

# Exhibit A

## Title 1—General Provisions

### Chapter 1.08 Organization, Applicability, and Interpretation

#### Section 1.08.116 Effect of this Code on Approved Projects and Projects in Process

A. Approved Projects.

1. No provision of this Code shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to the effective date of this Code or any subsequent amendment.
2. Use permits, Planned Developments, and other discretionary approvals, any of which are valid on the effective date of this Code, shall remain valid until their expiration date. These projects can be built in accord with the conditions of approval in effect at the time of approval, provided that the approval is valid at the time building permits are issued and that such a permit is subject to any time limits imposed pursuant to the Uniform Building Code, adopted by the City. Unless otherwise expressly established in a use permit, variance, Planned Development or other discretionary zoning approval, the use permit, variance, Planned Development or other discretionary approval shall lapse one year after the effective date of this Code unless, by that date:
  - a. A complete application for a building permit has been accepted; or
  - b. A certificate of occupancy has been issued; or
  - c. The use is established; or
  - d. An extension of time has been duly approved by the City.
3. Any reapplication for an expired permit must meet the standards in effect at the time of reapplication.
4. Any modification of a valid permit issued prior to the effective date of this Code that results in a change in use that affects more than 10 percent of the floor area or an increase in square footage by more than 10 percent of the floor area shall be approved only as a conditional use under the provisions of Chapter 5.08 Use Permits and Variances. In no case may an increase in excess of 2,500 square feet be allowed.

## Chapter 1.12 Definitions

### Section 1.12.108 Definitions

**Floor Area, Gross.** The total enclosed area of all floors of a building, other than a single-family home in a RO or RS District, measured to the outside face of the structural members in exterior walls, and including halls, stairways, mezzanines, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than seven feet. For measure of floor area in a single-family home, refer to Section 2.04.332.A Calculation of Floor Area, Single Family Dwelling.

**Floor Area, Residential.** The measure of floor area in a single-family home in an RO or RS District. Refer to Section 2.04.332.A Calculation of Floor Area, Single Family Dwelling.

**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 Telecommunications antennas and towers, see Section 4.04.376 Wireless Telecommunications Facilities (as per Ordinance No. 98-009); and for definition of height restrictions in the RS-VP sub-district, refer to Section 2.04.320.E. Additional Height Restrictions in RS-VP Sub-District.

**Multi-Family Residential.** Three or more dwelling units in a single building on a single lot or attached through common walls to two or more dwellings on abutting lots. Types of multi-family residential development can include townhouses, condominiums, and apartment buildings.

**Public Transit.** Major transit stop as defined in Section 21064.3 of the Public Resources Code, except that it also includes a major transit stop that is included in an applicable regional transportation plan.

### Section 1.12.112 Responsibilities

Title 1 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 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.* The Zoning Enforcement Official shall approve minor modifications to previously approved use permit, variance, 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 Planning Commission, or the Board of Zoning Adjustments for action and may consult with the City Attorney on questions of interpretation.

## Title 2—Base District Regulations

### Chapter 2.04 R Residential Districts

#### Section 2.04.100 Specific Purposes

The additional purposes of each R Residential District are:

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

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

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

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

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

**RM-875 District**, where the density is 50 dwellings per gross acre.

#### ARTICLE 1. USE REGULATIONS

#### Section 2.04.220 Home Occupation in R Districts

- E. Appeals. In accord with Chapter 5.08 Use Permits and Variances, decisions of the Zoning Enforcement Official may be appealed to the Board of Zoning Adjustments by the applicant or by any interested party.

#### Section 2.04.228 Cottage Food Operations

- F. Appeals. In accord with Chapter 5.08 Use Permits and Variances, decisions of the Zoning Enforcement Official may be appealed to the Board of Zoning Adjustments by the applicant or by any interested party.

## ARTICLE 2. DEVELOPMENT REGULATIONS

### Section 2.04.300 Property Development Regulations—Residential Districts

The following sections set forth the property development regulations of the RD, RM, RO and RS Districts.

#### Section 2.04.304 Maximum Density

ZONING DISTRICT	MAXIMUM DENSITY
RD	2 dwelling units per parcel
RM-3000	14.5 dwelling units per acre
RM-2500	17.5 dwelling units per acre
RM-2000	22 dwelling units per acre
RM-1800	24 dwelling units per acre
RM-875	50 dwelling units per acre
RO	Varies based on parcel size. See Section 2.04.384 RO District—Additional Dwelling Units
RS	1 dwelling unit per parcel
RS-40	1 dwelling unit per parcel
RS-VP	dwelling unit per parcel

#### Section 2.04.308 Minimum Lot Area

ZONING DISTRICT	MINIMUM LOT AREA (SQ FT)	MINIMUM LOT AREA FOR CORNER LOT (SQ FT)
RD	5,000	6,000
RM-3000	6,000	7,000
RM-2500	7,500	8,500
RM-2000	10,000	12,000
RM-1800	10,000	12,000
RM-875	10,000	12,000
RO	8,000	8,000
RS	5,000	6,000
RS-40	5,000	6,000
RS-VP	5,000	6,000

### Section 2.04.312 Minimum Lot Width

ZONING DISTRICT	MINIMUM LOT WIDTH (FEET)	MINIMUM LOT WIDTH FOR CORNER LOT (FEET)
RD	50	60
RM-3000	60	70
RM-2500	75	85
RM-2000	100	120
RM-1800	100	120
RM-875	100	120
RO	60	60
RS	50	60
RS-40	50	60
RS-VP	50	60

### Section 2.04.316 Minimum Yards

- A. Minimum Building Setback. The minimum yard setback for building placement is as prescribed below. Additional building setback requirements may also apply as specified in Subsections B and C.

ZONING DISTRICT	FRONT (FEET)	SIDE (FEET)	CORNER SIDE (FEET)	REAR (FEET)
RD	20	5	10	15
RM-3000	20	Min.6; Avg.10	20	15
RM-2500	15	Min.6; Avg.10	15	15
RM-2000	15	Min.6; Avg.10	15	15
RM-1800	15	Min.6; Avg.10	15	15
RM-875	15	Min.6; Avg.10	15	15
RO	20	6-12	10	10-25
RS	20	5	10	15
RS-40	40	5	10	15
RS-VP	20	5	10	15

**Section 2.04.320 Maximum Height of Structures**

ZONING DISTRICT	HEIGHT (FEET)
RD	30
RM-3000	40
RM-2500	45
RM-2000	50
RM-1800	50
RM-875	50
RO	30(C)
RS	30
RS-40	30
RS-VP	18(D)

- A. General Exceptions to Height Limits. The maximum height of a structure, other than in the RS-VP District, shall be subject to the regulations of Section 4.04.320 Exceptions to Height Limits.
- B. Additional Height Restriction in RO District. Any portion of a dwelling located within 20 feet of the rear lot line shall not exceed 15 feet in height.
- C. Additional Height Restrictions in RS-VP Sub-District.
  - 1. Alternate Definition to Measure Maximum Height of Structure in RS-VP Sub-District. Notwithstanding the definition of "Height" in Section 1.12.108 Definitions, the height of a structure in the RS-VP sub-district shall not exceed a height of 18 feet, as defined below:
    - a. Establishing Maximum Building Height. The 18-foot height limit is established by an assumed plane 18 feet above existing grade, as measured perpendicularly from the existing grade. Except for chimneys, vents, and non-commercial reception antennas, no portion of the structure, including any part of the roof, may exceed this 18 feet height limit. (See illustration "Examples of 18 Foot Height Limit.")
    - b. Documenting Compliance with Maximum Building Height. Applicants shall illustrate the proposal's height by providing no less than two sectional views, drawn through the proposed structure and perpendicular to existing contours, one of which shall illustrate the tallest point of the structure (i.e., where the structure would be at its maximum height above "existing grade"), and the other being drawn at approximately the center of the structure.
  - 2. Definition of "Existing Grade." See 1.12.108 Definitions "Existing Grade" and illustration "Examples of 18 Foot Height Limit" above.

3. **Maximum of One Story.** A maximum of one story is permitted in the RS-VP sub-district, except that the improvement of a basement or space below an existing habitable story (i.e., construction of a new habitable story within the building envelope of a pre-existing structure) is exempt from this one-story limitation.
4. **Exceptions.** Exceptions may be granted to the 18 feet and/or one-story height limit up to a height not to exceed 30 feet, pursuant to Major Site Plan Review. To approve an exception to the height limit of the RS-VP Sub-District, the decision-making body shall make the following finding:
  - a. **Mandatory Finding—The Views Currently Enjoyed by Neighbors Are Retained.** The proposed construction that is in excess of the height limit of the RS-VP Sub-District does not unreasonably block or diminish neighbors’ views of distant and scenic features, such as the San Francisco Bay and surrounding open spaces and skylines, to any greater degree than would a proposal for construction that conformed to the height limits of the RS-VP Sub-District.
5. **Pre-Existing Structures.** Notwithstanding the restrictions specified in Subsection B.3 of Section 4.20.108 Alterations and Expansions on allowed improvements to nonconforming structures, single-family residences in the RS-VP sub-district permitted prior to August 15, 2001, and are nonconforming only because they exceed the height limitation of this subsection, may be improved by enlargements or alterations of any value. If damaged or destroyed, such structures may be reconstructed as specified by Subsection B.1 of Section 4.20.116 Restoration of a Damaged Structure and Its Nonconforming Use

### Section 2.04.328 Maximum Lot Coverage

DISTRICT	COVERAGE (PERCENT)
RO	33-1/3
RS	50
RS-40	50
RS-VP	50
RD	50
RM-3000	50
RM-2500	60
RM-2000	60
RM-1800	70
RM-875	80



**Section 2.04.332 Maximum Floor Area Ratio (FAR)**

	<b>RD, RS, RS-40, RS-VP</b>	<b>RO</b>
Lots Less than 5,000 sf	50% + 450 sf if a garage exists; Maximum livable area = 2,500 sf	50% + 500 sf if a garage exists; Maximum livable area = 4,000 sf
Lots 5,001 – 8,000 sf	50% + 500 sf if a garage exists; Maximum livable area = 4,000 sf	
Lots more than 8,000 sf	50% for first 5,000 sf, then 30% for area > 5,000—10,000 sf, then 10% for area >10,000 sf; + 500 sf if 2-car garage exists or 750 sf if 3 or more car garage exists;  Livable area >4,000 sf for any single structure would require Major Site Plan Review approval	50% for first 5,000 sf, then 30% for area > 5,000—10,000 sf, then 10% for area >10,000 sf; + 500 sf/unit if a garage exists;  Livable area >6,000 sf cumulatively for the entire site would require Major Site Plan Review approval

- A. Calculation of Floor Area, Single Family Dwelling. The floor area of a single-family dwelling shall be calculated as follows:
  - 1. The floor area shall include the total horizontal area of each floor within the exterior walls of the building(s) that comprise the primary residence, include any enclosed space with a seven foot or greater ceiling height, and as measured at the exterior face of the enclosing walls. The calculated floor area shall be doubled for that portion of interior space with an interior ceiling height of 15 feet or greater.
  - 2. The floor area shall exclude:
    - a. Garages, carports and accessory buildings, excluding accessory dwelling units;
    - b. Portions of attics and lofts which have less than a seven-foot ceiling height, see definition of “Attic” in Section 1.12.108 Definitions;
    - c. Basements, unless any part of the basement is seven feet six inches or higher, then all areas greater than five feet in height shall count as area for floor area ratio calculations, see definition of “Basement” in Section 1.12.108 Definitions; and
    - d. A balcony, porch, deck or other structure where at least one of the longest dimensions is completely unenclosed.
- B. Exceptions to the Maximum FAR may be allowed subject to the approval of Major Site Plan Review.

**Section 2.04.336 Additional Property Development Regulations: Residential Districts**

In addition to the development regulations listed above, the following regulations shall apply:

- A. All multi-family residential development shall be subject to the regulations of Section 4.04.336 Multi-Family and Mixed-Use Residential Development.
- B. Fences and Walls shall be subject to the regulations of Section 4.04.364 Fences, Walls, and Hedges.
- C. Off-Street Parking and Loading shall be subject to the regulations of Chapter 4.08 Off-Street Parking and Loading Regulations.
- D. Signs shall be subject to the regulations of Chapter 4.12 Signs.
- E. Outdoor Facilities shall be subject to the regulations of Section 4.04.324 Outdoor Facilities and Storage/Loading Facilities.
- F. Screening of Mechanical Equipment shall be subject to the regulations of Section 4.04.328 Screening of Mechanical Equipment.
- G. Refuse Storage Areas shall be subject to the regulations of Section 4.04.332 Refuse Storage Areas.
- H. Underground Utilities shall be subject to the regulations of Section 4.04.336 Underground Utilities.
- I. Performance Standards shall be subject to the regulations of Section 4.04.340 Performance Standards.
- J. Nonconforming Structures shall be subject to the regulations of Chapter 4.20 Nonconforming Uses and Structures.

