits, design review, and approvals under this Ordinance for conformance with applicable submission requirements and time limits in accordance with Article 15.04.803 (Common Procedures) and determine when applications are complete
3. Administer environmental review requirements pursuant to the California Environmental Quality Act ("CEQA"); determine whether a project is exempt from environmental review under CEQA and, if so, make a record of that determination, pursuant to Section 15.04.803.050 (Environmental Review); propose project revisions and conditions to mitigate environmental impacts; determine whether applications will require preparation of an environmental impact report; and approve Negative Declarations and Mitigated Negative.

4. Provide public notice, as required pursuant to Section 15.04.803.060 (Public Notice).

5. Make decisions on minor design review applications, pursuant to Section 15.04.805.020 (Major and Minor Design Review).

6. Hear and decide applications for Administrative Use Permits pursuant to Article 15.04.806 (Use Permits).

7. Hear and decide requests for minor modifications to approved permits, pursuant to Section 15.04.803.110 (Modification of Approved Plans).

8. Make decisions on requests for waivers of dimensional requirements, pursuant to Article 15.04.809 (Waivers).

9. Review and make decisions on applications for signs under Article 15.04.609 (Signs).

10. Make recommendations to the Planning Commission and City Council on all matters on which they have decision-making authority pursuant to Sections 15.04.802.030 (Planning Commission) and 15.04.802.020 (City Council).

11. Investigate and make reports to the Planning Commission on violations of permit terms and conditions when the City has initiated revocation procedures, pursuant to Section 15.04.803.120 (Revocation).

12. Review applications for permits and licenses for conformance with Article XV, pursuant to Article 15.04.804 (Zoning Compliance Review).

13. Enforcing the provisions of Article XV and investigating all violations and suspected violations of Article XV pursuant to Article 15.04.815 (Enforcement Provisions).

14. Refer items to the Planning Commission where, in his/her opinion, the public interest would be better served by a Planning Commission public hearing and action.

15. Refer an application for investigation and a report to one or more expert consultant(s) qualified to advise as to whether the proposal will conform to the General Plan or any applicable regulations, policies, development standards, and performance standards.
Article 15.04.803   Common Procedures

Sections:
15.04.803.010 Purpose
15.04.803.020 Application Forms and Fees
15.04.803.030 Pre-Application Review
15.04.803.040 Review of Applications
15.04.803.050 Environmental Review
15.04.803.060 Public Notice
15.04.803.070 Conduct of Public Hearings
15.04.803.080 Action
15.04.803.090 Effective Date
15.04.803.100 Expiration and Extension
15.04.803.110 Modification of Approved Plans
15.04.803.120 Revocation
15.04.803.130 Appeals
15.04.803.140 Summary of Decision Making, Public Hearing, and Notice Requirements

15.04.803.010 Purpose

This Article establishes the procedures that are common to the application for and processing of all permits and approvals provided for in Article XV, except as superseded by a specific requirement of Article XV or State law.

15.04.803.020 Application Forms and Fees

A. Authority to File Applications. The following persons and/or entities are considered qualified applicants and have authority to file an application for review or approval under Article XV:

1. The owner of the subject property (“owner”), including any person, corporation, partnership or other legal entity that has a legal or equitable title to land that is the subject of a development proposal.

2. The owner’s agent, with written consent of the owner.

3. The purchaser of the subject property, with written consent of the owner.

4. A lessee, with written consent of the owner.

B. Application Contents.

1. Application Forms. The Director must prepare and issue application forms that specify the information and materials required from applicants for projects subject to the provisions of Article XV.

2. Electronic Submissions and Supporting Information and Materials. The Zoning Administrator may require the electronic submission of
application materials, consistent with the Government Code, and also is authorized to request the submission of additional information and materials from the applicant when necessary to complete the review of the project. The information and materials may include, but are not limited to, written descriptions, photographs, plans, drawings, maps, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project. Unless otherwise specified, all renderings must depict the proposed structure, landscaping, and other improvements, and surrounding uses as they would appear after project completion.

3. **Submittal Waivers.** The Zoning Administrator may waive certain submittal requirements to tailor the requirements to the information necessary to review the particular application.

4. **Public Review.** All forms, information, and materials submitted in support or in opposition to an application become property of the City, may be distributed to the public, and will be made available for public inspection. Upon reasonable request and during normal business hours, any person may examine these submittals in the Planning Division. Unless prohibited by law, copies of these submittals will be made available at a reasonable cost.

C. **Application Fees.**

1. **Schedule of Fees.** The City Manager is responsible for maintaining a Master Fee Schedule pursuant to Municipal Code Section 2.34.040 (Schedule of Fees and Service Charges) for fees and deposits for permits, appeals, amendments, penalties, copying, and similar items to defray the cost of processing applications under Article XV.

2. **Fee Waiver.** An applicant may submit a written request to the Zoning Administrator for the waiver of all or a portion of fees. Upon a finding by the Zoning Administrator that, owing to exceptional or extraordinary circumstances, collection of the required fees will result in unnecessary hardship, the fees may be reduced or waived by the Zoning Administrator.

3. **Payment of Fees.** Payment of the fee is required in order for an application to be complete, unless a fee waiver has been granted.

4. **Multiple Applications.** The City’s processing fees are cumulative. For example, if the application for Design Review includes a Conditional Use Permit, both fees will be charged.

5. **Refund of Fees.** Application fees are non-refundable unless otherwise provided for in the Municipal Code or by a policy of the City Council.
15.04.803.030 Pre-Application Review

A. **Purpose.** Pre-Application Review is an optional review process. This review’s purpose is to provide information on relevant policies, zoning regulations, and procedures. This review is intended for large, complex projects and/or potentially controversial projects.

B. **Exemption from Permit Streamlining Act.** An application that is accepted for Pre-Application Review is not complete under the California Permit Streamlining Act unless and until the Zoning Administrator has received the application, reviewed it, and determined it to be complete as required by Section 15.04.803.040 (Review of Applications).

C. **Review Procedure.** The Zoning Administrator conducts the Pre-Application Review. The Zoning Administrator may consult with or request review by any City agency or official with interest in the application.

D. **Recommendations Are Advisory.** Neither Pre-Application Review nor the information conveyed during the Pre-Application Review is a recommendation for approval or denial of an application by City representatives. Any recommendations that result from Pre-Application Review are advisory; they are not binding on the applicant or the City.

15.04.803.040 Review of Applications

A. **Review for Completeness.**

1. The Zoning Administrator must determine whether an application is complete within 30 days of the date that the application is filed with the required fee. If the Zoning Administrator does not make such determination, the application is deemed complete pursuant to State law and shall be processed accordingly.

2. The Zoning Administrator and the applicant may mutually agree in writing to extend this time period.

B. **Incomplete Application.**

1. **Zoning Violations.** An application is incomplete if conditions exist on the site in violation of Article XV or any permit or other approval granted in compliance with Article XV, unless the proposed project includes a correction of the violation(s).

2. **Notification of Deficiencies.** If an application is incomplete, the Zoning Administrator must provide written notification to the applicant specifically identifying how the application is deficient and stating that the Planning Division will not process an incomplete application. The application must then be classified as “incomplete.”

3. **Correcting Deficiencies.** The applicant must provide the materials and/or information required to correct the deficiencies in the application within the
time limit specified by the Zoning Administrator, which must not be sooner than 30 days. The Zoning Administrator may grant one extension of up to 90 days.

4. **Expiration of Application.** If an applicant fails to correct any specified deficiency within the specified time limit, the application will be deemed expired. After the expiration of an application, the submittal of a new, complete application is required.

5. **Appeal of Determination.** The decision that an application is incomplete may be appealed to the Planning Commission in accordance with Section 15.04.803.130, except that there must be a final written determination on the appeal no later than 60 days after the Planning Commission’s receipt of the appeal.

C. **Complete Application.**

1. **Complete Application Required.** An application must be complete before review of the application begins.

2. **Determination of Complete Application.** An application is complete when the Zoning Administrator determines that it is submitted on the required form, includes all the necessary information to decide whether the application will comply with the requirements of Article XV, and is accompanied by the applicable fee(s). The Zoning Administrator’s decision is final and not subject to review by a decision-making body.

3. **Recording Date and Scheduling Hearing.** When an application is determined to be complete, the Zoning Administrator must make a record of that date. If the application requires a public hearing, the Zoning Administrator must schedule it and notify the applicant of the date and time.

15.04.803.050 **Environmental Review**

Before approving any application subject to discretionary review under Article XV, the requirements of the California Environmental Quality Act (“CEQA”) (California Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) must be met.

A. **Procedures.** The City adopts and incorporates by reference the State CEQA Guidelines as its environmental review procedures.

B. **Determination of Exemption.** The Zoning Administrator must determine whether a project is exempt from environmental review under CEQA and, if so, must make a record of that determination. If the project is not exempt, a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report must be prepared at the applicant’s expense.

C. **Exempt Projects.** Prior to approving the project, the decision-maker(s) must first approve the Zoning Administrator’s determination of an exemption. Following
project approval, a Notice of Exemption need not be filed with the Contra Costa County Clerk-Recorder’s Office, County Recorder Division unless the applicant requests it or the City determines that it is necessary. The applicant must pay all filing fees for the Notice of Exemption.

D. **Non-exempt Projects.** If the Zoning Administrator determines that the project is not exempt from environmental review under CEQA, the applicant must be notified and must deposit with the City sufficient funds to pay the anticipated cost of preparation and processing of the required environmental document, include the City’s administration fee. Prior to approving the project, the decision-maker must first approve the Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. Any identified mitigation measures must be incorporated into the conditions of approval of the project unless a Statement of Overriding Considerations is adopted. Following project approval, a Notice of Determination must be filed with the Contra Costa County Clerk-Recorder’s Office, County Recorder Division at the applicant’s expense.

**15.04.803.060 Public Notice**

Whenever the provisions of Article XV require public notice, notification must be provided in compliance with this section and State law. Unless otherwise specified in Article XV or applicable State law, all notice must be provided at least 10 days prior to the public hearing or, where no hearing is required, 15 days before the date of action. The type of notice(s) required is indicated in Table 15.04.803.140 (Decision Making, Public Hearing, and Notice Requirements).

A. **Contents of Notice.** The notice must include the following information:

1. The location of the real property, if any, that is the subject of the application;
2. A general description of the proposed project or action;
3. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;
4. The identity of the hearing body or officer;
5. The names of the applicant and the owner of the property that is the subject of the application;
6. The location and times at which the complete application and project file may be viewed by the public;
7. If a public hearing is required, a statement that any interested person or authorized agent may appear and be heard; and
8. A statement describing how to submit written comments, what the appeal procedures are, and that failure to raise an issue may limit appeal rights.
B. Types of Notice.

1. **On-Site Poster (Type A).** The applicant erects a poster on the site of the proposed project, readily visible to the public, in a format prescribed by the Zoning Administrator. This poster must remain in place until the public hearing or date of action, after which the applicant must remove the poster.

2. **Limited Notice (Type B).** Notice is provided by first class mail delivery to the applicant, the owner, any occupant of the subject property, and all property owners of record within 300 feet of the subject property as shown on the latest available assessment role.

3. **Posted and Online Notice (Type C).** Notice is posted at City Hall and on the City’s website and at two additional public places within the City.

4. **Newspaper Notice (Type D).** A display advertisement of at least one-eighth page is published in a newspaper of general circulation.

