

Exhibit A: Proposed Amended Article 3

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

Article 3 Definitions

Sections:

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

1-300 **Purpose and Applicability**

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

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

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

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

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

1-304 Definitions

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

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

Accessory Dwelling Unit. See “Secondary Dwelling Unit.”

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

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

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

Activity. The performance of a function or operation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Arcade. See "Game Center."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

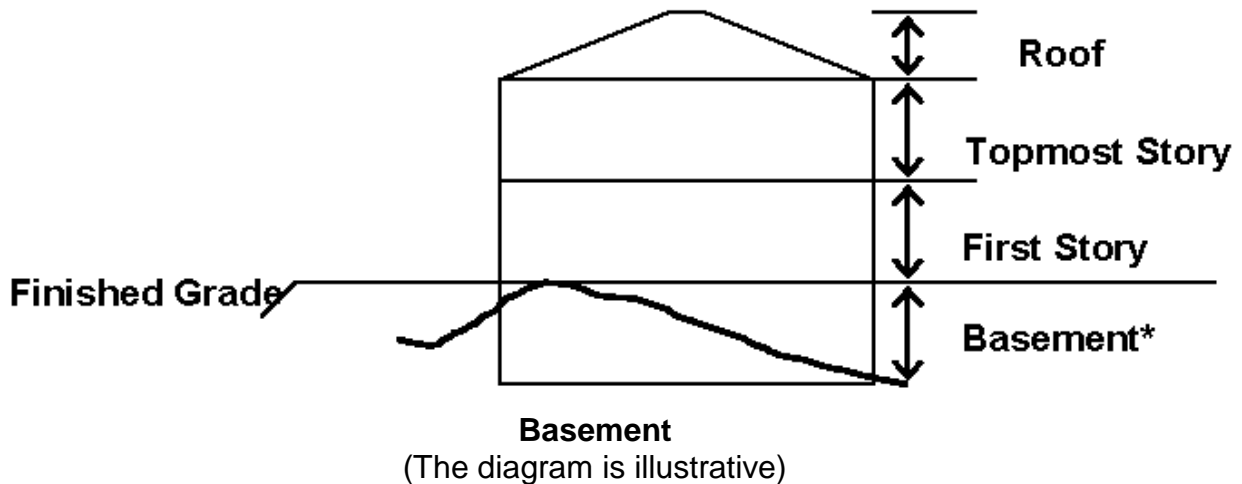
Balcony. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Banks. See “Financial Institutions, Retail.”

Barbed Wire. See “Razor/Barbed Wire.”

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

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



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

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

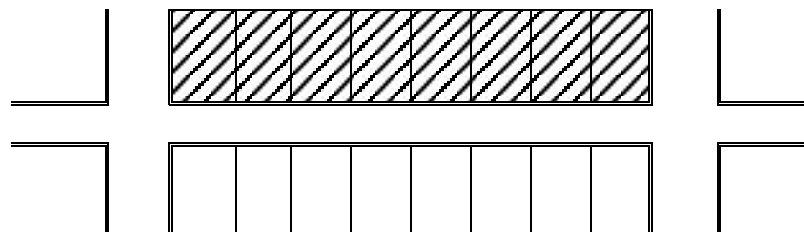
Bed and Breakfast Inns. Establishments with no more than six (6) guest rooms, offering lodging on a **short-term rental not to exceed 30 days** less than weekly basis, typically in a converted single-family or multi-family dwelling, with incidental eating and drinking service for lodgers only provided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

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

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

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

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



BLOCKFACE
(This diagram is illustrative)

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

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

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

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

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

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

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

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

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

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

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

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

Cellar. See "Basement."

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

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

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

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

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

City. The City of San Leandro.

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

Commercial Filming. Commercial motion picture or video photography.

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

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

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

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

Concertina Wire. See “Razor/Barbed Wire.”

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

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

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

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

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

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

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

Corner Lot. See “Lot, Corner.”

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

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

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

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

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

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

Credit Union. See “Financial Institutions, Retail.