### **Section 2.04.340 R Districts—Adjustments to Minimum Yard Requirements**

- A. RS Districts - Abutting Nonconforming Front Yard Setbacks. Where two or more lots on the same side of a street between intersecting streets, or between an intersecting street and cul-de-sac, have front yards less than what is required for the district, the following shall apply: The front yard for a dwelling hereafter erected or altered shall not be required to be greater than the average of the two abutting lots sharing a common side lot line. When an abutting lot is vacant, the required front yard setback shall be used in calculating the average. Where only one other lot has a common side lot line with the building site, the front yard may be reduced to match this adjoining lot. However, in no case shall a front yard setback be reduced to less than 10 feet.
- B. R Districts - Religious Assembly Yard Requirements. Yards, height and bulk, and buffering requirements shall be as specified by a use permit, provided that, where adjacent to a building site in an R district, the minimum interior side yard shall be 15 feet and the minimum rear yard shall be 20 feet. Yards adjoining street property lines shall not be less than required for a permitted use.
- C. R Districts - Alley Setback. The width of a required interior side or rear yard adjoining an alley may be reduced to five feet.
- D. RS Districts - Rear Yard Requirement Exception. The required depth of the rear yard is 15 feet. However, if there is an open space on the site, exclusive of the required front yard, containing 400 square feet and a minimum dimension of 15 feet, the depth of the rear yard may be reduced to 10

feet. At the discretion of the Zoning Enforcement Official, such reductions may also require an exception to the Daylight Plane requirements as outlined in Sections 2.04.324 Daylight Planes in R Districts.

- E. RM District - Single-Family and Two-Family Development. The side and rear yard of a single-family home in a RM District shall be the same as those setbacks required in the RS District. The side and rear yard of a two-family home in a RM District shall be the same as those setbacks required in the RD District.
- F. Zero-Side Yard Development. In zero-side yard development, required side setbacks apply to the ends of rows of attached units.

## ARTICLE 3. ADMINISTRATIVE REGULATIONS

### Section 2.04.400 Administrative Exceptions

- A. Standards for Which an Administrative Exception May be Approved. An Administrative Exception per Chapter 5.06 may be approved to allow exceptions to development regulations as specifically identified in any section of this Chapter.

### Section 2.04.404 Site Plan Review

- A. Applicability. Site plan approval pursuant to Chapter 5.12 Site Plan Approval is required prior to issuance of a building permit for the following improvements:

1. RD and RM Districts

- a. Administrative Site Plan Review. In the RD and RM Districts, Administrative Site Plan Review per Chapter 5.12, Site Plan Review is required for all proposed development which would either:

- i. Result in an additional dwelling unit, excluding an accessory dwelling unit meeting all requirements of Section 2.04.388 Accessory Dwelling Units (ADUs), or
- ii. Result in an addition or partial demolition with reconstruction, resulting in a net enlargement to the existing structure that will be greater in size than both: 2,500 square feet and 50 percent of the gross floor area of the existing development, or
- iii. Result in a new freestanding structure, such as a carport or garage, greater in size than 2,500 square feet, or
- iv. Create or increase the square footage of a second or third story.

2. RO, RS and RS-40 Districts

- a. Major Site Plan Review. In the RO, RS, and RS-40 Districts, Major Site Plan Review per Chapter 5.12, Site Plan Review is required for all proposed development which would:

- i. Result in either a new and/or enlarged single-family home, on an existing parcel, which would either:
  - (1) Result in a home with floor area greater than 4,000 square feet (also applicable to multiple units on a single parcel in the RO district, with a cumulative floor area greater than 6,000 square feet); or
  - (2) Result in an addition that exceeds 100 percent of the existing home's floor area (i.e. more than doubles the floor area of the

- existing home), and/or exceeds the maximum floor area ratio (FAR) established for the parcel; or
  - (3) Result in a three-story home, or increase the square footage of a third story.
  - (4) Result in a new and/or enlarged two-family dwelling which would either:
    - (a) Result in an additional dwelling unit, excluding an accessory dwelling unit meeting all requirements of Section 2.04.388 Accessory Dwelling Units (ADUs), or
    - (b) Result in an addition or partial demolition with reconstruction, resulting in a net enlargement to the existing structure that will be greater in size than both: 2,500 square feet and 50 percent of the gross floor area of the existing development, or
    - (c) Result in a new freestanding structure, such as a carport or garage, greater in size than 2,500 square feet, or
    - (d) Create or increase the square footage of a second- or third story.
  - b. Minor Site Plan Review. In the RO, RS, and RS-40 Districts, Major Site Plan Review per Chapter 5.12, Site Plan Review is required for all of the following proposed development that is not otherwise subject to Major Site Plan Review pursuant to Subsection a above:
    - i. A new two-story home; or
    - ii. An addition that creates a new second story; or
    - iii. An addition that increases the square footage of an existing second story.
3. RS-VP District.
- a. Major Site Plan Review. In the RS-VP District, Major Site Plan Review per Chapter 5.12, Site Plan Review is required for all of the following proposed development which would:
    - i. Result in a new single-family home, or
    - ii. Result in any addition, including attached accessory structures or garages, containing 250 square feet or more, or results in a home with floor area greater than 4,000 square feet.
  - b. Minor Site Plan Review. In the RS-VP District, Minor Site Plan Review per Chapter 5.12, Site Plan Review is required for all of the following proposed development

that is not otherwise subject to Major Site Plan Review pursuant to Subsection a above:

- i. Any addition or structure requiring a building permit, including accessory structures and garages;
  - ii. Outdoor features such as gazebos, trellises, and other architectural/landscape elements that are more than 120 square feet in size, and/or 10 feet or more in height.
- c. Simulation of Proposed Construction Required. Simulation consistent with the following shall be provided for all Site Plan Review in the RS-VP District.
- i. Methods of Simulation to be Used. "Story poles" shall be erected to simulate height and mass of the proposed construction project. Poles shall be placed at all exterior corners of the proposed structure, and to illustrate the height of the tallest proposed roof ridge. Additional visual aids, including but not limited to photo montages or computer simulations, may be required by the Zoning Enforcement Official if it is found that such additional documentation is necessary to determine the impacts the proposed construction will have on neighbors' existing views. The Zoning Enforcement Official may also waive the requirement for a simulation upon determining that the project has a low probability of impacting existing views.
  - ii. Simulations Must be Installed Prior to Action on Applications. Applicants must install the required story poles not less than 10 days before a scheduled public hearing or date of action on the Site Plan Review application.
  - iii. Simulations to be Retained During Appeals. Applicants shall not remove the story poles until the 15 day appeal period has passed. If an appeal is filed, the poles are not to be removed until action is taken on the appeal, and any subsequent administrative appeal period has passed.

## Chapter 2.08 Commercial and Professional Districts

### Section 2.08.100 Specific Purposes

DA-1 (Downtown Area 1). To implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy for the Downtown retail core area centered on East 14th Street between Davis Street and Castro Street. Ground floor retail is required on parcels fronting on East 14th Street and Washington Avenue north of Parrott Street, unless authorized through Conditional Use Permit approval, and encouraged on all other parcels in this District. Residential mixed use development is allowed.

## ARTICLE 1. USE REGULATIONS

### Section 2.08.224 DA-1—Use Regulations

- A. DA-1 District—Permitted Uses. The following uses are allowed in the DA-1 District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)
1. Accessory uses, other than entertainment events, when in conjunction with a permitted use.
  2. Animal Grooming. (Indoor only.)
  3. Animal Sales.
  4. Artists' Studios.
  5. Brewpubs.
  6. Business Services.
  7. Cafés. (Subject to Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts.)
  8. Catering Services.
  9. Communication Facilities.
  10. Department Stores. (Single tenants 10,000 sf in size or less only.)
  11. Drugstores. (Single tenants 10,000 sf in size or less only.)
  12. Financial Institutions, Retail.
  13. Furniture, Electronic, and Appliance Sales. (Single tenants 10,000 sf in size or less only.)
  14. Government Offices.
  15. Health and Fitness Centers.

16. Home Improvement and Interior Decoration. (Single tenants 10,000 sf in size or less only.)
  17. Instruction and Improvement Services.
  18. Medical Supply Stores.
  19. Mixed-Use Residential with no ground floor residential on parcels fronting East 14th Street or Washington Avenue north of Parrott Street.
  20. Multi-Family Residential on parcels that do not front East 14<sup>th</sup> Street or Washington Avenue north of Parrott Street.
  21. Neighborhood/Specialty Food Markets. (Single tenants 10,000 sf in size or less only.)
  22. Offices, Business and Professional.
  23. Pharmacies. (Single tenants 10,000 sf in size or less only.)
  24. Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming.)
  25. Restaurants, Full-Service. (Subject to Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts.)
  26. Retail Sales. (Single tenants, 10,000 sf in size or less only.)
  27. Retail Services.
  28. Theaters, Small Scale.
  29. Travel Services.
  30. Utilities, Minor.
- B. DA-1 District—Conditionally Permitted Uses. The following uses are allowed in the DA-1 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)
1. Accessory Uses in conjunction with a conditionally permitted use.
  2. Bars.
  3. Bed and Breakfast Inns. (Subject to the regulations of Section 4.04.348 Bed and Breakfast Inns.)
  4. Beer and Wine Stores. (Beer and wine stores shall not be located within 1,000 feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Beer and wine stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing beer and wine store shall not be deemed a nonconforming use solely due to non-compliance with the 1,000 foot minimum distance requirement.)



5. Coin-Operated Laundry Businesses.
6. Commercial Parking Facility.
7. Commercial Recreation.
8. Cultural Institutions.
9. Dance Clubs.
10. Department Stores. (Single tenants greater than 10,000 sf in size.)
11. Drive-Up Facilities.
12. Drugstores. (Single tenants greater than 10,000 sf in size.)
13. Emergency Health Care.
14. Entertainment Events. (Entertainment events, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
15. Farmer's Market.
16. Fast Food Establishments, Large Scale. (Subject to Section 4.04.200 Fast Food Establishments. Fast food establishments are not permitted on parcels fronting East 14th Street.)
17. Furniture, Electronic, and Appliance Sales. (Single tenants greater than 10,000 sf in size.)
18. Game Centers.
19. Home Improvement and Interior Decoration. (Single tenants greater than 10,000 sf in size.)
20. Hotels, Motels and Time-Share Facilities.
21. Massage Therapy.
22. Mixed-Use Residential with ground floor residential on parcels fronting East 14<sup>th</sup> Street or Washington Avenue north of Parrott Street.
23. Multi-Family Residential on parcels fronting East 14<sup>th</sup> Street or Washington Avenue north of Parrott Street.
24. Neighborhood Specialty Food Markets. (Single tenants greater than 10,000 sf in size.)
25. Pharmacies. (Single tenants greater than 10,000 sf in size.)
26. Public Safety Facilities.
27. Retail Sales. (Single tenants greater than 10,000 sf in size.)
28. Secondhand Sales.

29. Service Stations. (Subject to the regulations of Section 4.04.208 Service Stations and Automobile Washing, and Section 4.04.228 Concurrent Sale of Motor Vehicle Fuel and Alcoholic Beverages.)
30. Supermarkets. (Single tenants greater than 10,000 sf in size.)
31. Telecommunications, New Monopoles and Towers. (Subject to Section 4.04.376 Wireless Telecommunications Facilities.)
32. Theaters.

### **Section 2.08.228 DA-2—Use Regulations**

- A. DA-2 District—Permitted Uses. The following uses are allowed in the DA-2 District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)
1. Accessory uses, other than entertainment events, when in conjunction with a permitted use.
  2. Animal Grooming (Indoor only.)
  3. Artists' Studios.
  4. Brewpubs.
  5. Business Services.
  6. Cafés. (Subject to Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts.)
  7. Financial Institutions, Retail.
  8. Instruction and Improvement Services.
  9. Medical Supply Stores.
  10. Mixed-Use Residential.
  11. Multi-Family Residential.
  12. Neighborhood/Specialty Food Markets.
  13. Offices, Business and Professional.
  14. Pharmacies. (Single tenants 10,000 sf in size or less only.)
  15. Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming)
  16. Restaurants, Full-Service. (Subject to Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts.)

17. Retail Sales. (Single tenants 10,000 sf in size or less only.)
18. Retail Services.
19. Travel Services.
20. Utilities, Minor.

### **2.08.232 DA-3—Use Regulations**

- A. DA-3 District—Permitted Uses. The following uses are allowed in the DA-3 District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)
1. Accessory uses when in conjunction with a permitted use.
  2. Animal Grooming. (Indoor only.)
  3. Cafés. (Subject to Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts.)
  4. Garage and Yard Sales. (Limited to two times per year on the premises of the property owner or a residential property in the immediate vicinity.)
  5. Mixed-Use Residential.
  6. Multi-Family Residential.
  7. Park and Recreation Facilities, Public.
  8. Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming.)
  9. Utilities, Minor.
- B. DA-3 District—Conditionally Permitted Uses. The following uses are allowed in the DA-3 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)
1. Accessory uses when in conjunction with a conditionally permitted use.
  2. Assembly Uses.
  3. Bed and Breakfast Inns.
  4. Brewpubs.
  5. Cultural Institutions.
  6. Fast Food Establishments, Small Scale. (Subject to Section 4.04.200 Fast Food Establishments.)
  7. Group Housing.