5. **Mailed Notice (Type E).** Notice is provided by first class mail delivery to the parties listed below. If the number of owners to whom notice would be mailed or delivered to is greater than 1,000, Type D newspaper notice may be used instead.
   a. The applicant, the owner, and any occupant of the subject property.
   b. All property owners of record within 300 feet of the subject property as shown on the latest available assessment role or within a larger area if deemed necessary by the Zoning Administrator in order to provide adequate public notification.
   c. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located.
   d. The City of San Pablo, the City of Pinole, the City of El Cerrito, or the City of Albany if the subject property is within 300 feet of the respective jurisdiction’s boundary.
   e. The County of Contra Costa if the subject property is within 300 feet of the unincorporated County of Contra Costa.
   f. The West Contra Costa Unified School District, East Bay Municipal Utility District, and any other local agency expected to provide water, wastewater treatment, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.
   g. Any person or group who has filed a written request for notice regarding the specific application and has paid any required fee that the City Council has adopted to provide such service.
6. **Additional Notice (Type F).** Notice may be provided in any other manner deemed necessary or desirable by the Zoning Administrator.

C. **Failure to Receive Notice.** The validity of the proceedings are not affected by the failure of any person or entity to receive notice under this Section.

### 15.04.803.070 Conduct of Public Hearings

Whenever the provisions of Article XV require a public hearing, the hearing must be conducted in compliance with the requirements of State law and as follows.

A. **Staff Report.** At least five days prior to the hearing, the Zoning Administrator must issue a staff report containing an analysis of the project, recommendation for action, and any recommended conditions of approval deemed necessary to ensure that the project will comply with the General Plan, any applicable specific plan, Article XV, and any other applicable City regulations.

B. **Presentations.** At the hearing, the Zoning Administrator must briefly present his or her analysis of the project and recommendation for action. If the hearing is before the City Council, the Planning Commission’s recommendation must also be presented. The applicant must also be provided an opportunity to make a presentation.

C. **Testimony.** Any person may appear at the public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization.

D. **Time Limits.** The presiding officer may establish time limits for individual testimony and may request that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.

E. **Continuation of Public Hearing.** The body conducting the public hearing may continue it to a fixed date, time and place, in which case no additional notification is required. Or, the body conducting the public hearing may continue it to an undetermined date, and provide notice of the continued hearing when the date, time and place for the hearing have been determined.

F. **Investigations.** The body conducting the public hearing may require investigations to be conducted, as it deems necessary and in the public interest, in any matter to be heard by the hearing body. The investigation may be made by a committee of one or more members of the hearing body or by City staff. Facts established by the investigation will be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the body in making its decision.
15.04.803.080  Action

When making a decision to approve, approve with conditions, modify, revoke or deny any discretionary permit under Article XV, the responsible decision-maker must issue a Notice of Action and make findings as required by Article XV.

A.  Date of Action. After the close of the public hearing or, if no hearing is required, no sooner than ten days after any notice was provided pursuant to Section 15.04.803.060, the decision-maker must make a decision to approve, approve with conditions, or deny the application. Decisions must also be made within any applicable time period set forth below.

1.  Project Exempt from Environmental Review. Within 30 days of the date the City has determined an application to be complete, a determination must be made whether the project is exempt from Environmental Review per State CEQA requirements.

2.  Project for which a Negative Declaration or Mitigated Negative Declaration is Prepared. Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been completed and adopted for project approval, the City must take action on the accompanying discretionary project.

3.  Project to Develop Affordable Housing for which an Environmental Impact Report is Prepared. Within 90 days from the date that the decision-making authority certifies the Final Environmental Impact Report for an affordable housing project that meets the criteria set forth in California Government Code Section 6590(a)(2) for environmental review of affordable housing projects, the City must take action on the accompanying project.

4.  Project for which an Environmental Impact Report is Prepared. Within 180 days from the date the decision-making authority certifies a Final Environmental Impact Report, the City must take action on the accompanying discretionary project.

B.  Findings. The decision must be based on the findings required by Article XV. The findings must be based on consideration of the application, plans, testimony, reports, and other materials that constitute the administrative record and must be stated in writing. They may refer to a City resolution, ordinance, or record of the action on the application.

C.  Conditions of Approval. In approving an application, the decision-maker may impose reasonable conditions it deems necessary to ensure that the project will comply with the General Plan, any applicable specific plan, Article XV, and any other applicable City regulations.

D.  Referral Back to Planning Commission. In approving applications requiring City Council approval upon a recommendation of the Planning Commission, the Council may add, modify, or delete any terms of the permit itself or any provisions of the
conditions of approval. Such action may, but need not be, referred back to the Planning Commission for its review and recommendation.

E. **Notice of Decision.** After the decision is made, the Zoning Administrator must issue a notice of decision. For a Planning Commission or City Council action, this notice must consist of the approved resolution or ordinance and any associated conditions of approval. For a decision by any other decision-maker, a letter must be issued to the applicant indicating the decision and any written findings and conditions of approval. A copy of the notice must also be provided to any other person or entity that has filed a written request of such notification.

### 15.04.803.090 Effective Date

A final decision on an application for any discretionary approval subject to appeal is effective after the expiration of the 10-day appeal period following the date of action, unless an appeal is filed pursuant to Section 15.04.803.130. No building permit or business license for the structure or use that is the subject of the application may be issued until after the close of the 10-day appeal period.

### 15.04.803.100 Expiration and Extension

A. **Expiration.** The decision-maker, in the granting of any permit or approval, may specify a time within which the proposed use or construction must be undertaken and actively and continuously pursued. If no time period is specified, any permit or approval granted under Article XV automatically expires if it is not exercised or extended within one year of its issuance.

1. **Exercise of Use Permit.** A permit for the use of a building or land that does not involve construction is exercised when the permitted use has commenced on the site.

2. **Exercise of Building Permit.** A permit for the construction or alteration of a building or structure is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.

B. **Extensions.** The Zoning Administrator may grant a two-year extension of any permit or approval granted under this Article upon receipt of a complete written application with the required fee prior to the approval’s expiration date. In order to grant an extension, the Zoning Administrator must make the following findings:

1. The applicant has clearly documented that he or she has made a good faith effort to commence and diligently pursue work;

2. It is in the best interest of the City to extend the approval;

3. There are no substantial changes to the project, no substantial changes to the circumstances under which the project is undertaken, and no new information of substantial importance that would require any further environmental review pursuant to the California Environmental Quality Act; and
4. The applicant is maintaining the property in compliance with all applicable City regulations.

C. In granting an extension pursuant to subsection (B) above, the decision-maker may modify the conditions of approval as deemed necessary to fulfill the purposes of Article XV.

15.04.803.110 Modification of Approved Plans

A. **Minor Modifications.** The Zoning Administrator may approve minor modifications to approved plans or conditions of approval that are substantially consistent with the original findings and conditions of approval and that would not intensify any potentially detrimental effects of the project.

B. **Major Modifications.** Modifications that the Zoning Administrator determines are not minor require the approval of the original decision-maker. Any person holding a permit granted under Article XV may apply for such modification by following the same procedure required for the initial application for the permit. Such modifications may be to the terms of the permit itself or to conditions of approval.

15.04.803.120 Revocation

Any permit granted under Article XV may be revoked or modified for cause if any of the conditions or terms of the permit are violated or if any law or regulation is violated. The provisions of this section are not applicable to the termination of nonconforming uses, which are governed by the provisions of Article 15.04.606, (Nonconforming Uses, Structures, and Lots).

A. **Initiation of Proceeding.** The Zoning Administrator or the City Attorney’s Office may initiate revocation proceedings.

B. **Public Notice.** Notice of Revocation must be provided if the original permit required notice.

C. **Required Findings.** After a duly-noticed public hearing, a permit may be revoked by the original decision-maker under any one of the following findings:

1. The approval was obtained by means of fraud or misrepresentation of a material fact;

2. The use, building, or structure has been substantially expanded beyond what is set forth in the original permit, thereby causing substantial adverse impacts to the surrounding neighborhood;

3. The use in question has ceased to exist or has been suspended for one year or more; or

4. There is or has been a violation of or failure to observe the terms or conditions of the permit or approval, or the use has been conducted in violation of the provisions of Article XV or any other applicable law or regulation.
D. **Notice of Action.** A written determination of the revocation must be mailed to the permit holder within five days of determination.

**15.04.803.130 Appeals**

A. **Purpose and Applicability.** This section establishes the procedures for appeals of any action by the Zoning Administrator, Director, Design Review Board, or Planning Commission in the administration or enforcement of the provisions of this chapter, as long as the decision is not prescribed as final in the individual section that authorizes the decision.

1. **Appeals of Zoning Administrator Decisions.** Decisions of the Zoning Administrator may be appealed to the Planning Commission by filing a written appeal with the Planning Division.

2. **Appeals of Director Decisions.** Decisions of the Director may be appealed to the Planning Commission by filing a written appeal with the Planning Division.

3. **Appeals of Design Review Board.** Decisions of the Design Review Board may be appealed to the Planning Commission by filing a written appeal with the Planning Division.

4. **Appeals of the Historic Preservation Commission.** Decisions of the Historic Preservation Commission on permits and related approvals may be appealed to the City Council by filing a written appeal with the City Clerk. Appeal decisions of the Historic Preservation Commission are final and not subject to appeal to the City Council.

5. **Appeals of Planning Commission Decisions.** Decisions of the Planning Commission on permits and related approvals may be appealed to the City Council by filing a written appeal with the City Clerk. Appeal decisions of the Planning Commission are final and not subject to appeal to the City Council.

B. **Rights of Appeal.** Appeals may be filed by the applicant, the owner of property, or any other person aggrieved by a decision that is subject to appeal under the provisions of this chapter.

C. **Time Limits.** Unless otherwise specified in State or Federal law, all appeals must be filed in writing within ten days of the date of the action, decision, motion, or resolution from which the action is taken. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period is extended to the close of business on the next consecutive business day.

D. **Procedures.**

1. **Filing.** The appeal must be written on the appropriate form provided by the City, identify the decision being appealed, clearly and concisely state the reasons for the appeal, and also state specifically how and where the underlying decision constitutes an abuse of discretion and/or is not
supported by substantial evidence in the record. The appeal must be accompanied by the required fee.

2. **Proceedings Stayed by Appeal.** The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.

3. **Transmission of Record.** The Director or, in the case of appeals to the City Council, the City Clerk must schedule the appeal for consideration by the authorized hearing body within 60 days of the date the appeal is filed. The Director must forward the appeal, the notice of action, and all other documents that constitute the record to the hearing body. The Director must also prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.

E. **Standard of Review.** The appellate body will review whether the underlying decision is supported by substantial evidence and/or constitutes an abuse of discretion. The same standards and evaluation criteria, including the findings required, apply as they were for the original application. The appellate body's review is limited to the issue(s) raised in the petition for appeal.

F. **Public Notice and Hearing.**

1. **Notice.** Public notice must be provided and the hearing conducted by the applicable appeal body in accordance with Article 15.04.803 (Common Procedures). Notice must be provided in the same manner that was required for the action that is the subject of the appeal. Notice of the hearing must also be given to the applicant, the party filing the appeal, and any other interested person who has filed with the City Clerk a written request for such notice. In the case of an appeal of a Planning Commission, Historic Preservation Commission, or Design Review Board decision, notice of the appeal must also be given to the Planning Commission, Historic Preservation Commission, or Design Review Board respectively. The Planning Commission, Historic Preservation Commission, and Design Review Board may be represented at the hearing.

2. **Hearing.** At the hearing, the appellate body must review the record of the decision and hear testimony of the appellant, the applicant, and any other interested party.

G. **Action.** The appellate body may affirm, modify, or reverse the original decision. When a decision is modified or reversed, the appellate body must state the specific reasons for modification or reversal. Decisions on appeals must be rendered within 30 days of the close of the hearing. An action to grant an appeal requires a majority vote of the hearing body members. A tie vote has the effect of rejecting the appeal.

H. **Referral Back by City Council.** The City Council may choose to refer a matter back to the Planning Commission, the Historic Preservation Commission, or Design Review Board for further consideration and a decision if significant new evidence is
presented in conjunction with the appeal, which may include substantial changes to the original proposal.