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

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

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

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

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

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

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

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

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

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

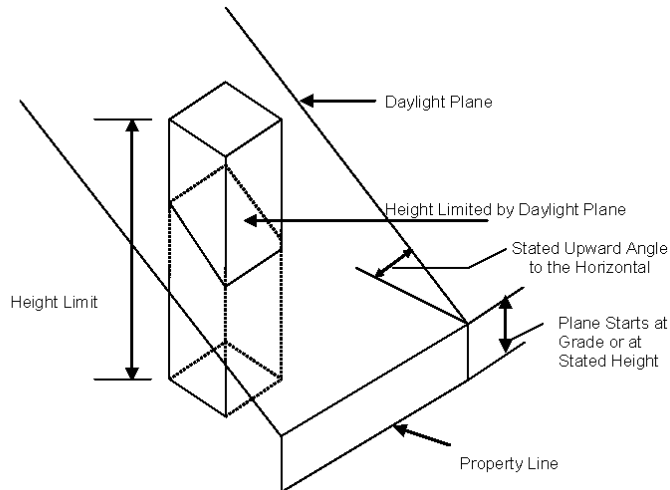
Day Care, Limited. Non-medical care and supervision of persons, in the provider's own home, on a less than twenty-four (24) hour basis. This classification is exclusive to those facilities licensed by the State of California, and includes nursery schools, pre-schools, and day-care centers for children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

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

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

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

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



DAYLIGHT PLANE
(This diagram is illustrative)

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

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

Depth. See “Lot Depth.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

First Story. See “Story, First.”

Exhibit A: Proposed Amended Article 3

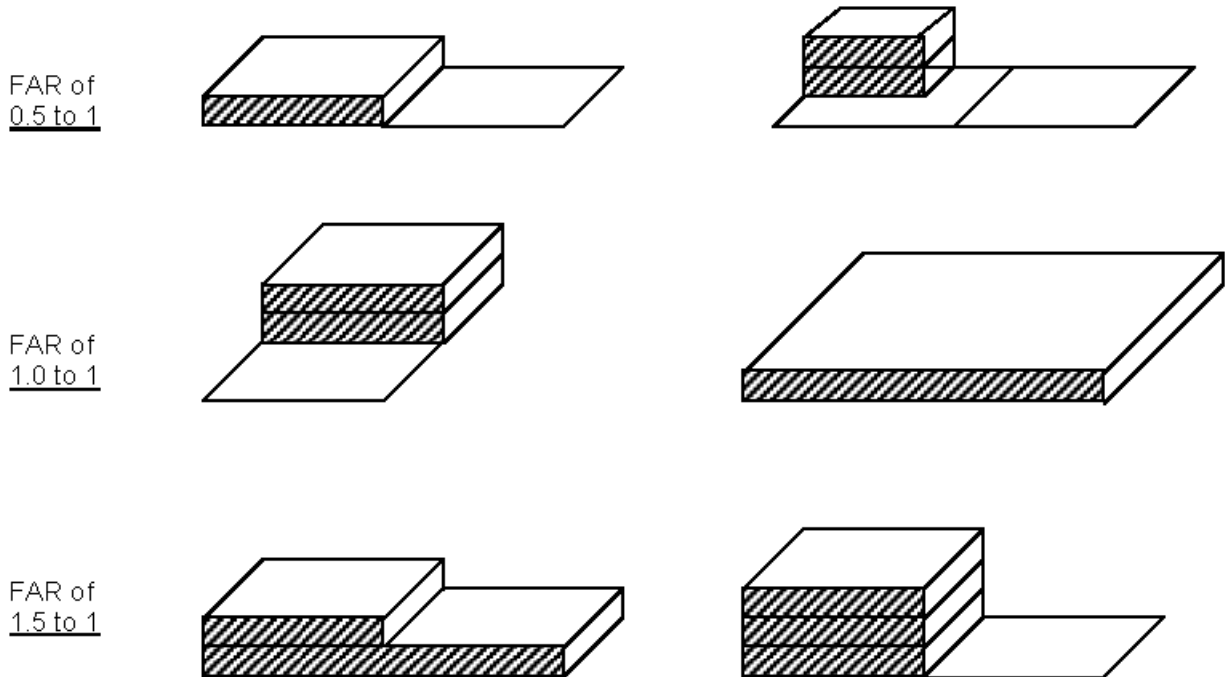
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Floor Area, Gross. The total enclosed area of all floors of a building, other than a single-family home in a RO or RS District, measured to the outside face of the structural members in exterior walls, and including halls, stairways, mezzanines, elevator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

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

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



FLOOR AREA RATIO
(The diagram is illustrative)