8. Home Improvement and Interior Decoration.
9. Industry, Custom.
10. Manufactured Home Parks.
11. Neighborhood/Specialty Food Markets. (Single tenants 10,000 square feet in size or less only.)
12. Park and Recreation Facilities, Private Noncommercial.
13. Public Safety Facilities.
14. Restaurants, Full-Service.
15. Retail Sales.
16. Retail Services.
17. Single-Family Residential.
18. Schools, Public or Private.
19. Travel Services.
20. Two-Family Residential.
21. Utilities, Major.

### **Section 2.08.236 DA-4—Use Regulations**

- A. DA-4 District—Permitted Uses. The following uses are allowed in the DA-4 District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)
  1. Accessory uses when in conjunction with a permitted use.
  2. Cafés. (Subject to Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts.)
  3. Garage and Yard Sales. (Limited to two times per year on the premises of the property owner or a residential property in the immediate vicinity.)
  4. Mixed-Use Residential.
  5. Multi-Family Residential.
  6. Offices, Business and Professional.
  7. Park and Recreation Facilities, Public.
  8. Pre-Existing Residential Uses. (These residential uses shall be allowed to remain and shall not be considered nonconforming.)

9. Utilities, Minor.
- B. DA-4 District—Conditionally Permitted Uses. The following uses are allowed in the DA-4 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)
1. Accessory uses when in conjunction with a conditionally permitted use.
  2. Assembly Uses.
  3. Bed and Breakfast Inns. (Subject to the regulations of Section 4.04.348 Bed and Breakfast Inns.)
  4. Brewpubs.
  5. Cultural Institutions.
  6. Fast Food Establishments, Small Scale. (Subject to Section 4.04.200 Fast Food Establishments.)
  7. Group Housing.
  8. Home Improvement and Interior Decoration.
  9. Industrial Uses. (Pre-existing industrial uses shall not be considered nonconforming and may continue. Expansion up to 25 percent may be considered with a conditional use permit.)
  10. Industry, Custom.
  11. Neighborhood/Specialty Food Markets. (Single tenants 10,000 sf in size or less only.)
  12. Park and Recreation Facilities, Private Noncommercial.
  13. Public Safety Facilities.
  14. Restaurants, Full-Service.
  15. Retail Sales.
  16. Retail Services.
  17. Schools, Public or Private.
  18. Single-Family Residential.
  19. Travel Services.
  20. Two-Family Residential.
  21. Utilities, Major.

## Section 2.08.260 SA-1 District—Use Regulations

- A. SA-1 District—Permitted Uses. The following uses are allowed in the SA-1 District, and a conditional use permit is not required, for tenant spaces up to 25,000 square feet. Spaces in excess of 25,000 square feet can be allowed through the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)
1. Accessory uses, other than entertainment events, when in conjunction with a permitted use.
  2. Animal Sales.
  3. Artists' Studios.
  4. Brewpubs.
  5. Business and Trade Schools.
  6. Business Services.
  7. Cafés. (Subject to Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts.)
  8. Communications Facilities.
  9. Financial Institutions, Retail.
  10. Government Offices.
  11. Health and Fitness Centers.
  12. Instruction and Improvement Services.
  13. Medical Supply Stores.
  14. Mixed-Use Residential.
  15. Multi-Family Residential with no residential units on the ground floor on parcels fronting East 14<sup>th</sup> Street.
  16. Neighborhood/Specialty Food Markets.
  17. Offices, Business and Professional.
  18. Pharmacies.
  19. Restaurants, Full-Service. (Subject to Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts.)
  20. Retail Sales.
  21. Retail Services.
  22. Travel Services.

23. Utilities, Minor.
- B. SA-1 District—Permitted Hours of Operation. The operation of a permitted use in the SA-1 District between the hours of 10:00 p.m. and 7:00 a.m. is subject to approval of a conditional use permit.
- C. SA-1 District—Conditionally Permitted Uses. The following uses are allowed in the SA-1 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)
1. Accessory uses, other than entertainment events, when in conjunction with a conditionally permitted use.
  2. Animal Grooming.
  3. Animal Hospitals.
  4. Bars.
  5. Bed and Breakfast Inns. (Subject to the regulations of Section 4.04.348 Bed and Breakfast Inns.)
  6. Beer and Wine Stores. (Beer and wine stores shall not be located within 1,000 feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Beer and wine stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing beer and wine store shall not be deemed a nonconforming use solely due to non-compliance with the 1,000 foot minimum distance requirement.)
  7. Billiard Parlors.
  8. Coin-Op Laundry and Dry Cleaning Businesses.
  9. Commercial Recreation.
  10. Convalescent Facilities.
  11. Cultural Institutions.
  12. Dance Clubs.
  13. Department Store.
  14. Drive-Up Facility.
  15. Emergency Health Care.
  16. Entertainment Events. (Entertainment events, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
  17. Farmers' Market.

18. Fast Food Establishments, Large Scale. (Subject to Section 4.04.200 Fast Food Establishments.)
19. Financial Institutions, Check Cashing and Personal Loans. (Financial institutions, personal loan services uses shall not be located within 1,500 feet from other financial institutions, personal loan services uses. Financial institutions, personal loan services uses may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)
20. Fortunetelling Establishments.
21. Furniture, Electronic and Appliance Sales.
22. Game Centers.
23. Group Housing.
24. Home Improvement and Interior Decoration.
25. Hospitals.
26. Hotels, Motels, and Time-Share Facilities.
27. Laboratories.
28. Maintenance and Repair Services.
29. Multi-Family Residential with residential units on the ground floor on parcels fronting East 14<sup>th</sup> Street.. Massage Therapy.
30. Park and Recreation Facilities.
31. Parking Lot.
32. Public Safety Facilities.
33. Residential Hotels.
34. Schools, Public or Private.
35. Secondhand Sales.
36. Social Service Facilities.
37. Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4.04.376 Wireless Telecommunications Facilities.)
38. Theaters.
39. Tobacconist/Cigarette Stores (Tobacconist/cigarette stores shall not be located within 1,500 feet of a site occupied by a public or private school, park, library, or recreational facilities, or of other tobacconist/cigarette stores, and no exterior vending machines shall be permitted. Tobacconist/cigarette stores may be operated only between the hours of



6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)

40. Utilities, Major.
  41. Vehicle/Equipment Repair, Limited.
- D. SA-1 District—Uses Requiring Administrative Review. The following uses are allowed in the SA-1 District, subject to the approval of an Administrative Review by the Zoning Enforcement Official, as per the requirements of Chapter 5.04 Zoning Permits Required; Environmental Review; Fees and Deposits.
1. Automatic Teller Machine.
  2. Catering Services.
  3. Community Gardens.
  4. Day Care, General.
  5. Drugstores.
  6. Fast Food Establishment, Small Scale. (Subject to Section 4.04.200 Fast Food Establishments.)
  7. Live-Work.
  8. Recycling Facilities, Bulk Reverse Vending Machine. (Subject to the regulations of Section 4.04.232 Recycling Facilities.)
  9. Recycling Facilities, Single-Feed Reverse Vending Machine. (Subject to the regulations of Section 4.04.232 Recycling Facilities.)
  10. Recycling Facilities, Small Collection. (Subject to the regulations of Section 4.04.232 Recycling Facilities.)
  11. Recycling Facilities, Large Collection. (Subject to the regulations of Section 4.04.232 Recycling Facilities.)
  12. Supermarkets.
  13. Telecommunications, Architecturally-Integrated Antennas and/or Co-Locations on Existing Tower Structures. (Subject to the regulations of Section 4.04.376 Wireless Telecommunications Facilities.)
  14. Theaters, Small Scale.
  15. Two-Family Residential.

## Section 2.08.268 SA-3 District—Use Regulations

- A. SA-3 District—Permitted Uses. The following uses are allowed in the SA-3 District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)
1. Accessory uses, other than entertainment events, when in conjunction with a permitted use.
  2. Ambulance Services, Emergency. (A conditional use permit is required if located within 1,000 feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)
  3. Ambulance Services, Non-Emergency. (An Administrative Review approval is required if located within 1,000 feet of an R District or the boundaries of a site occupied by a public or private school or park and recreation facility.)
  4. Animal Sales.
  5. Artists' Studios.
  6. Brewpubs.
  7. Business and Trade Schools.
  8. Business Services.
  9. Cafés. (Subject to Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts.)
  10. Catering Services.
  11. Communications Facilities.
  12. Fast Food Establishments, Small Scale. (Subject to Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts and Section 4.04.200 Fast Food Establishments.)
  13. Financial Institutions, Retail.
  14. Furniture, Electronic and Appliance Sales.
  15. Government Offices.
  16. Health and Fitness Centers.
  17. Home Improvement and Interior Decoration.
  18. Instruction and Improvement Services.
  19. Medical Supply Stores.
  20. Mixed-Use Residential.

21. Multi-Family Residential with no residential units on the ground floor on parcels fronting East 14<sup>th</sup> Street.
  22. Neighborhood/Specialty Food Markets.
  23. Offices, Business and Professional.
  24. Pharmacies.
  25. Restaurants, Full Service. (Subject to Section 2.08.272 Additional Use Restrictions: Commercial and Professional Districts.)
  26. Retail Sales.
  27. Retail Services.
  28. Supermarkets.
  29. Travel Services.
  30. Utilities, Minor.
- B. SA-3 District—Permitted Hours of Operation. The operation of a permitted nonresidential use in the SA-3 District between the hours of 10:00 p.m. and 7:00 a.m. is subject to approval of a conditional use permit.
- C. SA-3 District—Conditionally Permitted Uses. The following uses are allowed in the SA-3 District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)
1. Accessory uses, other than entertainment events, when in conjunction with a conditionally permitted use.
  2. Animal Grooming.
  3. Animal Hospitals.
  4. Automobile Parts Sales.
  5. Automobile Washing, Attended. (Subject to Section 4.04.208 Service Stations and Automobile Washing.)
  6. Automobile Washing, Unattended. (Subject to Section 4.04.208 Service Stations and Automobile Washing.)
  7. Bars.
  8. Beer and Wine Stores. (Beer and wine stores shall not be located within 1,000 feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Beer and wine stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing beer and wine store shall not be deemed a

nonconforming use solely due to non-compliance with the 1,000 foot minimum distance requirement.)

9. Billiard Parlors.
10. Bingo Parlors.
11. Coin-Op Laundry and Dry Cleaning.
12. Commercial Parking Facility.
13. Commercial Recreation.
14. Convenience Stores. (Convenience markets shall not be located within 1,000 feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Convenience markets may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing convenience store shall not be deemed a nonconforming use solely due to non-compliance with the 1,000 foot minimum distance requirement.)
15. Cultural Institutions.
16. Dance Clubs.
17. Department Store.
18. Drive-Up Facility.
19. Emergency Health Care.
20. Entertainment Events. (Entertainment events, when provided either as a primary use or as an accessory use to permitted and conditionally permitted uses, require use permit approval.)
21. Farmers' Market.
22. Fast Food Establishments, Large Scale. (Subject to Section 4.04.200 Fast Food Establishments.)
23. Financial Institutions, Check Cashing/Personal Loans. (Financial institutions, personal loan services uses shall not be located within 1,500 feet from other financial institutions, personal loan services uses. Financial institutions, personal loan services uses may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)
24. Fortunetelling Establishments.
25. Game Centers.
26. Group Housing.

27. Hotels, Motels, and Time-Share Facilities.
28. Liquor Stores. (Liquor stores shall not be located within 1,000 feet of a site occupied by a public or private school, park, library, or recreational facilities, and no exterior vending machines shall be permitted. Liquor stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses. A pre-existing liquor store shall not be deemed a nonconforming use solely due to non-compliance with the one 1,000 foot minimum distance requirement.)
29. Live-Work.
30. Maintenance and Repair Services.
31. Massage Therapy.
32. Multi-Family Residential with residential units on the ground floor on parcels fronting East 14<sup>th</sup> Street.
33. Nurseries.
34. Park and Recreation Facilities.
35. Public Safety Facilities.
36. Retail Sales, Big Box.
37. Schools, Public or Private.
38. Secondhand Sales.
39. Service Stations. (Subject to Section 4.04.208 Service Stations and Automobile Washing, and Section 4.04.228 Concurrent Sale of Motor Vehicle Fuel and Alcoholic Beverages.)
40. Social Service Facilities.
41. Telecommunications, New Monopoles and Towers. (Subject to the regulations of Section 4.04.376 Wireless Telecommunications Facilities.)
42. Theaters.
43. Tobacconist/Cigarette Stores. (Tobacconist/cigarette stores shall not be located within 1,500 feet of a site occupied by a public or private school, park, library, or recreational facilities, or of other tobacconist/cigarette stores, and no exterior vending machines shall be permitted. Tobacconist/cigarette stores may be operated only between the hours of 6:00 a.m. and 10:00 p.m. unless longer hours are allowed with the approval of a conditional use permit, with a finding that the extended hours would not have an adverse effect on neighboring uses.)
44. Utilities, Major.
45. Vehicle/Equipment Repair, Limited.