I. **Judicial Action.** The appellate body’s final decision may be subject to litigation in the Superior Court. Exhaustion of the administrative remedies provided in Article XV, in accordance with Government Code Section 65009 and common law, may be required for the Court to hear the merits of the litigation.

**15.04.803.140 Summary of Decision Making, Public Hearing, and Notice Requirements**

Table 15.04.803.140 summarizes decision-making responsibilities for the various discretionary permits and actions under Article XV and the public notice required for them if applicable.

<table>
<thead>
<tr>
<th>Permit or Action Type</th>
<th>Reference</th>
<th>Decision Process</th>
<th>Public Hearing Required?</th>
<th>Type of Notice</th>
<th>Findings</th>
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<td>Advisory</td>
<td>Decision</td>
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<td>Administrative Use Permit³</td>
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<td>Conditional Use Permit</td>
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<td>Public Hearing Required?</td>
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**Legislative Actions**

| Development Agreements        | Article 15.04.811 | D                | CC² Ordinance           | None            | Yes                        | B, C, D, E                 | F                          | Section 15.04.811.060A      |
| General Plan Amendments       | Article 15.04.813 | PC               | CC² Resolution          | None            | Yes                        | B, C, D, E                 | A, F                       | Section 15.04.813.050       |
| Article XV and Zoning Map Amendments | Article 15.04.814 | PC               | CC Ordinance            | None            | Yes                        | B, C, D, E                 | A, F                       | Section 15.04.814.050       |

Key:  
CC = City Council  
D = Planning Director  
DRB = Design Review Board  
HPC = Historic Preservation Commission  
PC = Planning Commission  
ZA = Zoning Administrator  

Notes:  
1. All appeals require a public hearing with required notice Types A, C, D, and E and optional notice Type F.  
2. Major modifications to permits must be processed the same as the original permit, pursuant to subsection 15.04.803.110B) (Major Modifications).  
3. Minor design review and Administrative Use Permits may be referred by the Zoning Administrator (as applicable) to the Planning Commission for decision, in which case they are processed as major design review and Conditional Use Permits, respectively.  
4. Notice Types are described in Section 15.04.803.060.
Article 15.04.804  Zoning Compliance Review

Sections:

15.04.804.010  Purpose
15.04.804.020  Applicability
15.04.804.030  Review and Decision
15.04.804.040  Appeal

15.04.804.010  Purpose
This Article establishes procedures for conducting a zoning compliance review to verify that each new or expanded use or structure complies with all of the applicable requirements of Article XV.

15.04.804.020  Applicability
Zoning compliance review is required for buildings or structures erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building that are allowed as a matter of right by Article XV. Before the City may issue any business license, building permit, subdivision approval, lot line adjustment, or any other license, approval, or permit, the Zoning Administrator must review the application to determine whether the use, building, or change in lot configuration complies with all provisions of Article XV, any applicable specific plan and any prior design review, Use Permit or Variance approval, and that all conditions of such permits and approvals have been satisfied.

15.04.804.030  Review and Decision
A. Application. An application for zoning compliance review must be filed and processed in accordance with the provisions of Article 15.04.803 (Common Procedures).

B. Determination. The Zoning Administrator must review the application to determine whether the proposed use or construction is allowed by right, requires any type of discretionary planning permit, is allowed pursuant to any previously approved permit, or is prohibited. If the Zoning Administrator determines that the proposal conforms to the requirements of Article XV and any applicable specific plan, a Zoning Certificate will be issued. If the Zoning Administrator determines that the proposal does not conform to the requirements of Article XV or any applicable specific plan, a Zoning Certificate will not be issued, and the applicant will be advised as to how the proposal can be brought into compliance.

15.04.804.040  Appeal
The Zoning Administrator’s determination may be appealed to the Planning Commission in accordance with Section 15.04.803.130 (Appeals).
Article 15.04.805   Design Review

Sections:
15.04.805.010  Purpose and Applicability
15.04.805.020  Major and Minor Design Review
15.04.805.030  Procedures
15.04.805.040  Design Review Criteria
15.04.805.050  Required Findings
15.04.805.060  Conditions of Approval
15.04.805.070  Decision; Appeals

15.04.805.010  Purpose and Applicability

A.  **Purpose.** This Article establishes objectives, standards, and procedures for conducting design review. The purpose of these provisions is to ensure that new development supports the General Plan and any applicable specific plan and more specifically to:

1.  Promote high quality, pedestrian-friendly, and sustainable design;
2.  Ensure that new development and uses will be compatible with the existing and potential development of the surrounding area; and
3.  Supplement other City regulations and standards in order to ensure control of aspects of exterior design that are not otherwise addressed and have a bearing on land use compatibility and neighborhood fit.

B.  **Applicability.** Design review is required for all projects that require a permit for new construction, reconstruction, rehabilitation, alteration, or other improvements to the exterior of a structure, site, or a parking area except for:

1.  Replacement in kind.
2.  Decks no higher than four feet at any point (excluding railings).
3.  Residences and residential additions of less than 500 square feet in area and less than 15 feet in height, including but not limited to minor window, door, and roof modifications. Exceptions may not be granted from design review for more than one addition in any 12-month time frame.
4.  Accessory structure of less than 250 square feet in area and less than nine feet in height.
5.  Commercial or mixed use additions or improvements of less than 1,000 square feet that do not abut a residential zoning district.
6.  Industrial additions or improvements of less than 1,000 square feet that do not abut a residential zoning district.
7. Temporary structures of less than 500 square feet total floor area on non-
residentially-zoned property, not abutting a residential zoning district.
8. Single-family homes consistent with the architecture and design standards of
a previously approved Planned Area district.
9. Small residential rooftop solar energy systems.
10. Solar panels located on roofs or on the ground.
11. Exterior alterations required by State or federal law or other public agencies.

C. Historical Resources. Any exterior development of a structure or specific site
feature listed on the National Register of Historic Places or the California Register,
identified as a contributing structure to a historic district, identified in other state or
local historic registries, or as determined by a qualified architectural historian or State
or federal historic preservation organization as having significant historic
contribution to an area may not be exempt from design review.

15.04.805.020 Major and Minor Design Review

Minor and major design review is established as follows:

A. Minor Design Review

1. Projects Subject to Minor Design Review. Projects subject to minor design
review include:
   a. Exterior construction and/or site planning of residences and
residential additions of more than 500 square feet in area but less
than 1,200 square feet total floor area and less than 15 feet in height.
   b. An attached second unit.
   c. New non-residential development not exceeding 2,000 square feet in
area and alterations and additions to existing non-residential
structures not exceeding 30 percent of existing floor area.

2. Decision-maker. The Zoning Administrator conducts minor design review
and makes a decision to approve, approve with conditions, or deny the
design. The Zoning Administrator, in his or her discretion, may refer any
application for design review to the Design Review Board for a decision, in
which case the application will be reviewed under the major design review
procedures.

B. Major Design Review. The Design Review Board conducts major design review
and makes a decision to approve, approve with conditions, or deny a design for any
non-exempt project that is subject to design review under Section 15.04.805.010B
and does not qualify for minor design review under Section 15.04.805.020.
15.04.805.030 Procedures

A. **Common Procedures.** Applications for design review must be filed and processed in compliance with procedures in Article 15.04.803 (Common Procedures). The Zoning Administrator’s determination of what constitute a complete application is final and not subject to review by the Board.

B. **Concurrent Processing; Sequence of Review.** When a development project requires a Use Permit, variance, or any other discretionary approval, the design review application may be submitted to the Planning Division as a part of the application for the Use Permit, Variance, or other discretionary approval. Design review shall occur after a decision is made on a Use Permit or variance; in the case of a project requiring Major Design Review, the Planning Commission may refer the application to the Design Review Board prior to the Commission taking action.

C. **Working with the Neighborhood Council.** All applicants for design review, including administrative design review, are strongly encouraged, but not required, to work with their neighborhood council to resolve issues and concerns prior to submitting an application for design review.

15.04.805.040 Design Review Criteria

When conducting design review, the Zoning Administrator or the Design Review Board must evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the General Plan and any applicable specific plan and adopted Design Guidelines, and are consistent with any other policies or guidelines the City Council may adopt for this purpose. Building permit details are beyond the scope of design review. To obtain design review approval, projects must satisfy these criteria to the extent they apply.

A. The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, reflects design integrity and the relationship of form and function in a coherent manner.

B. The project design evidences a sense of place and consideration of scale, mass, height, building siting, and privacy in a neighborhood and community context; does not overwhelm or adversely impact adjoining properties; and respects prevailing setbacks and the scale and heights of neighboring buildings and how they relate to the street.

C. The project has integrated sun/shadow considerations into building and landscape design to provide for human comfort and not create heat islands with large expanses of unshaded paving.

D. The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, the surrounding neighborhood, and the Richmond community at large.

E. The project’s design elements, materials, signage, and landscaping are internally consistent, fully integrated with one another, and applied in a manner that is visually consistent with the proposed architectural design.
The project contributes to the creation of an attractive and visually interesting built environment that includes a variety of building styles and designs with well-articulated structures that present varied building façades, rooflines, and building heights within a unifying context, compatible with the surrounding neighborhood.

The project design does not substantially limit public views and vistas from public parks and publicly owned open space.

Parking areas are designed and developed to buffer surrounding land uses, minimize stormwater run-off, and provide shade for internal walkways.

Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, and avoid creating glare.

The proposed building design and landscaping supports public safety and security by allowing for surveillance of the street by people inside buildings and elsewhere on the site.

Landscaping is designed to be compatible with and enhance the architectural character of the buildings on site. Proposed planting materials avoid conflicts with views, lighting, and signage.

The project’s design supports the community’s energy conservation efforts.

15.04.805.050 Required Findings

The Zoning Administrator or Design Review Board may only approve a design review application if he, she, or it finds that the application is consistent with:

A. The General Plan and any applicable specific plans;
B. Any applicable design guidelines;
C. Any approved tentative map, Use Permit, Variance, or other planning or zoning approval that the project required; and
D. The design review criteria in Section 15.04.805.040 (Design Review Criteria).

15.04.805.060 Conditions of Approval

When approving the design of a project, the Zoning Administrator or the Design Review Board may impose reasonable conditions related to design impacts caused by the project application in order to:

A. Achieve the specific purposes of the zoning district in which the project is to be located, the general purposes of Article XV, requirements of any applicable specific plan, and consistency with General Plan;
B. Protect the public health, safety, and welfare of the citizens of the City of Richmond;
C. Ensure that the design of the proposed project will be compatible with the surrounding area where it will be located.
No condition of approval can impose further discretionary review of the project by the Design Review Board.

15.04.805.070 Decision; Appeals

A. **Expiration, Extensions and Modifications.** Design review approval is effective and may only be extended or modified as provided for in Article 15.04.803 (Common Procedures).

B. **Appeals.** The Zoning Administrator’s decision on a minor design review application may be appealed to the Planning Commission, and the Design Review Board’s decision on a major design review application may be appealed to the Planning Commission in accordance with Section 15.04.803.130 (Appeals).
Article 15.04.806 Use Permits

Sections:

15.04.806.010 Purpose
15.04.806.020 Planning Commission's and Zoning Administrator's Responsibilities
15.04.806.030 Procedures
15.04.806.040 Required Findings
15.04.806.050 Conditions of Approval
15.04.806.060 Decisions; Appeals, Expirations and Extensions; Modifications

15.04.806.010 Purpose

This Article establishes procedures for the approval, conditional approval or disapproval of Use Permits when required by Article XV. A Use Permit is an administrative permission for uses not allowed as a matter of right in a district.

15.04.806.020 Planning Commission's and Zoning Administrator's Responsibilities

A. Conditional Use Permits. The Planning Commission must approve, conditionally approve, or deny applications for Conditional Use Permits based on consideration of the requirements of Article XV.