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

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

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

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

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

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

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

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

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

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

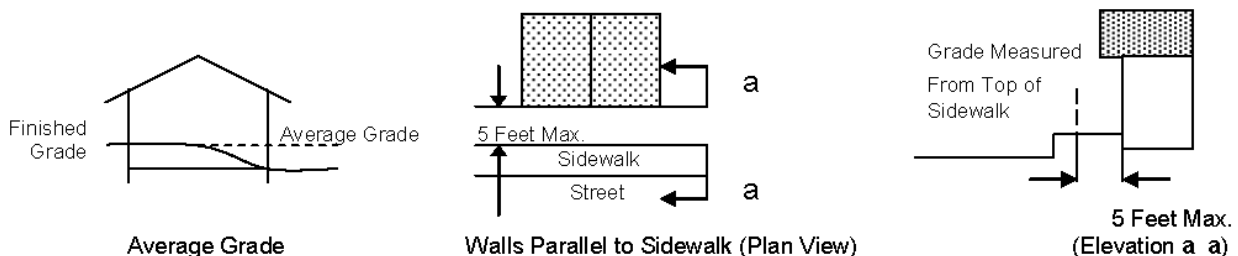
Garage and Yard Sales. Sales in an R district of personal property on an occasional basis, not exceeding two (2) times per year and on the premises of the property owner or the premises of a residential property in the immediate vicinity.

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

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

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

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



GRADE STANDARDS
(The diagram is illustrative)

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

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

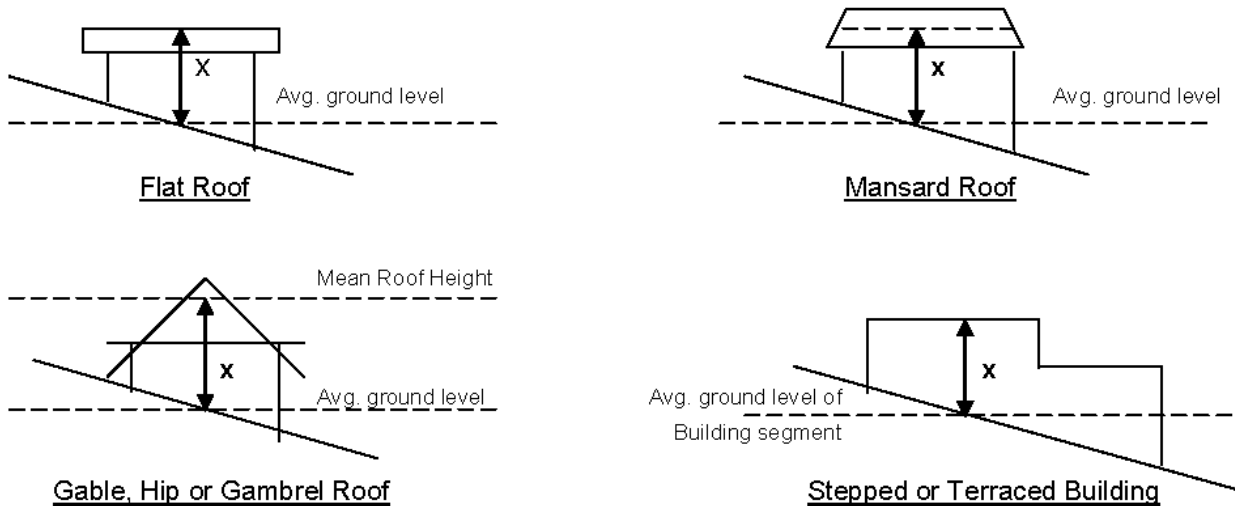
Gun or Weapon Shop. A business establishment principally engaged in the business of selling firearms, ammunition or other “deadly weapon” as defined in Part 4, Title 2 of California Penal Code (commencing with section 12000).

Habitable accessory structure. A detached, subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use and contains some or all of the required amenities and some or all of the allowed amenities.

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

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

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



BUILDING HEIGHT
(The diagram is illustrative)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit A: Proposed Amended Article 3

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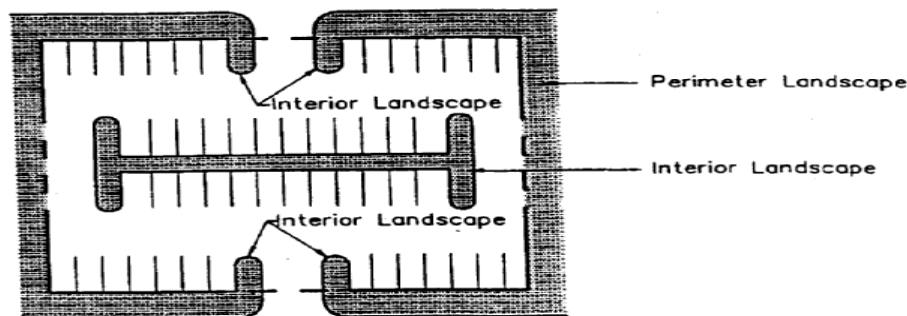
Kitchen. An area designed, intended or used for the preparation of food or a combination of facilities and appliances designed, intended or used for the preparation of food. The kitchen of a dwelling unit is typically that area inside the unit that serves as its primary food preparation area, and is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