- 46. Vehicle/Heavy Equipment Dealers, New.
- 47. Vehicle/Heavy Equipment Dealers, Used.
- 48. Vehicle/Heavy Equipment Rental.

## ARTICLE 2. DEVELOPMENT REGULATIONS

### Section 2.08.300 Property Development Regulations: Commercial and Professional Districts

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

### Section 2.08.308 Minimum Yards

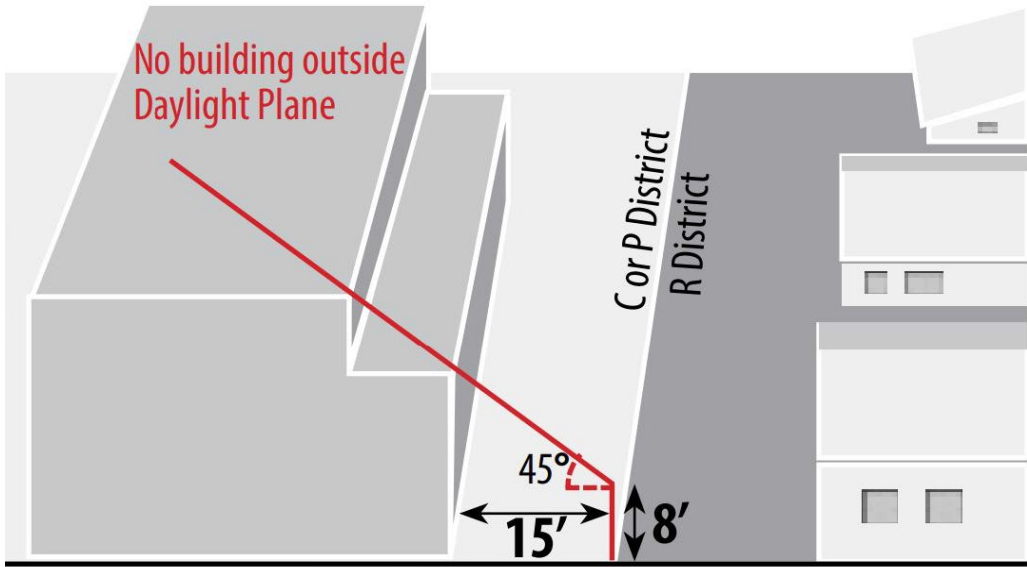
- A. Minimum Building Setback. The minimum setback for building placement, is as prescribed below. Additional building setback may also apply as specified in Subsections B, C, D, E, and F.

ZONING DISTRICT	FRONT (FT.)	SIDE (FT.)	CORNER SIDE (FT.)	REAR (FT.)	DAYLIGHT PLANE AND YARDS ABUTTING R DISTRICTS
CC	10	0	10	0	15 ft. side or rear(F)
CN, P	10	0	10	0	15 ft. side or rear(F)
CR	20	0	20	0	15 ft. side or rear(F)
CS	10	0	10	0	15 ft. side or rear(F)
DA-1, DA-2, DA-3, DA-4, DA-6	Varies(C)	0	0	0, varies along creek (C)	8 ft. side or rear(F)
NA-1	0	4	0	5	n.a.
NA-2	20 or 25(D)	15(D)	20(D)	15(D)	25 ft. rear for second story 35 ft. rear for third story(D)
SA-1, SA-2, SA-3	Varies(E)	0	0(E)	0	8 ft. side or rear(F)

- B. Additional Regulations—All Commercial and Professional Districts.
1. Front, side, corner side, and rear yards shall be subject to the regulations of Section 4.04.312 Building Projections into Yards and Courts.
  2. Double-frontage lots shall provide the minimum front setback on each frontage.
- C. Additional Building Setback Requirements—DA-1, DA-2, DA-3, DA-4, and DA-6 Districts.

1. Front setbacks shall be consistent with the street sections, including sidewalks, of the applicable street type in the Downtown San Leandro Transit-Oriented Development Strategy.
  2. Ground floor residential units shall be set back 10-15 feet from the property line.
  3. Along East 14th Street, a minimum front setback of seven feet is required to create a minimum 15-foot wide pedestrian zone.
  4. Along the San Leandro Creek, the Zoning Enforcement Official shall determine the applicable building setback for a creek trail and open space.
- D. Additional Building Setback Requirements—NA-2 District.
1. The front setback in the NA-2 District shall be as follows: 20 feet for one- and two-story buildings and 25 feet for three-story buildings.
  2. Side setbacks in the NA-2 District shall be 15 feet or one-half the building height, whichever is greater.
  3. Corner side setbacks in the NA-2 District shall be 20 feet, or one-half the building height, whichever is greater.
  4. Rear yard requirements in the NA-2 District, when adjoining RS Districts, shall be increased to 25 feet for the second story and 35 feet for the third story. Rear yards in the NA-2 District, when adjoining RD or RM Districts, shall be increased to 25 feet.
- E. Additional Building Setback Requirements—SA-1, SA-2, and SA-3 Districts.
1. If ground floor residential is proposed, a 5-10-foot building setback shall be required.
  2. South of Blossom Way: front setbacks shall achieve a 13.5-foot wide sidewalk.
  3. North of Blossom Way: front setbacks shall achieve a 13-foot wide sidewalk. A minimum 4.5-foot setback shall be required.
- F. Daylight Plane Regulations for Parcels Adjacent to R Districts.
1. For C and P Districts, structures shall not intercept a one-to-one (1:1) or 45 degree daylight plane inclined inward from a height of 8 feet above existing grade at the R District boundary line. (Please refer to illustration “Required Daylight Plane at Adjoining Districts—C or P Districts.”)

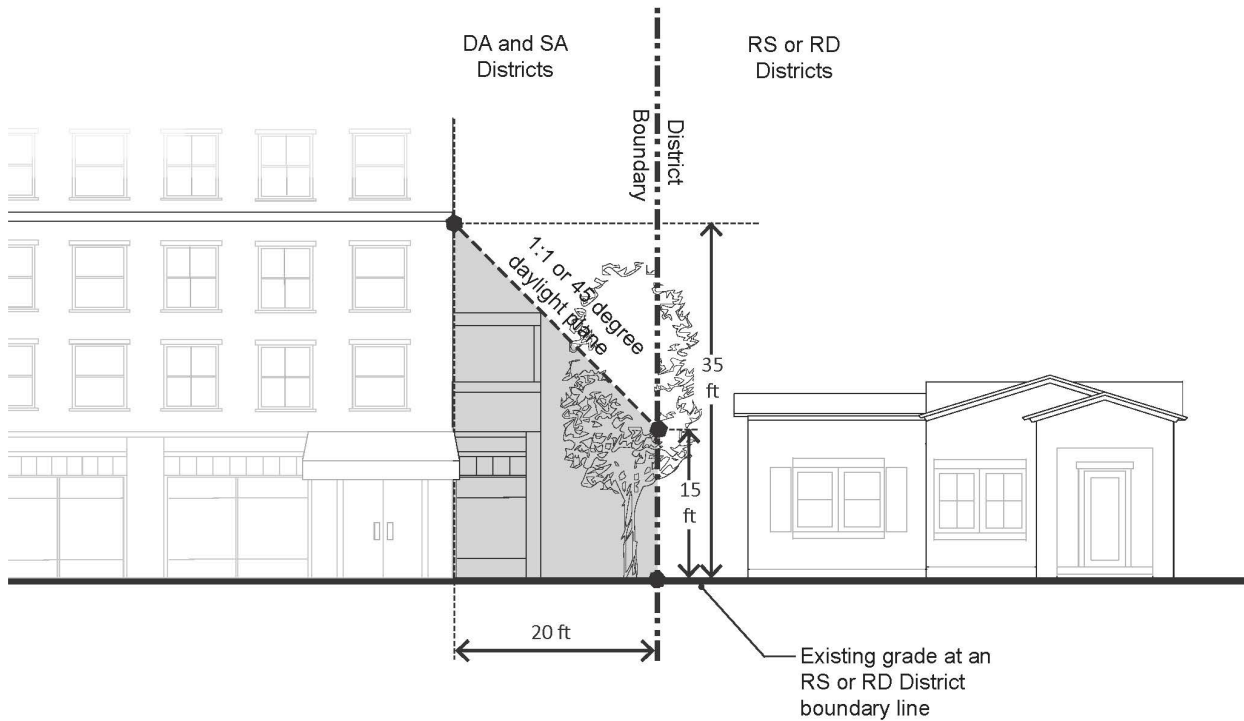




**REQUIRED DAYLIGHT PLANE AT ADJOINING DISTRICTS—C OR P DISTRICTS**

**(THE DIAGRAM IS ILLUSTRATIVE)**

- 2. For DA and SA districts, structures shall not intercept a one-to-one (1:1) or 45 degree daylight plane inclined inward from a point 15 feet above existing grade at an RS or RD District boundary line to a point 35 feet above existing grade at 20 feet from the RS or RD District boundary line. (Please refer to illustration "Required Daylight Plane at Adjoining Districts—DA and SA Districts.")



**REQUIRED DAYLIGHT PLANE AT ADJOINING DISTRICTS—DA OR SA DISTRICTS**  
 (THE DIAGRAM IS ILLUSTRATIVE)

**Section 2.08.312 Height of Structures**

ZONING DISTRICT	NON-RESIDENTIAL DEVELOPMENT		RESIDENTIAL AND MIXED-USE RESIDENTIAL DEVELOPMENT	
	MINIMUM (FT.)	MAXIMUM (FT.)	MINIMUM (FT.)	MAXIMUM (FT.)
CC	n.a.	50	n.a.	50
CN, NA-1, NA-2	n.a.	30	n.a.	50
CR, CS	n.a.	40	n.a.	n.a.
DA-1	n.a. or 24(A)	75(B, C)	n.a. or 24(A)	75(B, C)
DA-2	n.a. or 24(A)	50(B, C)	n.a. or 24(A)	50(B, C)
DA-3	n.a.	50(B)	n.a.	50(B)
DA-4	n.a.	60-75(B)	n.a.	60-75(B)
DA-6	n.a.	75(B)	n.a.	75(B)
P	n.a.	30	n.a.	30

ZONING DISTRICT	NON-RESIDENTIAL DEVELOPMENT		RESIDENTIAL AND MIXED-USE RESIDENTIAL DEVELOPMENT	
	MINIMUM (FT.)	MAXIMUM (FT.)	MINIMUM (FT.)	MAXIMUM (FT.)
SA-1, SA-2, SA-3	24	50	24	50

- A. Exceptions to Minimum Height—DA-1 and DA-2 Districts. The 24-foot minimum height standard only applies along East 14th Street between Chumalia Street and Georgia Way. No minimum height applies elsewhere in the DA-1 or DA-2 districts.
- B. Specific Heights and Height Exceptions—DA Districts. The Downtown San Leandro Transit-Oriented Development Strategy Figure 8 Building Height Framework establishes the locations of specific height limits. Exceptions to the maximum height requirement may be allowed subject to the approval of a Conditional Use Permit. Consistent with California Public Utilities Code Sections 29010.1 through 29010.12, development on parcels that meet the following criteria shall be allowed up to seven stories without the approval of a Conditional Use Permit.
1. Located within a half-mile of the San Leandro BART station;
  2. At least one-quarter acre in size (either individual or contiguous parcels);
  3. Owned by BART on or before July 1, 2018; and
  4. An infill site (defined in section 21061.3 of the Public Resources Code as a site that had previous development or a site without development immediately adjacent to urban uses).
- C. Other Exceptions to Height Limits. The maximum height of structures shall be subject to the regulations of Section 4.04.320 Exceptions to Height Limits.