B. Administrative Use Permits. The Zoning Administrator must approve, conditionally approve, or deny applications for Administrative Use Permits based on consideration of the requirements of Article XV. The Zoning Administrator may, at his/her discretion, refer any application for an Administrative Use Permit for a project that may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for a decision rather than acting on it himself/herself. In that case, the application must be processed as a Conditional Use Permit.

15.04.806.030 Procedures

A. Common Procedures. Applications for Use Permits must be filed and processed in compliance with procedures in Article 15.04.803 (Common Procedures).

B. Public Notice and Hearing. All applications for Conditional Use Permits require public notice and hearing before the Planning Commission, and all applications for Administrative Use Permits require public notice and hearing before the Zoning Administrator. All hearings shall be conducted in accordance with Article 15.04.803 (Common Procedures).
15.04.806.040 Required Findings

The decision-maker must make all of the following findings in order to approve or conditionally approve a Use Permit application. Findings must be made on the basis of the application, plans, materials, and testimony submitted at the hearing. The inability to make one or more of the findings is grounds for denial of an application.

A. The location of the proposed conditional use is in accordance with the General Plan and any applicable specific plan and the land use designations for the project site;
B. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;
C. The proposed use will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions;
D. The proposed use complies with all applicable provisions of Article XV; and
E. The site of the proposed use is adequately served by highways, streets, water, sewer, and other public facilities and services.

15.04.806.050 Conditions of Approval

The decision-maker has the authority to impose reasonable conditions that are related and proportionate to what is being requested by the applicant, as deemed necessary and appropriate to ensure that the provisions of the General Plan, any applicable specific plan adopted by the City Council, and Article XV are met. The decision-maker may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

15.04.806.060 Decisions; Appeals, Expirations and Extensions; Modifications; Revocations

A. Appeals. A decision of the Zoning Administrator may be appealed to the Planning Commission, and a decision of the Planning Commission may be appealed to the City Council, in accordance with Section 15.04.803.130 (Appeals).
B. Expiration, Extensions and Modifications. Use Permits are effective and may only be extended or modified as provided for in Article 15.04.803 (Common Procedures).
C. Revocations. A Use Permit may be revoked pursuant to Section 15.04.803.120 (Revocation).
Article 15.04.807  Temporary Use Permits

Sections:
15.04.807.010  Purpose and Applicability
15.04.807.020  Procedures
15.04.807.030  Temporary Uses: Twenty-Four Hour Limit
15.04.807.040  Temporary Uses: 60 Day Limit
15.04.807.050  Temporary Uses: One to Five Year Limit
15.04.807.060  Other Temporary Uses in Industrial Zoning Districts
15.04.807.070  Required Findings
15.04.807.080  Conditions of Approval; Effective Date
15.04.807.090  Appeals; Expiration, Extensions, and Modifications

15.04.807.010  Purpose and Applicability
A.  **Purpose.** This Article establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur, nor prevent development of future uses as envisioned by the General Plan or any applicable specific plan.

B.  **Applicability.** A Temporary Use Permit is required for temporary uses that are not otherwise permitted in the base zoning district regulations but meet the standards of this article and for temporary uses identified in base district regulations or regulations for specific uses in Article 15.04.610 required to have Temporary Use Permit.

15.04.807.020  Procedures
A.  **Common Procedures.** An application for a Temporary Use Permit must be filed and processed in compliance with procedures in Article 15.04.803 (Common Procedures). An application must be submitted at least 30 days before the use is intended to begin. The application must include the written consent of the owner of the property or the agent of the owner.

B.  **Decision-Maker.** The Zoning Administrator may approve, approve with conditions, or deny applications for temporary uses without a public hearing, except temporary use permits for special events, which may be approved by the Director of Community Services.

15.04.807.030  Temporary Uses: Twenty-Four Hour Limit
Within a nonresidential zone, a temporary use may be authorized for a period not to exceed 24 hours per event once a month for up to 12 events per year per site for any of the following uses:
A. A performance, exhibition, dance, celebration or festival requiring a liquor license, entertainment police permit and/or other City permit when sponsored by an organized group of residents and/or business operators in the neighborhood; or

B. A performance, dance or party requiring a liquor license, entertainment and/or other City permit, an art exhibit, or other similar exhibition in each case if sponsored by a residential or commercial tenant or group of tenants or owner-occupants of the property or structure in which the temporary use is authorized.

When multiple events are proposed within the allowable annual time limit and City permits are to be issued to a particular applicant and premises, only one permit need be granted per annual time period.

15.04.807.040 Temporary Uses: 60 Day Limit

The following uses may be authorized in a nonresidential zone for a period not to exceed 60 days:

A. Exhibition, celebration, festival, circus, or neighborhood carnival;
B. Booth for charitable, patriotic or welfare purposes;
C. Open air sale of agriculturally-produced seasonal decorations including, but not necessarily limited to, holiday or evergreen trees and Halloween pumpkins;
D. New and used auto sales;
E. Outdoor sales in a parking lot; and
F. Parking that is accessory to any temporary use listed above.

15.04.807.050 Temporary Uses: One to Five Year Limit

Temporary uses authorized pursuant to this section may not exceed an initial approval period of up to five years. Extensions of this approval period may be authorized by the Zoning Administrator in increments of up to five-year periods if the authorized use is consistent with the General Plan and applicable specific plans. More specifically, the following uses may be authorized in a nonresidential zone as temporary uses, subject to securing a building permit, if required:

A. Temporary structures and uses incidental to the construction of a building or a group of buildings, including but not limited to construction staging of materials and equipment;
B. Rental or sales office incidental to a new development, provided that it is located in the development project or in an adjacent temporary structure;
C. Structures and uses incidental to environmental cleanup and staging; and
D. Parking that is accessory to any temporary use listed above.
15.04.807.060  Other Temporary Uses in Industrial Zoning Districts

Any other use that is not listed in Sections 15.04.807.030 through 15.04.807.050 but is permitted in an industrial zoning district may be permitted as a temporary use for a time period to be determined by the Zoning Administrator not to exceed 10 years, upon the determination by the Zoning Administrator that authorizing the temporary use will not have a significant adverse effect on the overall timing and phasing of future development under the General Plan and any applicable specific plan.

15.04.807.070  Required Findings

The Zoning Administrator may approve an application for a Temporary Use only upon making both of the following findings:

A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and

B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed temporary use and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing or proposed parking areas on the site of the temporary use.

15.04.807.080  Conditions of Approval; Effective Date

A. Conditions of Approval. The Zoning Administrator may impose reasonable conditions deemed necessary to ensure compliance with the required findings for a Temporary Use Permit listed above, including, but not limited to: regulation of ingress and egress and traffic circulation; fire protection and access for fire vehicles; regulation of lighting; regulation of hours and/or other characteristics of operation; and removal of all trash, debris, signs, sign supports and temporary structures and electrical service. The Zoning Administrator may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

B. Effective Date.

1. Permit Period 10 Days or Less. A Temporary Use Permit issued for 10 days or less becomes effective on the date the permit is approved by the Zoning Administrator, but cannot expire before the event/use that is subject to the Temporary Use Permit occurring.

2. Permit Period More than 10 Days. A Temporary Use Permit for more than 10 days becomes effective 11 days from the date the permit is approved by the Zoning Administrator.
15.04.807.090  Appeals; Expiration, Extensions, and Modifications

A. **Appeals.** Any party aggrieved by the decision of the Zoning Administrator to approve, approve with conditions, or deny a permit for a temporary use or structure or by the Director of Community Services to approve a temporary use permit for a special event may appeal the decision to the Planning Commission, in accordance with Section 15.04.803.130 (Appeals) if the permit period is more than 10 days or to the City Manager for a permit period of 10 days or less. In the latter case, the City Manager shall act on the appeal within 48 hours of receipt unless an extension of time is mutually agreed.

B. **Expiration, Extensions and Modifications.** Temporary Use Permits are effective and may only be extended or modified as provided for in Article 15.04.803 (Common Procedures).
Article 15.04.808 Variances

Sections:
15.04.808.010 Purpose and Applicability
15.04.808.020 Procedures
15.04.808.030 Required Findings
15.04.808.040 Conditions of Approval
15.04.808.050 Appeals; Expiration, Extensions and Modifications

15.04.808.010 Purpose and Applicability
This Article establishes procedures for approval or disapproval of variance applications. Variances from the terms of Article XV may be granted only when, because of special circumstances applicable to the property, including but not limited to size, shape, topography, and location surroundings, the strict application of Article XV would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

A. Variances may be granted to vary or modify dimensional and performance standards; variances cannot be granted to allow uses or activities that Article XV does not authorize for a specific lot or site.

B. Notwithstanding the above, a variance may be granted from parking and/or open space requirements as set forth in Government Code Sections 65906.5 and 65911, respectively.

15.04.808.020 Procedures

A. Review Authority. The Planning Commission must approve, conditionally approve, or deny applications for variances based on consideration of the requirements of this Article.

B. Application Requirements. Applications for a variance must be filed with the Planning Division on the prescribed application forms in accordance with the procedures in Article 15.04.803 (Common Procedures). In addition to any other application requirements, the application for a variance must include data or other evidence showing that the requested variance conforms to the required findings set forth in Section 15.04.808.030 (Required Findings).

C. Public Notice and Hearing. An application for a variance requires public notice and hearing before the Planning Commission in accordance with Article 15.04.803 (Common Procedures).
15.04.808.030  Required Findings

A.  General. The Planning Commission must approve an application for a variance as it was applied for, or in a modified form as required by the Commission, if, on the basis of the application, plans, materials and testimony submitted, the Planning Commission finds:

1. That because of special circumstances or conditions applicable to the subject property, including size, shape, topography, location or strict application of the requirements of the provisions of Article XV will deprive such property of privileges enjoyed by the property in the vicinity and zone in which the property is situated;

2. The variance will not be detrimental or injurious to property or improvements in the vicinity of the subject property, or the public health, safety or general welfare;

3. The variance is consistent with the purposes of this Article and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district; and

4. The variance, if granted, will not authorize a use or activity that is not otherwise expressly authorized by the zoning district regulations that governs the property.

B.  Variances for Parking. In the case of parking regulations, a variance may be granted in order that some or all the required parking spaces be located off-site or that in-lieu fees or facilities be provided instead of the required parking spaces, provided that the Planning Commission determines that:

1. The variance will be an incentive to, and a benefit for nonresidential development; and

2. The variance will facilitate access to nonresidential development by patrons of public transit facilities.

C.  Variance for Open Space. In the case of open space regulations, a variance may be granted only if doing so is consistent with Government Code Section 65911 and the requested variance will not conflict with General Plan policies governing orderly growth and development and the preservation and conservation of open space lands.

15.04.808.040  Conditions of Approval

In approving the variance, the Planning Commission may impose reasonable conditions that are related and proportionate to what is being requested by the applicant, as deemed necessary and appropriate to ensure that the provisions of the General Plan and Article XV are met. The decision-maker may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.
15.04.808.050  Appeals; Expiration, Extensions and Modifications

A.  **Appeals.** A decision of the Planning Commission may be appealed to the City Council, in accordance with Section 15.04.803.130 (Appeals).

B.  **Expiration, Extensions and Modifications.** Variances are effective and may only be extended or modified as provided for in Article 15.04.803 (Common Procedures).
Article 15.04.809 Waivers

Sections:
15.04.809.010 Purpose
15.04.809.020 Applicability
15.04.809.030 Exclusions
15.04.809.040 Procedures
15.04.809.050 Required Findings
15.04.809.060 Conditions of Approval
15.04.809.070 Appeal

15.04.809.010 Purpose
This Article is intended to provide an alternate means of granting relief from the requirements of Article XV for minor deviations from dimensional and design standards when so doing would be consistent with the purposes of Article XV and it is not possible to grant a variance. Further to this end, it is the policy of the City to comply with the federal Fair Housing Act, the Americans with Disabilities Act, the Religious Land Use and Institutionalized Persons Act, and the California Fair Employment and Housing Act to provide reasonable accommodation for protected uses and for persons with disabilities seeking fair access to housing through a waiver of the application of the City’s zoning regulations. This Article authorizes the Zoning Administrator to grant administrative relief from Article XV’s dimensional requirements to achieve these objectives.