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

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

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

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



Landscaping: Perimeter/Interior
(The diagram is illustrative)

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

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

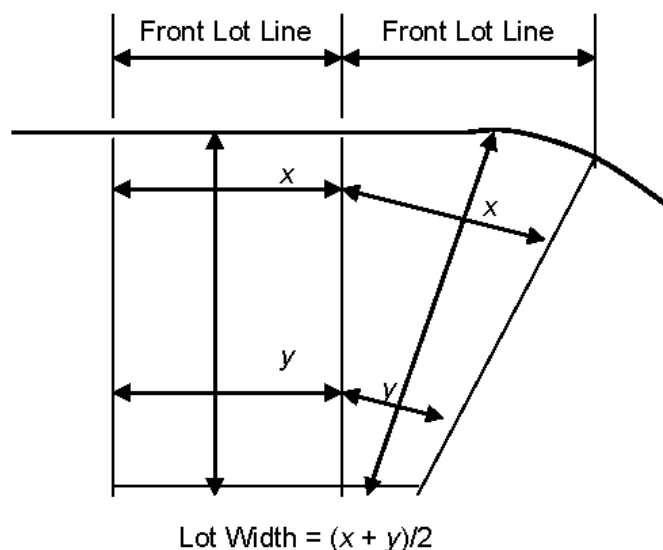
~~**Live/Work Unit.** A unit with both residential and nonresidential uses and where neither use is subordinate to the other.~~

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

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

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

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



LOT DEPTH AND LOT WIDTH

(The diagram is illustrative)

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

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

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

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

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

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

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

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

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

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

Marquee. See "Canopy."

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

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

Mini-Warehouse. See “Public Storage.”

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

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

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

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

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

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

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

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

Nonhabitable accessory structure. A detached subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use.

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

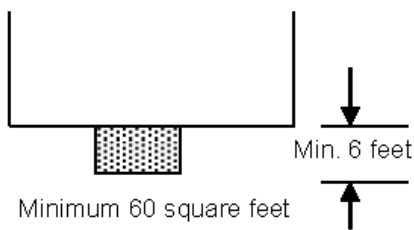
Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, real estate, insurance, investment, legal, dental laboratories, and medical/dental offices. This classification includes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

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

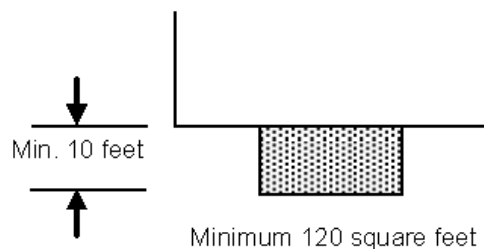
Open Space, Common. Usable open space with a minimum dimension of ten (10) feet in any direction and a minimum area of three hundred (300) square feet. (Also, see Section 2-558: RM District—Multi-Family Dwellings, Requirements for Open Space.)

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

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



PRIVATE BALCONY (A)



PRIVATE DECK, PATIO, PORCH OR COURT (B)

OPEN SPACE, PRIVATE
(The diagram is illustrative)

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

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

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

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

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

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

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

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

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

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

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

Pharmacies. Establishments that primarily sell prescription drugs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rooming House. See "Boarding House."

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

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

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

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

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

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

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

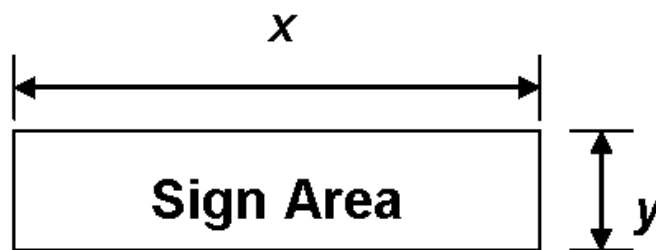
Sign. A visual communications device used to convey a message to its viewers. A sign shall mean and include every advertising message, announcement, declaration, insignia, surface or space erected or maintained for identification, advertisement or promotion of the interests of any person, entity, product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

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

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

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

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



Sign Area = x by y

SIGN AREA

(The diagram is illustrative)

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

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

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

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

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

Sign, Flag. See "Sign, Freestanding."