### Section 2.08.324 Minimum Site Landscaping

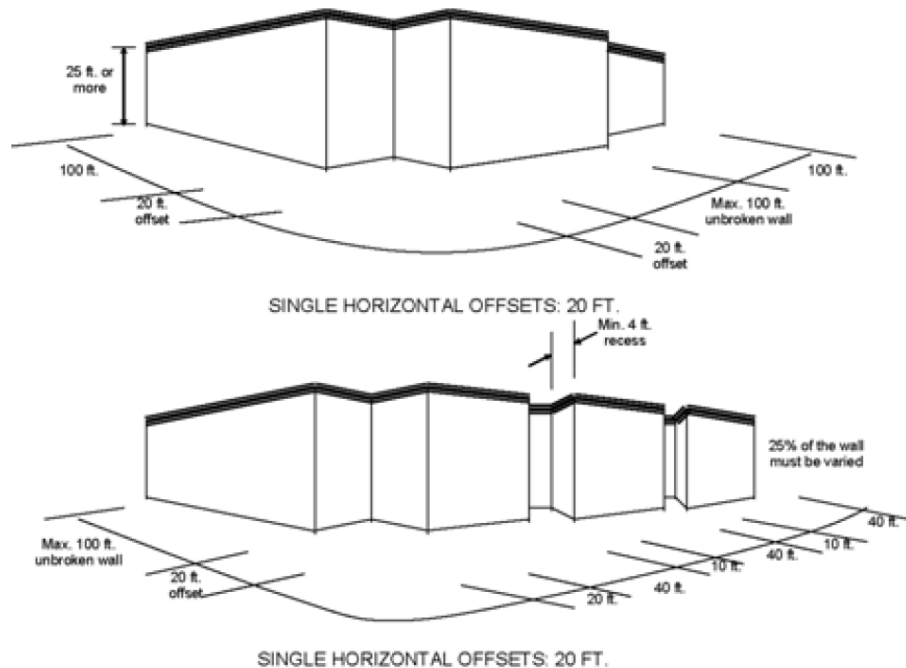
- A. General Landscape Requirements. In addition to the general requirements prescribed in Chapter 4.16 Landscape Requirements, the following requirements for minimum site landscaping apply to all property within commercial and professional districts. The minimum percentage of the site that shall be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

ZONING DISTRICT	MINIMUM SITE LANDSCAPING
CN, NA-1, P, SA-1, SA-3, CR, DA-1, DA-2, DA-3, DA-4, DA-6	5%(C)
CC, CS, NA-2, SA-2	10%(C)

- B. Landscape Requirements in All Districts. Notwithstanding the minimum setback and landscaped yard requirements of this chapter, all open areas within, and adjacent to, a required front or corner side yard, other than areas used for walks, drives or parking and loading facilities, shall be landscaped consistent with Chapter 4.16 Landscape Requirements.
- C. Minimum Site Landscaping—CC, CN, CR, CS, P, and NA-2 Districts. A landscaped yard or planter strip with a minimum depth of 10 feet shall be provided within the front and corner side setbacks prescribed in Section 2.08.308 Minimum Yards.
- D. Exceptions for Minimum Site Landscaping. As part of the Site Plan Review pursuant to Chapter 5.12 Site Plan Approval, exceptions to the requirements of this subsection may be permitted if such requirements are found not to be practical due to pre-existing site constraints.

**Section 2.08.328 Wall Setback or Offsets**

- A. Building Articulation, Nonresidential Buildings. Buildings over 25 feet in height with walls that extend longer than 100 feet and that are not subject to the standards of Section 4.04.336, Multi-Family and Mixed-Use Residential Development shall provide architectural details such as offsets, recesses, reveals, window patterns, columns, or pilasters. Alternative design solutions that achieve an equivalent level of building articulation and visual interest may be approved by the ZEO, or may be approved as part of the site plan review or other approval process by the approval authority. (Please refer to “Maximum Wall Length and Required Break” illustration.)



**MAXIMUM WALL LENGTH AND REQUIRED BREAK**

**(THE DIAGRAM IS ILLUSTRATIVE)**

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

- A. Density for Multi-Family Residential and Mixed-Use Residential Development. The minimum and maximum density for residential and mixed-use development is as prescribed below, except that in the Corridor Mixed Use (CMX) General Plan Land Use Designation, maximum residential density in this category is dictated by applicable floor area ratio (FAR) limits rather than limits on dwelling units per acre. For minimum and maximum density calculations that result in fractional amounts, numbers of 0.5 or greater shall be rounded up to the nearest whole integer, numbers less than 0.5 shall be rounded down to the nearest whole integer.

<b>ZONING DISTRICT</b>	<b>MINIMUM DENSITY (DWELLING UNIT / ACRE)</b>	<b>MAXIMUM DENSITY (DWELLING UNIT / ACRE)*</b>
CC, CN, C-RM	n.a.	24(B)
CR, CS	n.a.	n.a.
DA-1	Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 35	Parcels < 10,000 sf: 24(B) Parcels ≥ 10,000 sf: 100(B)
DA-2	Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 20	Parcels < 10,000 sf: 24(B) Parcels ≥ 10,000 sf: 40(B)
DA-3	Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 20	Parcels < 10,000 sf: 24(B) Parcels ≥ 10,000 sf: 60(B)
DA-4	Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 60	Parcels < 10,000 sf: 24(B) Parcels ≥ 10,000 sf: 100(B)
DA-6	Parcels < 10,000 sf: n.a. Parcels ≥ 10,000 sf: 60	Parcels < 10,000 sf: 24(B) Parcels ≥ 10,000 sf: n.a.
NA-1, NA-2, P	n.a.	24
SA-1, SA-2, SA-3	18(C)	35
* For properties within the Corridor Mixed Use (CMX) General Plan Land Use Designation maximum residential density in this category is dictated by applicable floor area ratio (FAR) limits rather than limits on dwelling units per acre..		

- B. Small Unit Density Bonus—Downtown Mixed Use. A 20 percent density bonus for average unit size less than 750 square feet is allowed. This bonus may not be added to the State-required density bonus for affordable housing. Only one density bonus program may be applied to any given development.
- C. Exceptions to Minimum Density—SA Districts. Exceptions to this minimum density requirement may be approved at the discretion of the Zoning Enforcement Official.
- D. Accessory dwelling units and junior accessory dwelling units do not count toward the maximum density. See Section 2.04.388 Accessory Dwelling Units (ADUs).

### **Section 2.08.340 Additional Property Development Regulations: Commercial and Professional Districts**

- A. **Views into Buildings.** On commercial ground floors in the DA and SA Districts that are not subject to the standards of Section 4.04.336, Multi-Family and Mixed-Use Residential Development, not less than 50 percent of the first story of that portion of a building facing a street shall consist of opening or clear or tinted glass windows providing views of merchandise displayed, building interiors, or courtyards.
- B. **Security Roll-Up Doors.** Retractable security gates, window bars, and mall-style roll-up doors shall be installed to the inside of existing windows or glass doors for installation of physical security measures on a building façade. A mall-style roll-up door must not be visible during business hours. Metal gates, stored in a wall pocket or similar enclosure so as not to be visible during business hours, and scissor-style security grilles, retracted into casing during business hours, are subject to the review and approval of the Zoning Enforcement Official.

## ARTICLE 3. ADMINISTRATIVE REGULATIONS

### Section 2.08.400 Administrative Exceptions

- A. Standards for Which an Administrative Exception May be Approved. An Administrative Exception may be approved per Chapter 5.06 to allow exceptions to development regulations as specifically identified in any section of this Chapter.

### Section 2.08.404 Site Plan Review

- A. Applicability. Site plan approval pursuant to Chapter 5.12 Site Plan Approval is required prior to issuance of a building permit for the following improvements:
  - 1. Administrative Site Plan Review. The following improvements require Administrative Site Plan Review approval.
    - a. Development of new structures greater in size than 2,500 square feet.
    - b. Additions, or partial demolitions with reconstruction, resulting in a net enlargement to the existing structure that will be greater in size than both: 2,500 square feet and 10 percent of the gross floor area of the existing development.
    - c. Major structural upgrades that can extend the economic viability of existing structures and sites that are nonconforming to the development standards of this Code, as determined by the Zoning Enforcement Official. Such structural upgrades include, but are not limited to, the extensive demolition and reconstruction of exterior walls or the relocation of a significant portion of the building's structural interior walls.
- B. Upgrades That Are Excluded. Mandatory safety upgrades, such as compliance with disabled access; building and fire code requirements; minor cosmetic façade upgrades, such as awnings and window replacement; maintenance upgrades, such as roof repair and replacement; relocation of demising walls; and general repair of damaged structures as allowed by Subsection A of Section 4.20.116 Restoration of a Damaged Structure and Its Nonconforming Use are not subject to Site Plan Review.

## Chapter 2.10 Bay Fair Transit-Oriented Development District

### ARTICLE 2. DEVELOPMENT REGULATIONS

#### Section 2.10.324 Minimum Open Space

- C. Publicly Accessible Open Space. Publicly Accessible Open Space includes paseos, plazas, outdoor dining areas, dog parks, recreation areas, and other similar areas available for use by the public. Publicly Accessible Open Space shall be provided on-site and in accordance with the following standards or met through Alternative Compliance options pursuant to Subsection 2.10.324.C.3, Alternative Compliance.
1. Publicly Accessible Open Space Standards.
    - a. Ownership and Maintenance. Publicly Accessible Open Space must be either offered as dedication to the City or privately owned and maintained with dedication of a public access easement. Publicly Accessible Open spaces shall be maintained at no public expense. The owner of the property on which the open space is located shall maintain it by keeping the area clean and free of litter and keeping in a healthy state any plant material that is provided.

### ARTICLE 3. ADMINISTRATIVE REGULATIONS

#### 2.10.404 Site Plan Review

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



## **2.10.408 Administrative Exceptions.**

- A. Standards for Which an Administrative Exception May be Approved. The Zoning Enforcement Official may approve an Administrative Exception per Chapter 5.06 as specifically identified in any section of this Chapter.

## Chapter 2.12 I Industrial Districts

### Section 2.12.328 Parcels Adjoining Residential Districts—Additional Performance Standards

- A. Intent. The purpose of this section is to reduce the potential noise impacts to the residents within adjoining Residential Districts, from late night/early morning activity, by establishing performance standards for all businesses.
- B. Applicability. The requirements of this section apply to activities within 200 feet from the edge of a Residential District. The requirements of this section do not apply to industrial parcels that are separated from a Residential District by either an active mainline railroad right-of-way or Interstate 880.
- C. Performance Standards for Loading and Shipping Activity. To reduce impacts on adjoining residents, those uses conducting loading and shipping activity between the hours of 10:00 p.m. and 7:00 a.m. shall avoid generating extraneous noise that can be heard by adjoining residents (e.g. loud conversations, playing of recorded music and/or radio broadcasts, or motorized noises from prolonged use of equipment or vehicles).
- D. Adjoining Residents May File Complaint Against Industrial Businesses. Residents may file a written complaint against businesses that are alleged to be in violation of the performance standards outlined in Subsection C, above. Violations of the performance standards of this Section are subject to the provisions of Chapter 5.24 Enforcement.

## ARTICLE 3. ADMINISTRATIVE REGULATIONS

### Section 2.12.400 Administrative Exceptions

- A. Standards for Which an Administrative Exception May be Approved. An Administrative Exception may be approved per Chapter 5.06 to allow exceptions to development regulations as specifically identified in any section of this Chapter.

### Section 2.12.404 Site Plan Review

- A. Applicability. Site plan approval pursuant to Chapter 5.12 Site Plan Approval is required prior to issuance of a building permit for the following improvements:
  - 1. Administrative Site Plan Review. The following improvements require Administrative Site Plan Review approval.
    - a. Development of new structures greater in size than 5,000 square feet.

- b. Additions, or partial demolitions with reconstruction, resulting in a net enlargement to the existing structure that will be greater in size than both: 5,000 square feet and 10 percent of the gross floor area of the existing development.
  - c. Major structural upgrades that can extend the economic viability of existing structures and sites that are nonconforming to the development standards of this Code, as determined by the Zoning Enforcement Official. Such structural upgrades include, but are not limited to, the extensive demolition and reconstruction of exterior walls or the relocation of a significant portion of the building's structural interior walls.
  - d. The creation of, or addition to, any substantial outdoor storage area or truck loading bays that would be visible from off-site.
  - e. Any site modification involving the addition of a newly paved area, in excess of 5,000 square feet. This requirement for Site Plan Review does not apply to the repair and re-placement of pre-existing paved areas.
- B. Upgrades That Are Excluded. Mandatory safety upgrades, such as compliance with disabled access; building and fire code requirements; minor cosmetic façade upgrades, such as awnings and window replacement; maintenance upgrades, such as roof repair and replacement; relocation of demising walls; and general repair of damaged structures as allowed by Subsection A of Section 4.20.116 Restoration of a Damaged Structure and Its Nonconforming Use are not subject to Site Plan Review.

## Chapter 2.16 OS Open Space District

### ARTICLE 3. ADMINISTRATIVE REGULATIONS

#### Section 2.16.400 Site Plan Review

- A. Applicability. Site plan approval pursuant to Chapter 5.12 Site Plan Approval is required prior to issuance of a building permit for the following improvements:
1. Administrative Site Plan Review. The following improvements require Administrative Site Plan Review approval.
    - a. Development of new structures greater in size than 2,500 square feet.
    - b. Additions, or partial demolitions with reconstruction, resulting in a net enlargement to the existing structure that will be greater in size than both: 2,500 square feet and 10 percent of the gross floor area of the existing development.
    - c. Major structural upgrades that can extend the economic viability of existing structures and sites that are nonconforming to the development standards of this Code, as determined by the Zoning Enforcement Official. Such structural upgrades include, but are not limited to, the extensive demolition and reconstruction of exterior walls or the relocation of a significant portion of the building's structural interior walls.
- B. Upgrades That Are Excluded. Mandatory safety upgrades, such as compliance with disabled access; building and fire code requirements; minor cosmetic façade upgrades, such as awnings and window replacement; maintenance upgrades, such as roof repair and replacement; relocation of demising walls; and general repair of damaged structures as allowed by Subsection A of Section 4.20.116 Restoration of a Damaged Structure and Its Nonconforming Use are not subject to Site Plan Review.