15.04.809.020 Applicability
The Zoning Administrator may grant relief from the dimensional requirements specified in Article XV, not to exceed 10 percent of the requirement. The Zoning Administrator also may grant a waiver that would exceed 10 percent where such a waiver is necessary to comply with the reasonable accommodation provisions of State and/or federal law, based on a determination that the specific circumstances of the application warrant such an accommodation. Waivers may be granted for:

A. **Setbacks.** Up to 10 percent of front, side, and rear yard setback standards.
B. **Build-to Lines.** Up to 10 percent of the standards for building façade location.
C. **Parking.** Up to 10 percent of the dimensional standards for parking spaces, aisles, driveways, landscaping, garages on sloping lots, and parking facility design.
D. **Fences.** Up to 10 percent of the standards for the maximum height and location of fences.
E. **Lot Coverage.** Up to 10 percent of the maximum amount of lot coverage.
F. **Height.** Up to 10 percent or two feet of the maximum building height or other height limitations, whichever is less.
G. **Landscaping.** Up to 10 percent of the required landscaping.

H. **Transparency.** Up to 10 percent of the minimum ground-floor building transparency requiring views into buildings.

I. **Other Standards.** Up to 10 percent of other development standards not listed in Section 15.04.809.030 below.

**15.04.809.030 Exclusions**

Waivers cannot be granted for any of the following standards:

A. Lot area, width, or depth;
B. Maximum number of stories;
C. Minimum number of required parking spaces;
D. Minimum or maximum residential density; or
E. Maximum floor area ratio (FAR).

**15.04.809.040 Procedures**

A. **Authority and Duties.** The Zoning Administrator must approve, conditionally approve, or deny applications for waivers based on consideration of the requirements of this Article.

B. **Application Requirements.** An application for a waiver must be filed and processed in accordance with the procedures in Article 15.04.803 (Common Procedures). In addition to any other application requirements, the application for a waiver must include data or other evidence explaining why the findings necessary to grant the waiver, set forth in 15.04.809.050 (Required Findings), are satisfied.

C. **Review of Waiver Requests for Reasonable Accommodation to Ensure Access to Housing.** An application for a waiver based on a request for a reasonable accommodation to ensure access to housing will be referred to the Zoning Administrator for review and consideration. Such a request may exceed the 10 percent limits in Section 15.04.809.020 (Applicability). The Zoning Administrator must issue a written decision within 45 days of the date the application is deemed complete, and may grant the reasonable accommodation request, grant with modifications, or deny the request. All written decisions must give notice of the right to appeal and to request reasonable accommodation in the appeals process.

D. **Concurrent Processing.** If a request for waiver is being submitted in conjunction with an application for another approval, permit, or entitlement under Article XV, it must be heard and acted upon at the same time and in the same manner as that application.
15.04.809.050 Required Findings

A decision to grant a waiver must be based on the following findings:

A. The waiver is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance.

B. There are no alternatives to the requested waiver that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public.

C. The granting of the requested waiver will not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of Article XV.

D. If the waiver requested is to provide reasonable accommodation pursuant to State or federal law, the review authority must also make the following findings in addition to any other findings that this Article requires:

1. That the housing or other property that is the subject of the request for reasonable accommodation will be used by an individual or organization entitled to protection;

2. If the request for accommodation is to provide fair access to housing, that the request for accommodation is necessary to make specific housing available to an individual protected under State or federal law;

3. That the conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and

4. That denial of the requested waiver would impose a substantial burden on religious exercise or would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing.

15.04.809.060 Conditions of Approval

The decision-maker has the authority to impose reasonable conditions that are related and proportionate to what is being requested by the applicant, as deemed necessary and appropriate to ensure that the provisions of the General Plan, any applicable specific plan, and Article XV are met. The decision-maker may require reasonable guarantees and evidence that such conditions are being, or will be, complied with. Waivers approved based on State or federal requirements for reasonable accommodation may be conditioned to provide for rescission or automatic expiration based on a change of occupancy or other relevant change in circumstance.
15.04.809.070 Appeal

The Zoning Administrator’s decision on a waiver may be appealed to the Planning Commission in accordance with Section 15.04.803.130 (Appeals).
Article 15.04.810 Planned Area Districts

Sections:
15.04.810.010 Purpose
15.04.810.020 Applicability
15.04.810.030 Procedures
15.04.810.040 Required Findings
15.04.810.050 Conditions
15.04.810.060 Expiration and Renewal
15.04.810.070 Amendments of Approved Plans
15.04.810.080 Development Plan Review

15.04.810.010 Purpose
This Article provides procedures for establishing a Planned Area District to facilitate orderly development of larger sites in the City consistent with the General Plan, especially where a particular mix of uses or character is desired that can best be achieved through an integrated development plan.

15.04.810.020 Applicability
The procedures in this Article apply to all proposals to establish a Planned Area District. The minimum area for a Planned Area District is five acres.

15.04.810.030 Procedures
A. Decision-Making Body. A Planned Area District must be adopted by the City Council as a Zoning Map amendment. A public hearing before the Planning Commission for a recommendation is required prior to City Council review.

B. Review Procedures.
1. Rezoning. An application for rezoning to a Planned Area District must be processed as an amendment to the Zoning Map, according to the procedures of Article 15.04.814 (Amendments to Zoning Map and Text), and must include a Planned Area Plan.

2. Planned Area Plan. The Planned Area Plan will be accepted and processed concurrently, in the same manner as a Conditional Use Permit application, pursuant to Article 15.04.803 (Common Procedures) and Article 15.04.806 (Use Permits), although additional information is required to be submitted in order to determine if the intent of Article XV and the General Plan will be fulfilled. A Planned Area Plan is subject to Major Design Review under Article 15.04.805 (Design Review), which shall occur prior to Planning Commission action on a Planned Area Plan.
3. **Tentative Subdivision Map.** When a Planned Area requires the submission of a tentative subdivision map, this map and all supporting documents must be prepared and submitted concurrently with the application for rezoning to a Planned Area District.

4. **Planned Development.** A Master Plan may be submitted as a Planned Area Plan, with additional engineering detail provided in “unit plans.” The Director of Public Works and City Engineer may waive submission of detailed engineering site plans for a Master Plan, provided they are submitted with the unit plans.

C. **Initiation.** An amendment to rezone to a Planned Area District must be initiated by a qualified applicant. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership must be submitted with the application.

D. **Application Content.** An application for a Planned Area District, made on the prescribed form, must be filed with the Planning Division, accompanied by the required fee. Applications must contain all of the following:

1. **Legal Description.** A legal description of the site and a statement of the number of acres contained therein.

2. **Title Report.** A title report verifying the description and the ownership of the property.

3. **Ownership Declaration.** A declaration as to whether the site is to remain under the same ownership and control or to be divided into small units during or after development and the manner and method of the division.

4. **Project Narrative.** A generalized narrative describing the location of the site, its total acreage, and the existing character and use of the site and adjoining properties; the concept of the proposed development, including proposed uses and activities, proposed residential densities, if appropriate, and physical land alteration required by the development; and the relation of the proposed Planned Area to the General Plan.

5. **Development Schedule.** A development schedule, including anticipated timing for commencement and completion of each phase of development, tabulation of the total number of acres in each separate phase and percentage of such acreage to be devoted to particular uses, and an indication of the proposed number and type of dwelling units by phase of development, if applicable.

6. **Maps and Diagrams.** Maps, diagrams, and other graphics necessary to establish the physical scale and character of the development and to demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space. These graphics must, at a minimum, include:
a. A map showing the perimeter boundaries of the project site, the perimeter of the ownership, the location and dimensions of any existing property lines and easements within the site, and all uses and structures within a 300-foot radius of the project area boundaries;

b. Existing and proposed changes in the topography of the site, including the degree of land disturbance, the location of drainage channels or water courses, and the direction of drainage flow in one-foot contour intervals on areas of cross-slopes of less than five percent, at two-foot intervals on areas of cross-slopes of five to 10 percent, and at five-foot intervals on areas of cross-slopes exceeding 10 percent;

c. A circulation diagram indicating proposed movement of vehicles, goods, and pedestrians within the district and to and from adjacent areas, including streets and driveways, sidewalks and pedestrian ways, and off-street parking and loading areas;

d. A site plan indicating existing and proposed uses, location and dimension of buildings and structures, gross floor area of existing and proposed structures, identification of structures to be demolished or removed;

e. Detailed engineering site plans, including proposed finished grades and all public improvements as well as estimates of grading volume (cut and fill), with accompanying grading sections or other technical drawings acceptable to the Director of Public Works and City Engineer;

f. Detailed engineering plans for the provision of public utilities for the site, including provisions for off-site connections and facilities necessary to serve the site;

g. Sea level rise projections for the site and analysis of how projected sea level rise will impact the Planned Area District over time, if the Planned Area District is currently in or adjacent to an identified floodplain; is currently or has been exposed to flooding or erosion from waves or tides; is in a location protected by flood control or protected structures; is on or close to a beach, estuary, lagoon, or wetland; or is on a coastal bluff with historic evidence of erosion;

h. A detailed tabulation of the proposed densities of dwelling units, bedroom count, building coverage, paving coverage, landscaped areas, parking dedication, and height of structures;

i. Lighting for the building(s), parking areas, open space areas, and pedestrian travel areas;
j. Utilization of buildings and structures, including activities and the number of living units;
k. Reservation of land for public uses, including schools, parks, playgrounds, and other open spaces;
l. Dimensioned building elevations showing proposed architectural concepts, color program and material samples; and
m. A comprehensive sign program, including the size and location of all proposed signs.

7. **Open Space and Landscaping Plan.** An existing and proposed open space and landscaping plan including landscape concept and type of plant materials, recreation area, parking, service and other public area used in common on the property and a description of intended improvements to and maintenance of the open area of the property.

8. **Other Information.** Any other information deemed necessary by the Zoning Administrator to ascertain if the project meets the required findings for a Planned Area Plan and re-zoning.

### 15.04.810.040 Required Findings

A Planned Area Plan and re-zoning will only be approved if all of the following findings are made:

A. The proposed development is consistent with the General Plan, including the height, density, and intensity limitations that apply unless these limitations are to be amended;

B. The subject site is physically suitable for the type and intensity of the land use being proposed;

C. Adequate transportation facilities and public services, as defined in the General Plan and in the design standards established in the Subdivision Regulations exist or will be provided in accordance with the conditions of Planned Area Plan approval to serve the proposed development; and the approval of the proposed development will not result in a reduction of transportation service for all modes of travel or public services so as to be a detriment to public health, safety, or welfare;

D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;

E. The development generally complies with applicable design guidelines; and

F. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit. In making this determination, the following factors will be considered:
1. Appropriateness of the use(s) at the proposed location.
2. The mix of uses, housing types, and housing price levels.
3. Provision of units affordable to persons and families of low and moderate income or to lower income households.
5. Provision of open space.
6. Compatibility of uses within the development area.
7. Creativity in design and use of land.
8. Quality of design, and adequacy of light and air to the interior spaces of the buildings.
9. Overall contribution to the enhancement of neighborhood character and the environment of Richmond in the long term.