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

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

Sign, Ground. See "Sign, Freestanding."

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

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

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

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

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

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

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

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

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

Sign, Pole. See “Sign, Freestanding.”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Site Coverage. See "Coverage, Lot or Site."

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

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

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

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

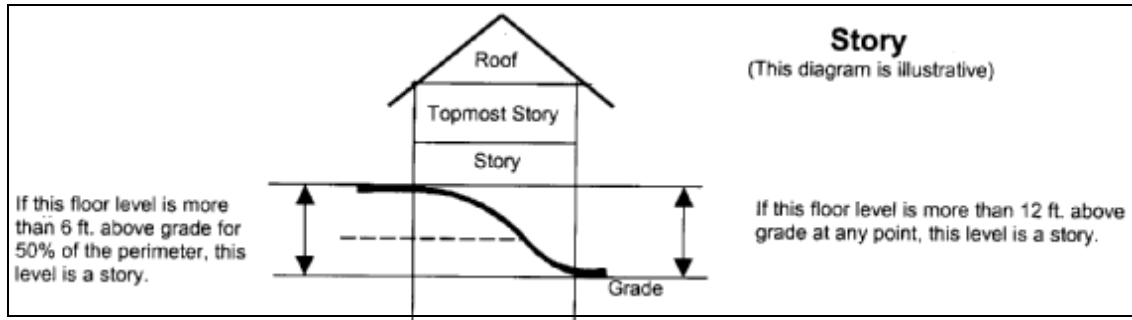
- A. Less than completely and opaquely covered human (i) genitals or pubic region; (ii) buttocks; and (iii) female breasts below a point immediately above the top of the areola;
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and
- C. Any device, costume,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

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

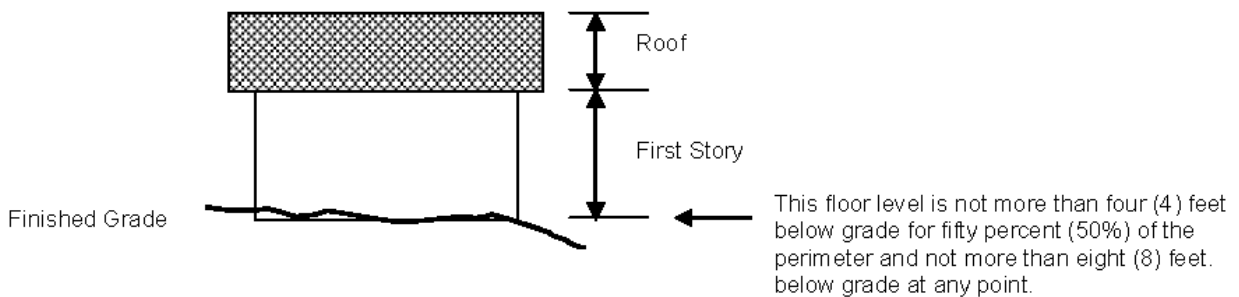
- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
- B. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated; and
- D. Excretory functions as part of or in connection with any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

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

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



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



STORY, FIRST
(This diagram is illustrative)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

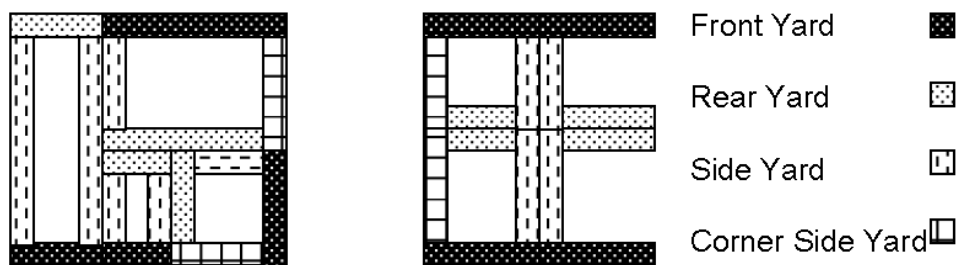
Wireless Telecommunication Facility. **An unstaffed communications facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves, including antennas and all ancillary equipment. It does not include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

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

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

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

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



YARD TYPES
(This diagram is illustrative)

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

1-306 Responsibilities

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

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

1. Duties of the Zoning Enforcement Official:

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

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

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

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

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

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

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