## Chapter 2.20 PS Public and Semipublic District

### 2.20.104 Applicability

The PS District is intended to be the base district for use classifications listed in Section 2.20.200 PS District—Use Regulations where these have a contiguous site area of two acres or more, including alleys, streets, or other rights-of-way, and the area has a developed or “urban” character. Public and semipublic use classifications on sites of less than two acres shall be subject to the regulations of the base and overlay districts in which they are located.

- A. Certain Properties Near BART. Development consistent with California Public Utilities Code Sections 29010.1 through 29010.12, is allowed on parcels that meet the applicability criteria.
  1. Applicable Parcels.
    - a. Located within a half-mile of a BART station;
    - b. At least one-quarter acre in size (either individual or contiguous parcels);
    - c. Owned by BART on or before July 1, 2018; and
    - d. An infill site (defined in section 21061.3 of the Public Resources Code as a site that had previous development or a site without development immediately adjacent to urban uses).
  2. Residential and Office Development. Multi-Family residential and office development is a permitted use and shall be subject to the development standards of the DA-6 District.

## ARTICLE 1. USE REGULATIONS

### 2.20.200 PS District—Use Regulations

- A. PS District—Permitted Uses. The following uses are allowed in the PS District, and a conditional use permit is not required.
  1. Utilities, Minor, except recycling centers within convenience zones, as defined by the California Beverage Container Recycling and Litter Reduction Act.
  2. Government Offices on properties that meet the applicability criteria of Section 2.20.104.A, Certain Properties Near BART, subject to the development standards of the DA-6 District.
  3. Multi-Family Residential on properties that meet the applicability criteria of Section 2.20.104.A, Certain Properties Near BART, subject to the development standards of the DA-6 District.
  4. Offices, Business and Professional on properties that meet the applicability criteria of Section 2.20.104.A, Certain Properties Near BART, subject to the development standards of the DA-6 District.

### **Section 2.20.208 Interim Uses**

- B. Any such conditional use may be approved for additional periods of up to five years pursuant to Chapter 5.08 Use Permits and Variances.

## **ARTICLE 3. ADMINISTRATIVE REGULATIONS**

### **Section 2.20.400 Site Plan Review**

- A. Applicability. Site plan approval pursuant to Chapter 5.12 Site Plan Approval is required prior to issuance of a building permit for the following improvements:
  - 1. Administrative Site Plan Review. The following improvements require Administrative Site Plan Review approval.
    - a. Development of new structures greater in size than 2,500 square feet.
    - b. Additions, or partial demolitions with reconstruction, resulting in a net enlargement to the existing structure that will be greater in size than both: 2,500 square feet and 10 percent of the gross floor area of the existing development.
    - c. Major structural upgrades that can extend the economic viability of existing structures and sites that are nonconforming to the development standards of this Code, as determined by the Zoning Enforcement Official. Such structural upgrades include, but are not limited to, the extensive demolition and reconstruction of exterior walls or the relocation of a significant portion of the building's structural interior walls.
- B. Upgrades That Are Excluded. Mandatory safety upgrades, such as compliance with disabled access; building and fire code requirements; minor cosmetic façade upgrades, such as awnings and window replacement; maintenance upgrades, such as roof repair and replacement; relocation of demising walls; and general repair of damaged structures as allowed by Subsection A of Section 4.20.116 Restoration of a Damaged Structure and Its Nonconforming Use are not subject to Site Plan Review.

## Title 3—Overlay Zoning Districts

### Chapter 3.08 IS Interim Study Overlay District

#### Section 3.08.108 Land Use Regulations

- A. Use Permit Required. Approval of a use permit shall be required for establishment of a new or expanded use in an IS Overlay District and may be approved for any use classification permitted or conditionally allowed with a use permit in the base district with which the IS Overlay District is combined.
- B. Required Findings. In addition to the findings required for use permits by Chapter 5.08 Use Permits and Variances and additional findings that may be required for specific use classifications, approval of a use permit in the IS Overlay District shall require a finding that the proposed use does not fall within the scope of the land-use and development issues to be resolved for the area at the time the IS Overlay District was adopted.

#### Section 3.08.120 Resubmittal of Development Proposals

Notwithstanding the provisions of Chapter 5.08 Use Permits and Variances, a use permit application that has been denied or approved subject to conditions unacceptable to the applicant may be resubmitted on or after the effective date of a zoning map and/or text amendment superseding an IS Overlay District designation.

# Title 4—Regulations Applying in All or Several Districts

## Chapter 4.04 Development Regulations

### Section 4.04.224 Walls Adjoining Residential Use

A solid masonry or concrete wall at least six feet and not more than eight feet high shall adjoin the property line of the site of a new nonresidential use abutting an existing ground-floor residential use in a Residential District. However, where the portion of the site within 10 feet of the property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the Zoning Enforcement Official may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed three feet in height.

### Section 4.04.228 Concurrent Sale of Motor Vehicle Fuel and Alcoholic Beverages

No person shall engage in the concurrent sale of motor vehicle fuel and alcoholic beverages unless authorized as a conditional use in accord with Chapter 5.08 Use Permits and Variances, subject to the minimum standards for approval established by this section and any additional conditions of approval determined by the Board of Zoning Adjustments to be reasonable and necessary.

### 4.04.304 Development on Lots Not Meeting Minimum Area or Width

A legally created lot having a width or area less than required for the base district in which it is located may be occupied by a permitted or conditional use if it meets the following requirements:

- A. Legally created lots or parcels that do not meet minimum standards for area, width, or depth may be used as building sites, subject to compliance with all applicable development standards.
- B. No nonconforming lot can be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement.

### Section 4.04.324 Outdoor Facilities and Storage/Loading Facilities

- C. Outdoor Storage—Screening Required:



1. Outdoor storage areas and truck bays/loading dock areas, shall be screened by the placement of a solid wall, fence, landscaping, and/or building location in order to substantially obscure visibility from a public street. Except as limited pursuant to Section 2.12.324 Parcels Adjoining Residential Districts—Additional Development Regulations for New Construction, limited visibility of truck staging areas, as necessary only for truck access to and from the site, may be permitted in I Districts if no other alternative layout is practical.
2. The storage of merchandise, materials, and/or equipment at height above the screening wall is not permitted, unless the Zoning Enforcement Official grants administrative approval upon finding that: (a) the limitation in storage would not be practical for the subject business, and (b) such stored items would not be visually obtrusive from a public street or neighboring property.

#### **Section 4.04.328 Screening of Mechanical Equipment**

Mechanical equipment and utilities shall be located inside buildings, closets, or underground. Where not feasible, mechanical equipment and utilities shall be located and screened in compliance with the following requirements.

- A. Screening Required, Exterior Equipment. Except as provided in Subsection B below, all exterior mechanical equipment, except solar collectors in any district and operating mechanical equipment in an IG District located more than 500 feet from a C, NA, OS, PD, PS, R, or SA district boundary, shall be screened from view from the public sidewalk on both sides of any street adjacent to the site and from any Residential District. Except to the extent restricted by public utility companies, equipment to be screened includes but is not limited to heating, air conditioning, refrigeration equipment, plumbing lines, ductwork, and transformers.
- B. Utility Meters. Utility meters shall be screened from view from public rights-of-way, but need not be screened on top or when located on the interior side of a single-family dwelling. Meters in a required front yard or in a side yard adjoining a street shall be enclosed in subsurface vaults.
- C. Screening Materials. Allowed screening materials include, but are not limited to materials with evenly distributed openings or perforations averaging a maximum of 50 percent of the surface area.

#### **Section 4.04.332 Refuse Storage Areas**

Except as exempted through an Administrative Exception per Chapter 5.06, a refuse storage area screened on all sides by a six foot solid wall using exterior materials, colors, and finishes that are also used on the primary building or located within a building, shall be provided prior to occupancy for all multi-family, commercial, industrial, and public/semipublic uses. The Zoning Enforcement Official may waive the screening requirement for dumpsters and equipment for refuse collection and storage which are not visible from a public street or from an R district.

#### 4.04.372 Hazardous Waste Facilities

- C. Procedure. Applications for hazardous waste facilities as defined by this section shall follow the procedure specified by Article 8.7 of the State Health and Safety Code and Chapter 5.08 Use Permits and Variances of the Zoning Ordinance pertaining to use permits.
  
- J. Hearings and Notice. Hearings and public notices shall be consistent with the applicable requirements of Article 8.7 of the State Health and Safety Code and Chapter 5.08 Use Permits and Variances, of the City of San Leandro Zoning Ordinance.

#### Section 4.04.336 Multi-Family and Mixed-Use Residential Development

All Multi-Family and Mixed-Use Residential development shall meet the following standards.

##### A. Building Design Requirements.

- 1. **Building Orientation.** Buildings located within 20 feet of a front or street side lot line shall be oriented toward the adjacent front or street side lot line with the building frontage(s) parallel to the fronting pedestrian walkway(s).
- 2. **Entrances.**
  - a. *Ground Floor Nonresidential Uses.*
    - i. There shall be a minimum of one entrance for every 50 feet of building frontage with a maximum separation of 100 feet between entrances.
    - ii. The primary building entrance shall face a public sidewalk.
    - iii. Entrances located at corners shall provide an entrance toward both streets or have a corner entrance at a 45-degree angle to the corner.
    - iv. All buildings located in the interior of a site shall have an entrance from a pedestrian walkway that is a minimum of four feet wide and connects to a public sidewalk.
    - v. Reductions. The Zoning Enforcement Official may approve an Administrative Exception per Chapter 5.06 to reduce or waive the entrance requirements for ground floor nonresidential uses where the following findings may be made:
      - (1) The proposed use has certain operational characteristics with which providing the required entrances is incompatible; and

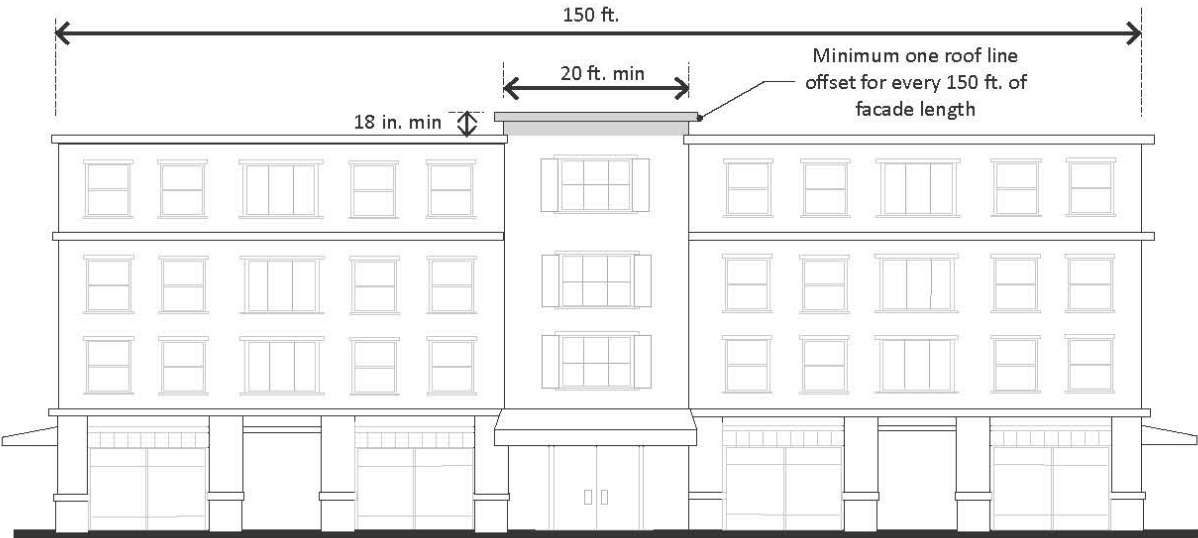
- (2) Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest and an engaging presence at the pedestrian level.
- b. *Residential Uses.* Entrances to residential dwelling units shall be designed as individual or shared entrances at the ground floor of the building.
- i. Shared Entrances. All buildings with any exterior entrance that provides access to more than one unit shall provide a minimum of one primary shared entranceway per building in accordance with the following standards.
    - (1) The primary entranceway shall lead to a common area a minimum of 10-feet in each dimension.
    - (2) Exterior walls of common spaces, such as lobbies and community spaces, within 20 feet of a front or street side lot line or pedestrian walkway shall include windows, doors, or other openings for at least 30 percent of the building wall on which they are adjacent, between two and a half and seven feet above the level of the sidewalk.
    - (3) The primary entranceway shall be emphasized utilizing at least one of the following methods:
      - (a) A roofed projection over the door (such as an awning, canopy, or overhang) with a minimum depth of five feet and a minimum horizontal area of 30 square feet.
      - (b) A recessed entry bay with a minimum depth of five feet.
      - (c) Incorporating the entrance into a vertical mass that extends two or more feet above the height of the first floor plate vertical mass.
      - (d) Incorporating one or more architectural features such as windows, sidelights, decorative materials, lighting, or signage into the entranceway.
    - (4) Buildings located within 20 feet of a front or street side lot line shall provide a primary entranceway oriented to and facing a front or street side lot line.
    - (5) Primary building entranceways located in the interior of a site shall be accessed from a pedestrian walkway that is a minimum of four feet wide and connects to a public sidewalk.