15.04.810.050 Conditions
In approving a Planned Area Plan and rezoning, the City Council may impose reasonable conditions deemed necessary to:

A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted; and
B. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

The City Council may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

15.04.810.060 Expiration and Renewal
A. Expiration.
   1. Planned Area Plan. A Planned Area Plan is effective on the same date as the ordinance creating the Planned Area District is approved. An approved Planned Area Plan will expire two years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved Planned Area Plan may specify a development staging program exceeding two years.

   2. Tentative Map. Where a tentative map has been approved in conjunction with a Planned Area Plan, the Planned Area Plan will expire upon the expiration of the tentative map.

   3. Phased Development. In the event that the applicant intends to develop the project in phases, and the City Council approves phased development, the Planned Area Plan remains in effect so long as not more than one year lapses between the end of one phase and the beginning of the next phase.
B. **Renewal.** An approved Planned Area Plan that has not been exercised may be renewed for a two-year period approved by the City Council after a duly-noticed public hearing. Application for renewal must be made in writing between 30 and 120 days prior to expiration of the original approval. The City Council may renew a Planned Area Plan if it finds the renewal consistent with the purposes of this Article.

15.04.810.070 **Amendments of Approved Plans**

A. **Changed Plans.** Amendments to a Planned Area District or Planned Area Plan may be requested by the applicant or his/her successors. Amendments to the approved Planned Area District or Planned Area Plan will be classified as major or minor amendments. Upon receipt of an amendment application, the Zoning Administrator will determine if the proposed amendment constitutes a major or minor amendment.

B. **Major Amendments.** Major Amendments to an approved Planned Area District or Planned Area Plan will be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:

1. A change in the boundary of the Planned Area District;
2. An increase or decrease in the number of dwelling units for the Planned Area District that is greater than the maximum or less than the minimum stated in the Planned Area Plan;
3. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the Planned Area Plan by 10 percent or more;
4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer;
5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the Planned Area District or to the overall major street system, as determined by the City Engineer; or
6. Any other proposed change to the Planned Area Plan or the conditions of approval that substantively alters one or more of its components as determined by the Zoning Administrator.

C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in subsection B above will be considered minor if they are consistent with the original findings and conditions of approval. Minor Amendments may be approved by the Zoning Administrator. The Zoning Administrator, at his/her discretion, may refer any request for an amendment to a Planned Area Plan that may generate substantial public interest to the Planning Commission for a decision rather than acting on it himself/herself.
15.04.810.080 Development Plan Review

Plans for a project in a Planned Area District will be accepted for planning and building permits or subdivisions only if they are consistent with an approved Planned Area Plan and any conditions of approval. No project may be approved and no building permit issued unless the project, alteration or use is consistent with an approved Planned Area Plan.
Article 15.04.811 Development Agreements

Sections:

15.04.811.010 Purpose
15.04.811.020 Applicability
15.04.811.030 Authority and Duties
15.04.811.040 Procedure
15.04.811.050 Public Notice and Hearing
15.04.811.060 Findings and Decision
15.04.811.070 Execution and Recordation of Development Agreement
15.04.811.080 Annual Review
15.04.811.090 Amendment or Cancellation
15.04.811.100 Effect of Approved Agreement
15.04.811.110 Enforcement

15.04.811.010 Purpose

This Article establishes procedures and requirements for considering and entering into legally binding agreements with applicants for development projects, as provided for in State law. Such agreements may provide a greater degree of certainty than the normal permit approval process by granting assurance that an applicant may proceed with development in accord with policies, rules, and regulations in effect at the time of approval subject to conditions to promote the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved.

15.04.811.020 Applicability

A. Large, Multi-Phase Development Project. A development agreement may be considered for a large, multi-phase development project that will require a developer to make a substantial investment at the early stages of the project for planning and engineering for the entire project and for public facilities and services. In order to be considered for a development agreement, a project must be consistent with the General Plan and any applicable specific plan, unless the applicant has submitted an application for any necessary amendments to the General Plan or specific plan.

B. Property Subject to Annexation. An applicant whose property is located within the City's sphere of influence, or whose property is the subject of a pending application for inclusion into the sphere of influence, may file an application to enter into a development agreement.

1. The agreement will not become operative unless annexation proceedings annexing property to the City are completed within the period of time specified by the agreement.
2. If the annexation is not completed within the time specified in the agreement or any extension of the agreement, the agreement is null and void.

15.04.811.030 Authority and Duties

A. The Director, in consultation with the City Manager, will negotiate the specific components and provisions of the development agreement on behalf of the City for recommendation to the City Council.

B. The City Council has the exclusive authority to approve a development agreement.

15.04.811.040 Procedure

An applicant for a development project may request that the City review the application as a development agreement application in accordance with the following procedures. The City incorporates by reference the provisions of Government Code Sections 65864-65869.5. In the event of any conflict between these statutory provisions and this section, State law controls.

A. Application Requirements. An applicant must submit an application for a development agreement on a form prescribed by the Director, accompanied by the required fees. The Director must identify submittal requirements for applications for development agreements and may require an applicant to submit such additional information and supporting data as considered necessary for environmental review and to process the application. In addition to any other information that the Director requires, each application for a development agreement must be accompanied by the general terms and conditions of the agreement proposed by the applicant and must include the contents required in subsection B below.

B. Contents of Development Agreements.

1. Required Contents. A development agreement must specify its duration; the permitted uses of the subject property; the general location and density or intensity of uses; the general location, maximum height and size of proposed buildings; and provisions for reservation or dedication of land for public purposes. It must contain provisions concerning its transferability.

2. Improvements and Fees. A development agreement may include requirements for construction and maintenance of on-site and off-site improvements or payment of fees in lieu of such dedications or improvements.

3. Conditions. A development agreement may also include conditions, terms, restrictions, and requirements for subsequent discretionary actions but does not eliminate the applicant’s responsibility to obtain all required land use approvals.

4. Environmental Mitigation. A development agreement may include, without limitation, conditions and restrictions imposed by the City with respect to the project, including those conditions, restrictions and mitigation measures.
proposed in any Mitigated Negative Declaration or Final Environmental Impact Report applicable to the project that eliminate or mitigate adverse environmental impacts of the project.

5. **Phasing.** A development agreement may provide that the project be constructed in specified phases, that construction be commenced within a specified time, and that the project or any phase thereof be completed within a specified time.

6. **Financing.** If the development agreement requires applicant financing of necessary public facilities, it may include terms relating to subsequent reimbursement over time for such financing.

7. **Indemnity.** A development agreement must contain an indemnity clause requiring the applicant to indemnify and hold the City harmless against claims arising out of or in any way related to the actions of applicant in connection with the application or the development process, including all legal fees and costs.

8. **Performance Obligation Fees.** A development agreement may include provisions to guarantee performance of obligations stated in the agreement.

C. **Initial Review of Application.** The Director will review each application to determine whether it is complete. If the application is found to be incomplete, the Director will reject the application and will inform the applicant of the items necessary to properly complete the application. If the application is complete, the Director will determine whether an environmental review is required for the project, in compliance with applicable State and local requirements.

D. **Negotiations.** The Director must negotiate the specific components and provisions of the development agreement on behalf of the City for recommendation to the City Council.

E. **Recommendation by Director.** The Director must make his/her recommendation in writing to the City Council. The recommendation must include the Director’s determination and supporting reasoning whether or not the proposed development agreement satisfies the findings specified in Section 15.04.811.060 (Findings and Decision).

**15.04.811.050 Public Notice and Hearing**

A. **Notice of Intent.** The Director must publish a notice of intent to consider adoption of a development agreement as provided in Section 65090 and 65091 of the Government Code.

B. **City Council.** The Applicant must execute a proposed development agreement before it is placed before the City Council for consideration at a public hearing. The City Council must hold a duly noticed public hearing prior to adoption of any development agreement. Notice of the public hearing to consider adoption of a development agreement must be given in accordance with the requirements of
Section 15.04.803.060 (Public Notice). The City Council public hearing may, but need not, be held concurrently with the public hearing(s) on other land use approvals for the project.

15.04.811.060 Findings and Decision

A. Findings. The City Council may not approve a proposed development agreement unless it finds that its provisions are consistent with the General Plan and any applicable specific plan. This requirement may be satisfied by a finding that the provisions of a proposed development agreement are consistent with the proposed General Plan, a General Plan amendment, or specific plan provisions to be adopted concurrently with the approval of the proposed development agreement.

B. Decision. After the City Council completes the public hearing, the City Council must approve, modify, or disapprove the development agreement. Approval of a development agreement must be by ordinance.

15.04.811.070 Execution and Recordation of Development Agreement

Within 10 days after the ordinance approving the development agreement takes effect, the Director must execute the development agreement on behalf of the City, and the City Clerk must record the development agreement with the County Recorder.

15.04.811.080 Annual Review

The applicant will be required to demonstrate compliance with the provisions of the development agreement at least once a year, at which time the Director will review each approved development agreement.

A. Finding of Compliance. If the Director, on the basis of substantial evidence, finds compliance by the applicant with the provisions of the development agreement, the Director will issue a finding of compliance, which will be in recordable form and may be recorded with the Contra Costa County Clerk-Recorder’s Office, County Recorder Division after the conclusion of the review.

B. Finding of Non-compliance. If the Director finds the applicant has not complied with the provisions of the development agreement, the Director may issue a finding of noncompliance that may be recorded by the City with the Contra Costa County Clerk-Recorder’s Office, County Recorder Division after it becomes final. The Director must specify in writing to the applicant the respects in which the applicant has failed to comply, and must set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If applicant does not comply with any terms of compliance within the prescribed time limits, the development agreement will be subject to termination or modification pursuant to this Article.

C. Appeal of Determination. Within seven days after issuance of a finding of compliance or a finding of noncompliance, any interested person may file a written appeal of the finding with the City Council. The appellant must pay fees and charges
for the filing and processing of the appeal in amounts established by resolution of the City Council. The appellant shall specify the reasons for the appeal. The issuance of a finding of compliance or finding of noncompliance by the Director and the expiration of the appeal period without appeal, or the confirmation by the City Council of the issuance of the finding on such appeal, will conclude the review for the applicable period and such determination will be final.

15.04.811.090 Amendment or Cancellation

A. **After Finding of Noncompliance.** If a finding of noncompliance does not include terms of compliance, or if applicant does not comply with the terms of compliance within the prescribed time limits, the Director may refer the development agreement to the City Council for termination or modification. The City Council will conduct a public hearing. After the public hearing, the City Council may terminate the development agreement and modify the finding of noncompliance, or rescind the finding of noncompliance, and issue a finding of compliance.

B. **Mutual Agreement.** Any development may be canceled or amended by mutual consent of the parties following compliance with the procedures specified in this section. A development agreement may also specify procedures for administrative approval of minor amendments by mutual consent of the applicant and Director.

C. **Recordation.** If the parties to the agreement or their successors in interest amend or cancel the development agreement, or if the City terminates or modifies the development agreement for failure of the applicant to fully comply with the provisions of the development agreement, the City Clerk will record notice of such action with the Contra Costa County Clerk-Recorder’s Office, County Recorder Division.

D. **Rights of the Parties after Cancellation or Termination.** In the event that a development agreement is cancelled or terminated, all rights of the applicant, property owner or successors in interest under the development agreement will be terminated. If a development agreement is terminated following a finding of noncompliance, the City may, in its sole discretion, determine to return any and all benefits, including reservations or dedications of land, and payments of fees, received by the City.

15.04.811.100 Effect of Approved Agreement

A. **Existing Rules and Regulations.** Unless otherwise specified in the development agreement, the City’s rules, regulations and official policies governing permitted uses of the property, density and design, and improvement standards and specifications applicable to development of the property shall be those City rules, regulations and official policies in force on the effective date of the development agreement. The applicant will not be exempt from otherwise applicable City ordinances or regulations pertaining to persons contracting with the City.
B. **Future Rules and Regulations.** A development agreement must not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations and policies that do not conflict with those rules, regulations and policies applicable to the property as set forth in the development agreement. A development agreement will not prevent the City from denying or conditionally approving any subsequent land use permit or authorization for the project on the basis of such existing or new rules, regulations, and policies. Unless otherwise specified in the development agreement, a development agreement will not exempt the applicant from obtaining future discretionary land use approvals.