- ii. **Individual Entrances.** All units accessed through ground level individual entrances from the exterior shall provide a minimum of one primary individual entranceway per unit in accordance with the following standards.
  - (1) The primary entranceway shall be emphasized with a projection (such as a porch) or recess with a minimum depth of three feet and a minimum area of nine square feet.
  - (2) In buildings located within 20 feet of a front or street side lot line, all individually accessed units located along a public right-of-way shall have a primary entranceway oriented to and facing a right-of-way.
  - (3) All dwelling unit entranceways located in the interior of a site shall be accessed from a pedestrian walkway that is a minimum of four feet wide and connects to a public sidewalk.
  
- 3. **Encroachments into Required Setbacks, Residential Uses.** In addition to the building encroachments allowed pursuant to Section 4.04.312, Building Projections into Yards and Courts, the following projections into required front or corner side yards are allowed for residential uses, subject to all applicable requirements of the Building Code.

<b>ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS, RESIDENTIAL USES</b>		
<i>Feature</i>	<i>Allowed Projection into Front or Corner Side Yard</i>	<i>Limitations</i>
Uncovered stairs, guardrails, handrails, ramps, stoops, landings, decks, porches, balconies, and platforms		
<i>All elements six feet or less above ground elevation</i>	10 feet	
<i>All elements more than six feet above ground elevation</i>	7 feet	
Covered porches and patios	7 feet	Must be unenclosed on three sides

- 4. **Building Design.** Buildings shall include the following design features to create visual variety and avoid a large-scale and bulky appearance.
  - a. **Minimum Depth of Overhanging Eaves.** Overhanging eaves, if provided, shall extend a minimum of two feet beyond the supporting wall.
  - b. **Roof Line.** Roof lines shall be varied and designed to minimize the bulk of a building, screen roof-mounted equipment, and enhance the building’s architectural design through the following methods:

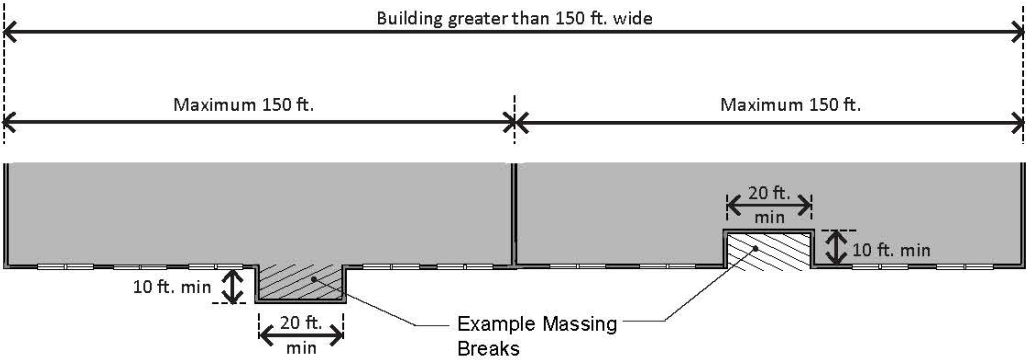
- i. A minimum of one roof line offset of at least 18 inches in height and 20 feet in length shall be provided for every 150 feet of façade length.



**ROOFLINE OFFSETS**

(DIAGRAM IS ILLUSTRATIVE)

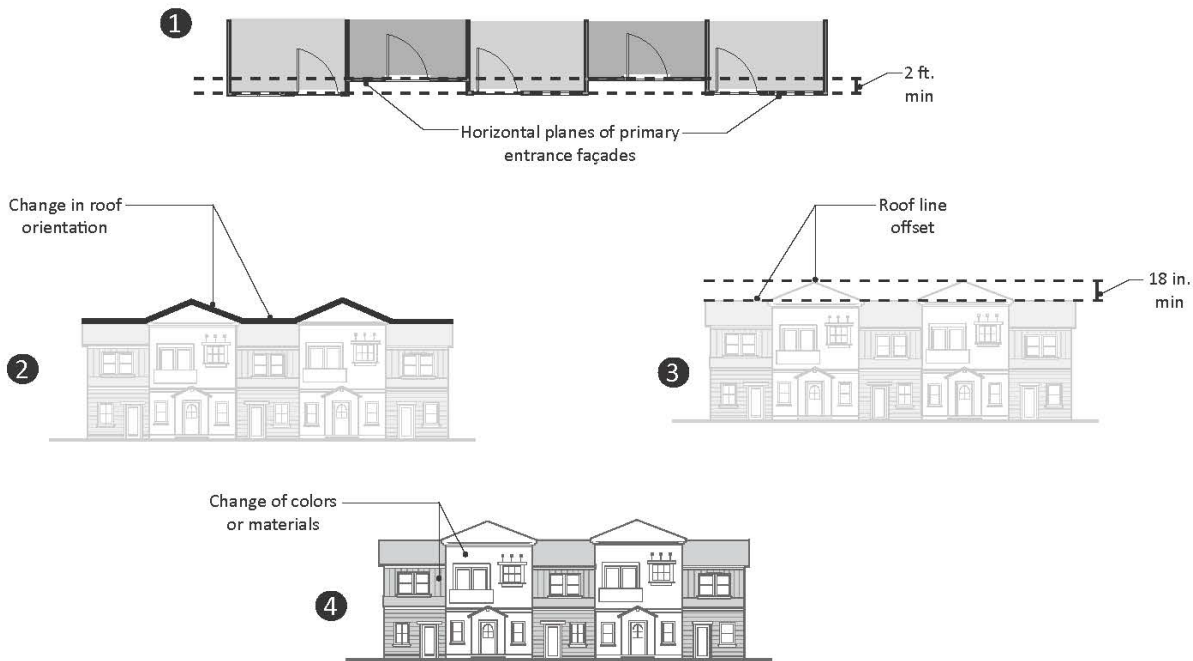
- ii. Where parapets are provided, the minimum 18-inch offset in height required above may be substituted by an offset of at least 18 inches in depth. All parapets shall provide returns of at least six feet in depth at the end of the parapet face to avoid a false front appearance.
- c. Façade Articulation. Any building over 150 feet wide shall provide a massing break with a minimum width of 20 feet and minimum depth of 10 feet for every 150 feet of façade length.



**FAÇADE ARTICULATION**

**(DIAGRAM IS ILLUSTRATIVE)**

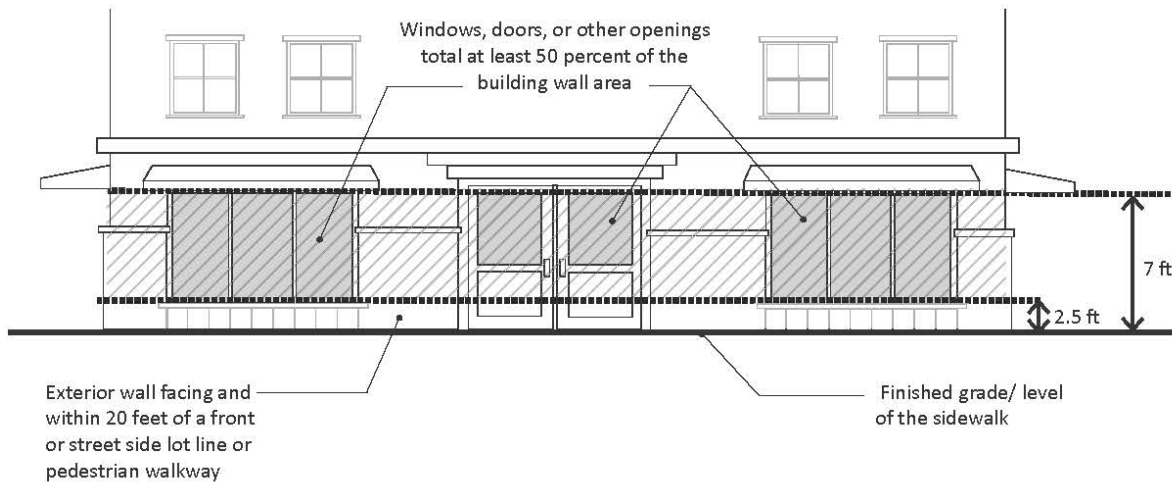
- i. *Buildings Three or More Stories.* In addition to the façade articulation requirement above, upper and lower stories in buildings of three or more stories shall be distinguished by incorporating one or more of the following features. These features may be applied to the transitions between any floors, except where otherwise specified.
  - (1) A change in façade materials, along with a change in plane at least one inch in depth at the transition between the two materials.
  - (2) A horizontal design feature such as a water table, belt course, or bellyband.
  - (3) A base treatment at the ground floor consisting of a material such as stone, concrete masonry, or other material distinct from the remainder of the façade and projecting at least one inch from the wall surface of the remainder of the building.
  - (4) Setting back the top floor or floors of the building at least five feet from the remainder of the façade.
  
- d. *Townhomes and Rowhouses.* In addition to the roof line and façade articulation requirements above, attached side-by-side dwelling units shall meet the following requirements.
  - i. The maximum number of units in any one contiguous building is six except as exempted by the Zoning Enforcement Official through an Administrative Exception per Chapter 5.06.
  - ii. Individual units shall be emphasized through two or more of the following methods. The methods chosen to meet this requirement may count toward other design requirements provided the necessary criteria are met.
    - (1) Variations of two feet or more between the horizontal planes of the primary entrance façade of adjacent units.
    - (2) A change in roof orientation between adjacent units (e.g., a gable roof adjacent to a hipped roof).
    - (3) A roofline offset of at least 18 inches for each unit exposed on the associated elevation.
    - (4) Change of colors or materials.



**TOWNHOMES AND ROWHOUSES, INDIVIDUAL UNIT EMPHASIS**  
**(DIAGRAM IS ILLUSTRATIVE)**

5. *Windows and Openings.*
- a. Nonresidential Uses: Building Transparency/Required Openings. Exterior walls facing and within 20 feet of a front or street side lot line or pedestrian walkway shall include windows, doors, or other openings for at least 50 percent of the building wall area located between two and a half and seven feet above the level of the sidewalk.
    - i. Design of Required Openings. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
    - ii. Reductions. The Zoning Enforcement Official can approve an Administrative Exception per Chapter 5.06 to reduce or waive the building transparency requirement where the following findings can be made:
      - (1) The proposed use has certain operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and

- (2) Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.



**NONRESIDENTIAL USES: BUILDING TRANSPARENCY/REQUIRED OPENINGS**

**(DIAGRAM IS ILLUSTRATIVE)**

- b. Residential Uses: Window Trim or Recess. Windows for residential uses shall have trim at least one-half inch in depth, or be recessed at least two inches from the plane of the surrounding exterior wall.
6. Façade Design.
- a. Façade Detailing.
- i. All building facades shall incorporate details, such as window and door trim, window recesses, cornices, changes in materials, or other design elements.
  - ii. Horizontal building elements shall be aligned within three feet of like buildings elements on the same facade and adjacent buildings.
  - iii. No wall facing a public right-of-way shall run in a continuous plane of more than 30 feet without a window, door, or other opening.
- b. Exterior Building Colors and Materials.
- i. Each façade shall have three or more colors and three or more materials.
  - ii. The following materials are prohibited.
    - (1) Vinyl siding
    - (2) T-111 plywood siding



(3) Exterior Insulation Finishing System (EIFS)

B. **Space Requirements.**

1. **Ground Floor Height, Nonresidential Uses.** The minimum ground floor height for nonresidential uses is 16 feet measured floor to floor.
2. **Ground Floor Height, Residential Uses.** The minimum ground floor height for residential uses is 10 feet measured floor to floor.
3. **Tenant Space Depth, Nonresidential Uses.** Nonresidential ground floor interior tenant spaces shall be a minimum of 60 feet in depth for a minimum of half of the width of the tenant space and a minimum of 40 feet in depth elsewhere, except as exempted by the Zoning Enforcement Official through an Administrative Exception per Chapter 5.06 on small or constrained sites.
4. **Required Amenities.** Amenities that enhance the livability of the project and are not required elsewhere in this Chapter shall be provided. An Administrative Exception per Chapter 5.06 may be approved to allow alternative amenities that are comparable in value and benefit to residents. Projects shall include at least four of the following amenities.
  - a. Conference room.
  - b. Electric vehicle (EV) charging stations or 220 V power outlet for 25 percent of required parking spaces.
  - c. Fitness center.
  - d. Lap pool.
  - e. Tenant activity area, such as joint eating and cooking area, clubhouse, play area, screening room, or other activity area.
  - f. On-site commercial child care facility.
  - g. Pet washing facility or relief area.
  - h. Playground or outdoor active recreation facility.
  - i. Public art.
  - j. Enclosed, lockable storage space at least 250 cubic feet in size with minimum dimension of four feet by eight feet for a minimum of 25 percent of the units.
  - k. Study room and/or library.
  - l. Publicly accessible open space provided consistent with Subsection 4.04.336.C.2 for projects with 25,000 square feet of floor area or less or publicly accessible open space of 15 square feet per 1,000 square feet of floor area for projects with over 25,000 square feet of floor area.
  - m. Publicly accessible open space provided in compliance with Subsection 4.04.336.C.2 and as follows:

- iii. Projects with 25,000 square feet of floor area or less: 5 square feet of publicly accessible open space per 1,000 square feet of gross floor area.
- iv. Projects over 25,000 square feet of floor area: 15 square feet of publicly accessible open space per 1,000 square feet of gross floor area.