C. **State and Federal Rules and Regulations.** In the event that any regulation or law of the State of California or the United States, enacted or interpreted after a development agreement has been entered into prevents or precludes compliance with one or more provisions of the development agreement, then the development agreement may be modified or suspended in the manner and pursuant to the procedures specified in the development agreement, as may be necessary to comply with such regulation or law.

15.04.811.110 **Enforcement**

The procedures for enforcement, amendment, modification, cancellation or termination of a development agreement specified in this section and in Government Code Section 65865.4 or any successor statute, are non-exclusive. A development agreement may be enforced, amended, modified, cancelled or terminated by any manner otherwise provided by law or by the provisions of the development agreement.
Article 15.04.812 Prezoning and Annexation

Sections:

15.04.812.010 Purpose
15.04.812.020 Applicability
15.04.812.030 Prezoning Procedure
15.04.812.040 Annexation Regulations
15.04.812.050 Effective Date of Zoning and Time Limit

15.04.812.010 Purpose

The purpose of this Article is to establish a procedure for prezoning and criteria for annexation of adjoining unincorporated territory in order to preserve, protect and enhance the character of residential neighborhoods; strengthen the City’s economic resources; and manage the fiscal impacts of annexation.

15.04.812.020 Applicability

Unincorporated territory within the Local Agency Formation Commission (LAFCo) adopted Sphere of Influence for the City of Richmond that may be approved for annexation by LAFCo may be prezoned for the purpose of determining the zoning that will apply in the event of subsequent annexation.

15.04.812.030 Prezoning Procedure

A. Parcels proposed for annexation to the City shall be prezoned consistent with the following unless an application for a different prezoning is initiated and processed according to the procedures established under Article 15.04.814 (Amendments to Zoning Map and Text).

1. Undeveloped Residential Parcels.

   a. Development Potential of Five or More Lots. Parcels with development potential of five or more lots shall be prezoned SFR-3 or equivalent and may also be prezoned to allow for mixed use or neighborhood commercial development, consistent with the General Plan, prior to approval of a Tentative Subdivision Map.

   b. Development Potential of Less than Five Lots. Parcels with development potential of less than five lots shall be prezoned SFR-3 or equivalent unless an alternate zone would be consistent with the General Plan land use designation(s) for the area to be annexed.

2. Developed Residential Parcels and Nonresidential Parcels. Developed residential parcels and parcels with development potential for nonresidential use will be pre-zoned consistent with the General Plan and surrounding
and/or like zoning district classifications which represent uses intended for the property.

B. Prezoning must remain the same for two years after annexation.

15.04.812.040 Annexation Regulations

Annexation will not be approved unless the proposed annexation meets the following regulations:

A. General Regulations.

1. General Plan Consistency. The proposed annexation and parcel configuration must be consistent with the General Plan.

2. Location. The site proposed for annexation must be contiguous to the City and contiguous to or provisions have been made to become contiguous to City streets or to improved private streets where the maintenance of the private street is provided by an owners’ association.

3. Impact Analysis. An environmental analysis under the provisions of the California Environmental Quality Act and a fiscal impact analysis that evaluates recurring revenues and service costs that may be incurred by the City as a result of annexation has been conducted.

4. Public Services and Facilities.

   a. Public services and facilities meeting City standards must be available to the lands proposed for annexation. Private streets and facilities satisfactory to the Public Works Director with adequate provision for their maintenance may be acceptable in lieu of public streets and facilities.

   b. All streets, sewage and drainage systems and police and fire protection must meet City standards. Public services and utilities must be provided to the satisfaction of the City Engineer:

      i. Improvements shall be constructed and accepted prior to issuance of Building Permits or sewer connections.

      ii. Streets must meet City street standards from the terminus of City streets currently meeting City standards to and throughout the property.

      iii. Street lights will not be required to be installed where street lights do not currently exist unless requested and paid for by petitioners.

   c. The City taxpayer shall not be burdened with paying for additional services for newly annexed lands as demonstrated in the fiscal impact analysis.
d. Sewer service connection shall be made pursuant to Richmond Municipal Code Article XII, Public Services.

5. **Creek Protection.** All lands proposed for annexation are subject to the provisions in Article 15.04.302 (Creek Protection Overlay District).

B. **Undeveloped Lots.** Annexation of lots that do not contain a primary structure shall comply with the following standards:

   1. Lots shall meet the minimum lot size and density standards of Article XV.
   2. The overall density shall not exceed the density permitted by the lot size standards of Article XV for the applicable zoning to be applied to the site.

C. **Developed Lots.** Annexation of lots that contain a primary structure must comply with the following standards:

   1. The lots must meet the minimum lot size and density standards of Article XV. Single developed properties that meet all annexation policies, with the exception of minimum lot size requirements, may be considered for annexation provided that further subdivision of the land is prohibited through a recorded deed restriction acceptable to the City Attorney.
   2. The lots must be connected to the City's sanitary sewer system or be able to be connected to the City's sewer to the satisfaction of the City Engineer pursuant to the Richmond Municipal Code Article XII, Public Services.
   3. Lots with existing properly functioning septic tank-drain field systems will not be required to connect to a newly installed sewer line until one of the following events occurs and at that time must be required to connect:
      
      a. Upon sale of the property that triggers an assessment of the County Tax Assessor; or
      
      b. Upon determination by the Contra Costa County Environmental Health Services Division that the existing septic system cannot function properly or cannot be expanded to accommodate the use; and
      
      c. Failed septic systems may not be replaced with another septic system.

**15.04.812.050 Effective Date of Zoning and Time Limit**

The zoning accomplished by prezoning of the site becomes effective at the time that annexation to the City becomes effective. If the subject area has not been annexed to the City within five years of the date of City Council approval, the prezoning approval is subject to reconsideration by the Planning Commission and the Council.
Article 15.04.813 General Plan Amendments

Sections:
15.04.813.010 Purpose
15.04.813.020 Applicability
15.04.813.030 Initiation
15.04.813.040 Procedures
15.04.813.050 Findings
15.04.813.060 Planning Commission Action
15.04.813.070 City Council Action

15.04.813.010 Purpose
This Article establishes procedures for making changes to the General Plan as provided for in State law when there are compelling reasons to do so. These circumstances include, but are not limited to, changes in State or federal law and problems and opportunities that were unanticipated at the time of General Plan adoption or the last amendment.

15.04.813.020 Applicability
The procedures of this Article apply to all proposals to change the text of the General Plan and the diagrams that illustrate the application of its provisions.

15.04.813.030 Initiation
An amendment to the text of the General Plan may be initiated by:

A. Any qualified applicant identified in Section 15.04.803.020 (Application Forms and Fees); or

B. An order of the City Council or Planning Commission, on its own motion or on the recommendation of the Director.

15.04.813.040 Procedures
An application for an amendment to the General Plan must be filed and processed in accordance with the provisions of Article 15.04.803 (Common Procedures) and considered by the City Council with a recommendation from the Planning Commission. It must be processed in conformance with Government Code Section 65350 et seq. Its approval must be by resolution, and it is subject to referendum.

A. Required Information. In addition to any other application requirements, an application for a General Plan amendment must include a statement, supported by documentation, that describes how the proposed amendment conforms to the General Plan’s goals and the benefit to the public that will result from approving the proposed change or changes to the General Plan.
B. **Director's Report.** The Director must prepare a report and recommendation to the Planning Commission, which must include, but is not limited to, a discussion of how the proposed amendment complies with the purposes of this Article and the General Plan’s goals, and a determination as to whether the proposed amendment will require amendment to other plans that the City Council has adopted.

C. **Planning Commission Recommendation.** The Commission’s recommendation must be forwarded to the City Council for action on the proposed amendment except in the situation specified in subsection 15.04.813.060A (Recommendation Against Private Action).

15.04.813.050 **Findings**

The Planning Commission in recommending, and the City Council in approving, an amendment to the General Plan, must make all of the following findings:

A. The proposed amendment will contribute to the public health, safety, and general welfare or will be of benefit to the public.

B. The proposed amendment is consistent with the General Plan goals, unless the goals themselves are proposed to be amended.

C. The proposed amendment retains the internal consistency of the General Plan and is consistent with other adopted plans, unless a concurrent amendment to those plans is also proposed and will result in consistency.

D. The proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act.

15.04.813.060 **Planning Commission Action**

The Planning Commission must hold a public hearing noticed and conducted as required by Article 15.04.803 (Common Procedures) and must then vote on its recommendation on the proposed amendment.

A. **Recommendation Against Private Application.** If the amendment under consideration was initiated by an applicant pursuant to subsection 15.04.813.030A), and the Planning Commission recommends against the adoption of such amendment, the application is denied, and the City Council is not required to take any further action on the amendment unless the Planning Commission’s decision is appealed pursuant to Section 15.04.803.130 (Appeals).

B. **All Other Situations.** Following the public hearing, the Planning Commission must submit a recommendation on the proposed amendment and environmental determination to the City Council. The recommendation must include the reasons for the recommendation; the extent to which the proposed amendment meets the purposes of this Article; the consistency of the proposed amendment with the General Plan and any other adopted plan; and any changes to the amendment that
the Commission deems necessary to ensure internal consistency of the General Plan and consistency with other adopted plans, or to reduce environmental impacts.

15.04.813.070 City Council Action

A. After receiving the report from the Planning Commission, the City Council must hold a public hearing noticed and conducted as required by Article 15.04.803 (Common Procedures). The notice must include a summary of the Planning Commission’s recommendation.

B. After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed General Plan amendment. If the Council proposes any substantial modification not previously considered by the Planning Commission during its hearings, the proposed modification will first be referred back to the Planning Commission for its recommendation, but the Planning Commission will not be required to hold a public hearing on the matter. If the Planning Commission fails to report back to the City Council within 45 days after the referral, the modification will be deemed to have been recommended for approval.

C. The City Council’s approval of an amendment to the General Plan must be by resolution, adopted by the affirmative vote of not less than a majority of the total membership of the Council.

D. Following the Council action, the City Clerk will make the documents amending the General Plan, including the diagrams and text, available for public inspection.
Article 15.04.814  Amendments to Zoning Map and Text

Sections:
15.04.814.010  Purpose
15.04.814.020  Applicability
15.04.814.030  Initiation of Amendments
15.04.814.040  Procedures
15.04.814.050  Findings
15.04.814.060  Planning Commission Action
15.04.814.070  City Council Action

15.04.814.010  Purpose
This Article establishes a uniform process for the amendment of Article XV, provided that such amendment is consistent with the General Plan.

15.04.814.020  Applicability
The procedures in this Article apply to all proposals to change the text of Article XV or to revise a zoning district classification or boundary line shown on the Zoning Map.

15.04.814.030  Initiation of Amendments
An amendment to Article XV or the Zoning Maps may be initiated by:

A. Any qualified applicant as identified in Article 15.04.803 (Common Procedures); or
B. An order of the City Council or Planning Commission, on its own motion or on the recommendation of the Director.

15.04.814.040  Procedures
An application for an amendment to Article XV and/or the Zoning Maps must be filed and processed in accordance with the provisions of Article 15.04.803 (Common Procedures) and must be considered by the City Council with a recommendation from the Planning Commission. Its approval must be by ordinance and is subject to referendum. The Director must prepare a report and recommendation to the Commission, that must include, but is not limited to, a discussion of how the proposed amendment meets the findings in Section 15.04.814.050. The Commission’s recommendation must be forwarded to the City Council for action on the proposed amendment except in the situation specified in Section 15.04.814.060A (Recommendation Against Amendment to Rezone Property).

15.04.814.050  Findings
The Planning Commission in recommending, and the City Council in approving, an amendment to Article XV or the Zoning Maps, must make all of the following findings:
A. The proposed amendment is consistent with the General Plan.

B. The proposed amendment is necessary for public health, safety, and general welfare or will be of benefit to the public.

C. The proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act.

D. For a change to the Zoning Maps, that the subject property is suitable for the uses permitted in the proposed zone in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations, and that the proposed change of zoning district is not detrimental to the use of adjacent properties.

**15.04.814.060 Planning Commission Action**

The Planning Commission must hold a public hearing noticed and conducted as required by Article 15.04.803 (Common Procedures) and must then vote on its recommendation on the proposed amendment.

A. **Recommendation Against Amendment to Rezone Property.** If the matter under consideration is an amendment to change property from one zone to another, and the Planning Commission recommends against the adoption of such amendment, the application is denied and the City Council may not be required to take any further action on the amendment unless the Planning Commission’s decision is appealed pursuant to Section 15.04.803.130 (Appeals).

B. **All Other Situations.** Following the public hearing, the Planning Commission must submit a recommendation on the proposed amendment and environmental determination to the City Council. The recommendation must include the reasons for the recommendation; the extent to which the proposed amendment meets the purposes of this Article; the compatibility of the proposed amendment with the General Plan and any other adopted plan; and any changes to the amendment that the Commission deems necessary to comply with the General Plan and other adopted plans, or to reduce environmental impacts.

**15.04.814.070 City Council Action**

After receiving the report from the Planning Commission, the City Council must hold a public hearing noticed and conducted as required by Article 15.04.803 (Common Procedures). The notice must include a summary of the Planning Commission recommendation. After the conclusion of the hearing, the City Council may approve, modify, or disapprove the recommendation of the Planning Commission, provided that any substantial modification of the proposed amendment by the City Council not previously considered by the Planning Commission during its hearing must first be referred to the Planning Commission for report and recommendation. The Planning Commission is not required to hold a public hearing on the matter. If the Planning Commission fails to report back to the City Council within 45 days after the referral, the modification will be deemed to have been recommended for approval. The City Council’s approval of an amendment to Article XV and/or Zoning Maps must be by ordinance.
Article 15.04.815   Enforcement Provisions

Sections:
15.04.815.010  Purpose
15.04.815.020  Enforcement Responsibilities
15.04.815.030  Revocation
15.04.815.040  Nuisance

15.04.815.010  Purpose
This Article establishes the responsibilities of various departments, officials and public employees of the City to enforce the requirements of Article XV and establishes uniform procedures the City will use to identify, abate, remove, and enjoin uses, buildings, or structures that are deemed to be in violation of Article XV.

15.04.815.020  Enforcement Responsibilities
A. The Zoning Administrator is responsible for enforcing the provisions of Article XV.
B. All departments, officials, and public employees of the City vested with the duty or authority to issue permits or licenses must conform to the provisions of Article XV and not issue any permit or license for uses, buildings or purposes in conflict with the provisions of Article XV. Any such permit or license issued in conflict with the provisions of Article XV is null and void.

15.04.815.030  Revocation
Any permit granted under Article XV may be revoked in accordance with the provisions in Section 15.04.803.120 (Revocation) if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection with the permit. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

15.04.815.040  Nuisance
A. Nuisance Defined. In accordance with Section 9.22.090 of the Municipal Code, the following is unlawful and constitutes a public nuisance:
   1. Any building, structure, or planting set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of Article XV;
   2. Any use of any land, building, or premises established, conducted, operated, or maintained contrary to the provisions of Article XV; or
   3. Failure to comply with any of the conditions of a permit granted under Article XV.
B. **Authority.** The Director, the Zoning Administrator, the Code Enforcement Manager and/or Building Official, and their respective designees, or such person designated by the City Manager, are authorized and directed to use the provisions of this section and of Municipal Code Chapters 9.22 and 2.62 for the purpose of abating those nuisances that exist as the result of violation of Article XV. They are “authorized City employees” for purposes of this Article and Municipal Code Chapter 9.22 and “enforcement officers” for purposes of Municipal Code Chapter 2.62.

C. **Procedures.** Whenever an authorized City employee has inspected or caused to be inspected any structure, building, use, or property and determined that it a nuisance, the authorized City employee shall commence proceedings to cause the abatement of the nuisance, as provided for in Chapters 9.22 and 2.62 of the Municipal Code.

D. **Remedies.** The remedies provided for in this Section are cumulative and not exclusive to those provided for in Chapter 9.22 of the Municipal Code. Upon a finding of nuisance, and after giving the property owner an opportunity to cure the nuisance and determining that the nuisance still exists, the City may impose any remedy available at law or in equity, which includes, but is not limited to, any of the following or combination of the following:

1. Ordering the cessation of the use in whole or in part.
2. Imposing reasonable conditions upon any continued operation of the use, including those uses that constitute existing non-conforming uses.
3. Requiring continued compliance with any conditions so imposed.
4. Requiring the user to guarantee that such conditions will in all respects be complied with.
5. Imposing additional conditions or ordering the cessation of the use in whole or in part upon a failure of the user to comply with any conditions so imposed.
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## Appendix A: Guidelines for Establishing Peak Hour Trip Credits for TDM Measures

All new developments subject to the TDM program is required to show a 15 percent reduction in peak hour vehicle trips from ITE standard rates. Peak hour is defined as the hour when greatest traffic volume occurs; it generally occurs during morning and afternoon commute times. Traffic counts are obtained during a.m. and p.m. peak periods and the volume from the heaviest hour of a.m. or p.m. traffic is used to define peak hour for those time periods.

<table>
<thead>
<tr>
<th>Transportation Demand Management</th>
<th>Number of Peak Hour Trips Credited</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secure bicycle storage</td>
<td>One peak hour trip will be credited for every 3 new bike lockers/racks installed and maintained. Lockers/racks must be installed within 100 feet of the building.</td>
<td>Experience has shown that bicycle commuters will average using this mode one-third of the time, especially during warmer summer months.</td>
</tr>
<tr>
<td>Showers and changing rooms</td>
<td>Five peak hour trips will be credited for each new combination shower and changing room installed. An additional 5 peak hour trips will be credited when installed in combination with at least 5 bike lockers</td>
<td>5 to 1 ratio based on cost to build and the likelihood that bicycle utilization will increase.</td>
</tr>
<tr>
<td>Operation of a dedicated shuttle service during the peak period to a rail station</td>
<td>One peak hour trip will be credited for each peak-hour round trip seat on the shuttle. Increases to two trips if a Guaranteed Ride Home Program is also in place.</td>
<td>Yields a one-to-one ratio (one seat in a shuttle equals one auto trip reduced); utilization increases when a guaranteed ride home program is also made available.</td>
</tr>
<tr>
<td>Guaranteed Ride Home Program</td>
<td>One peak hour trip will be credited for each 10% of site commuters who reported using non-auto or high-occupancy vehicle (HOV) modes of transportation as their “primary mode of transportation” to/from work on the most recent employee transportation survey.</td>
<td>The availability of a guaranteed ride home will have greater impact at employment sites that have a lower share of employees who regularly commute by driving alone. Yield’s an effective 10% increase in the percentage of commuters choosing not to drive alone.</td>
</tr>
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<td>Charging employees for parking</td>
<td>Two peak hour trips will be credited for each parking spot charged out at least $20 per month for one year.</td>
<td>Two to one ratio reflects the relative importance of parking charges for vehicle trip reduction.</td>
</tr>
<tr>
<td>Subsidizing transit tickets for employees</td>
<td>One peak hour trip will be credited for each transit pass that is subsidized at least $20 per month for one year. One additional trip will be credited if the subsidy is increased to $75 for parents using transit to take a child to childcare enroute to work.</td>
<td>Yields a one-to-one ratio (one transit pass equals one auto trip reduced).</td>
</tr>
<tr>
<td>Subsidizing pedestrians/bicyclists who commute to work</td>
<td>One peak hour trip will be credited for each employee that is subsidized at least $20 per month for one year.</td>
<td>Yields a one-to-one ratio (one pedestrian/bicyclist equals one auto trip reduced).</td>
</tr>
<tr>
<td>Creation of preferential parking for carpoolers</td>
<td>One peak hour trip will be credited for each reserved parking spot.</td>
<td>Yields a one-to-one ratio (one reserved parking spot equals a minimum of one auto trip reduced).</td>
</tr>
<tr>
<td>Creation of preferential parking for vanpoolers</td>
<td>Two peak hour trips will be credited for each parking spot reserved.</td>
<td>Preferential parking provides an added incentive to commute by vanpool (this credit assumes that 1-2 passengers per van would otherwise have chosen to drive alone, were it not for the preferential parking.</td>
</tr>
<tr>
<td>Implementation of a vanpool program</td>
<td>Five peak hour trips will be credited for each vanpool arranged by a specific program operated at the site of the development.</td>
<td>The average van capacity is seven. This credit assumes that at least five of seven passenger trips taken by vanpool during the peak hour represent trips that would otherwise be taken by driving alone.</td>
</tr>
</tbody>
</table>
| Operation of a commute assistance center, offering on site, one stop shopping for transit and commute alternatives information | One peak hour trip will be credited for each feature added to the information center; and an additional one peak hour trip will be credited for 40 employees on site. Features may include:  
  - Transit information brochure rack with maps and schedules  
  - Real-time transit arrival/next bus/train information display  
  - On-site transit ticket sales  
  - Educational programs to support commute alternatives | Short of there being major disincentives to driving, having an on-site TDM program offering commute assistance is fundamental to an effective TDM program. |
## Appendix A: Guidelines for Establishing Peak Hour Trip Credits for TDM Measures

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<tr>
<td>Survey Employees to examine use and best practices</td>
<td>Two peak hour trips will be credited for a survey developed to be administered twice yearly</td>
<td>Professional best estimate with the goal of finding best practices to achieve the mode shift goal.</td>
</tr>
<tr>
<td>Parking cash out program</td>
<td>One peak hour trip will be credited for each parking spot where the employee is offered and takes a cash payment in return for not using parking at the employment site.</td>
<td>Yields a one-to-one ratio (one cashed out parking spot equals one auto trip reduced).</td>
</tr>
<tr>
<td>Compressed workweek program</td>
<td>One peak hour trip will be credited for every 5 employees that are offered the opportunity to work four compressed days per week.</td>
<td>Typical participating employees will take 20% fewer vehicle trips to the work site each week.</td>
</tr>
<tr>
<td>Flextime: Implementation of an alternate hours workweek program</td>
<td>One peak hour trip will be credited for each employee that is offered the opportunity to work staggered work hours.</td>
<td>Employees working alternative, or non-conventional work hours are assumed to be commuting to/from the worksite outside of the observed hours of peak demand for access to/from the site.</td>
</tr>
</tbody>
</table>
| On-site amenities | Five peak hour trips will be credited for each feature added to the job site. Features may include:  
- banking  
- grocery shopping  
- clothes cleaning  
- exercise facilities  
- child care center | Professional “best estimate.” Assumes vehicle trip reduction resulting from internal capture, wherein commuters visit multiple establishments on each trip. |
| Child care services | One trip will be credited for every two child care slots at the job site. | Professional “best estimate.” |
| Shared parking | Five peak hour trips will be credited for every 50 parking spaces subject to an agreement with an existing development to share existing parking. | Shared parking encourages internal capture, with circulation and visitation to multiple establishments made by non-auto mode. |
| Participate in/create/sponsor a Transportation Management Association | Five peak hour trips will be credited for every 200 employees at an organization participating in a TMA. | Generally acceptable TDM practices. A TMA can help promote, administer, and implement |
City Zoning & Subdivision Regulations Update

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