**C. Site Design Requirements.**

1. **Frontage Improvements.** Frontage improvements consistent with the Master Plan of City Streets, Bicycle and Pedestrian Master Plan, applicable Specific Plan and/or development strategy, Subdivision Improvement Standards, and any other applicable standard or requirement of the City shall be provided for all subdivisions, new construction, and additions of 10,000 square feet or more of gross floor area.
2. **Open Space.** Private Open Space, Common Open Space, and Publicly Accessible Open Space shall be provided in compliance with the standards of this Section. No portion of required open space shall be used for driveways or off-street vehicle parking and loading facilities, nor may one area of open space be double counted as satisfying the requirements of multiple types of required open space. However, the area provided to meet the open space requirement may count toward other site requirements such as landscaping, amenities, and stormwater retention and control if the area provided as open space also meets the criteria of those individual requirements.

<b>REQUIRED PRIVATE AND COMMON OPEN SPACE</b>		
<i>Applicability</i>	<i>Minimum Open Space</i>	<i>Note</i>
DA and SA Districts	60 square feet per dwelling unit	May be provided as any combination of Private and Common Open Space. See Subsections 4.04.336.C.2.q and 4.04.336.C.2.b
CC, CN, NA, P, and RM Districts	200 square feet per dwelling unit	
<b>REQUIRED PUBLICLY ACCESSIBLE OPEN SPACE</b>		
<i>Applicability</i>	<i>Minimum Open Space</i>	<i>Note</i>
DA and SA Districts, development with over 25,000 square feet of floor area	5 square feet per 1,000 square feet of floor area	Shall comply with Subsection 4.04.336.C.2.c

- a. Private Open Space. Private Open Space provides open space areas for the exclusive use of the occupants of a single dwelling unit and includes but is not limited to balconies, decks, terraces, patios, fenced yards, and other similar private areas.
  - i. Minimum Dimensions. Private open space shall be a minimum of 60 square feet and have no dimension less than six feet.

- ii. Accessibility. Private Open Space shall be accessible to only one dwelling unit by a doorway to a habitable room or hallway.
- b. Common Open Space. Common Open Space provides shared access for all building occupants and includes but is not limited to courtyards, terraces, forecourts, gardens, outdoor dining areas, plazas, landscaped areas, patios, swimming pools, barbeque areas, athletic courts or fields, playgrounds, recreation areas, gardens, rooftop amenities, and other similar common areas intended for shared use by building occupants.
  - i. Minimum Dimensions. Common Open Space shall have minimum length and width dimensions of 20 feet except as provided below.
    - (1) Courtyards. Common Open Space areas with building walls on two opposite sides shall have a minimum width between the walls equal to the height of the shortest building wall facing the courtyard.
  - ii. Accessibility. Common Open Space shall be accessible to all building occupants.
  - iii. Surfacing. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust-free surfacing.
    - (1) Minimum Landscaping. A minimum of 10 percent of the total common open space area shall be planted.
    - (1) Minimum Soil Depth. Landscaping on podiums and rooftops shall provide minimum soil depths as follows.
      - (a) Ground cover: 12 inches.
      - (b) Shrubs: 20 inches.
      - (c) Trees: 36 inches.
    - (2) Maximum Slope. Slopes shall not exceed 10 percent.
- a. Publicly Accessible Open Space. Publicly Accessible Open Space includes paseos, plazas, outdoor dining areas, dog parks, recreation areas, and other similar areas available for use by the public. Publicly Accessible Open Space shall be provided on-site and in accordance with the following standards or met through Alternative Compliance options pursuant to Subsection 4.04.336.C.2.c.ii, Alternative Compliance.
  - i. Publicly Accessible Open Space Standards.
    - (1) Ownership and Maintenance. Publicly Accessible Open Space must be either offered as dedication to the City or privately owned

and maintained with dedication of a public access easement. Publicly Accessible Open spaces shall be maintained at no public expense. The owner of the property on which the open space is located shall maintain it by keeping the area clean and free of litter and keeping in a healthy state any plant material that is provided.

(2) Minimum Dimensions. Publicly Accessible Open Space shall have at least one minimum 10-foot dimension.

(3) Design Features. Publicly Accessible Open Spaces shall:

- (a) Be unobstructed by fully enclosed structures;
- (b) Include any practicable combination of lawn, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust-free surfacing;
- (c) Not exceed a 10 percent slope;
- (d) Provide pedestrian-scale lighting;
- (e) Provide seating;
- (f) Provide one or more plaques visible to the public stating the right of the public to use the space, the type of open space, and the hours of use;
- (g) Maintain a smoke-free environment; and
- (h) Provide at least one of the following:
  - Site furnishings, including, but not limited to, tables, chairs, and gathering places.
  - Active recreation spaces, such as tot lot or playground, sport court, or similar.
  - Shading.
  - Public art.

(4) Location. Publicly Accessible Open Space shall:

- (a) Be located on the ground floor;
- (b) Have a direct, accessible pedestrian connection to a public right-of-way or easement.

ii. Alternative Compliance.

(1) Park Land Dedication. Park land dedicated and improved consistent with Municipal Code Chapter 7-1 shall count towards the required Publicly Accessible Open Space.

- (2) Residential Projects with Fewer than 50 Units. Multi-family residential and residential mixed-use developments with fewer than 50 residential units may opt to pay the Park Facilities Development Impact Fee established by Municipal Code Chapter 7-13 in lieu of providing dedicated and improved park land and/or Publicly Accessible Open Space.
- (3) Programmed Use. Publicly Accessible Open Space designed for concentrated and programmed public use – such as playgrounds, recreational areas, or other programmed public spaces – may be credited at a 2:1 ratio with approval of an Administrative Exception per Chapter 5.06.

3. **Lighting.**

a. *Lighting Design.*

- i. Maximum Height of Freestanding Lighting Standards. The maximum height of a freestanding lighting standard is as follows:
  - (1) Within 100 feet of a Residential District: 16 feet.
  - (2) Other Locations: 25 feet.
- ii. Attached Fixtures. Fixtures on buildings shall be attached only to walls or eaves, and the top of the fixture shall not exceed the height of the parapet or roof or eave of roof.

b. *Minimum Lighting Levels.*

- i. Lighting in parking areas, garage areas, and carport areas shall be maintained with a minimum of one foot-candle of illumination at the ground level during the hours of darkness.
- ii. Aisles, passageways, and recesses related to and within a development shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness.

4. **Landscaping.** All areas of the site not used for access, parking, buildings, open space, mechanical equipment, or other function shall be landscaped consistent with Chapter 4.16, Landscape Requirements, and the following requirements. Required landscaping areas shall be planted with a combination of trees, shrubs, and groundcover. Stormwater treatment areas may count toward required landscaping.

- a. *Trees.* A minimum of one 24-inch box size or greater tree shall be planted per 25 linear feet of landscape area. Tree grates shall be used for trees located in hardscape areas.
- b. *Shrubs.* Shrubs shall be a container size of five gallons or greater at planting and planted at spacing distances appropriate for the plant species.

- c. *Groundcover.* Landscaped areas that are not planted with trees or shrubs shall be planted with groundcover plants. Mulch (as a ground cover) shall be confined to areas underneath plants and is not a substitute for ground cover plants.
  - i. Groundcover plants other than grasses shall be four-inch pot size or greater and planted at spacing distances appropriate for the plant species.
  - ii. Groundcover plants shall be planted at a density that will cover the entire area within two years.
- d. *Edible Landscaping.* Edible landscaping, including fruit trees and gardens, are considered landscaped areas.

5. **Vehicle Parking.**

- a. *Required Parking.* Parking shall be provided pursuant to Chapter 4.08 Off-Street Parking and Loading Regulations except that no parking is required for nonresidential uses less than 5,000 square foot in size and part of a mixed-use development.
- b. *Access to Parking.*
  - i. Location. Curb cuts and driveways providing access to parking facilities shall be from an alley or secondary street, rather than from the principal street, wherever such alley or secondary access is feasible.
  - ii. Driveway Length. Minimum 20 feet.
  - iii. Driveway Width. Maximum 24 feet, or minimum required for emergency vehicle access.
- c. *Residential Districts.*
  - i. Structured, Partially Submerged, and Underground Parking - Location. Structured parking, including partially submerged or underground parking with three or more feet above ground shall be located a minimum of 40 feet from the primary street facing property line. The Zoning Enforcement Official may approve an Administrative Exception per Chapter 5.06 where the following findings may be made:
    - (1) The design incorporates habitable space built close to the public sidewalk to the maximum extent feasible; and
    - (2) The site is physically constrained such that underground parking or above ground parking located more than 40 feet from the primary street frontage is not feasible.
  - ii. Surface Parking, Carports, and Garages - Maximum Parking Frontage. The total width of above ground parking areas visible from the street, including

open parking, carports, and garages shall not exceed 40 percent of any public street frontage.

(1) Reductions. The Zoning Enforcement Official can approve an Administrative Exception per Chapter 5.06 to allow a greater width where the following findings may be made:

(a) The lot is narrow or otherwise constrained such that limiting the visibility of above ground parking to 40 percent of the public street frontage is infeasible; and

(b) Landscaping and other treatments have been incorporated to minimize the visibility of above ground parking from the public street frontage.

iii. Garage Design.

(1) Attached garages located on a street facing building frontage shall be recessed a minimum of 12 inches behind the front elevation wall plane.

(2) Where there are adjacent garage doors, one of the following features shall be provided to distinguish between doors and avoid a massive appearance.

(a) A change in colors or materials.

(b) A permanent vertical trellis with climbing plants or plant materials between garage doors.

(c) Vertical trim between garage doors.

(d) A minimum three foot by three foot landscaped area between the driveways.

d. Commercial and Professional Districts.

i. Limitations on Location of Parking. Above ground parking and structured parking, including partially submerged or underground parking with three or more feet above ground shall be located a minimum of 40 feet from the primary street facing property line. The Zoning Enforcement Official may approve an Administrative Exception per Chapter 5.06 where the following findings may be made:

(1) The design incorporates conditioned, usable space built close to the public sidewalk to the maximum extent feasible; and

(2) The site is physically constrained such that underground parking or above ground parking located more than 40 feet from the primary street frontage is not feasible.

6. **Off-Street Loading Areas.** In addition to the requirements of Section 4.08.164, Location and Design of Off-Street Loading Spaces, loading docks shall be designed according to the following standards.
  - a. Loading docks shall not exceed 20 feet in width.
  - b. Loading docks shall be screened from view by fencing, landscaping, or architectural elements from any adjacent street, sidewalk, or other publicly accessible accessway or open space.
  - c. Loading docks shall be internal to the building envelope and equipped with closable doors.
  
7. **Pedestrian Access.** On-site pedestrian circulation and access shall be provided according to the following standards.
  - a. *Internal Connections.* A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
  - b. *Circulation Network.* On-site walkways shall be connected to the public sidewalk and other planned or existing pedestrian routes. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
  - c. *Transit.* Pedestrian connections shall be provided from transit stops adjacent to the building frontage to building entrances.
  - d. *Pedestrian Walkway Design.*
    - i. Walkways shall be a minimum of four feet wide, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
    - ii. Where a required walkway crosses parking areas or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, striping, or similar method.
    - iii. Where a required walkway is parallel and within two feet of an auto travel lane, it must be raised or separated from the auto travel lane by a physical barrier consisting of a raised curb at least four inches high.



## Chapter 4.08 Off-Street Parking and Loading Regulations

### Section 4.08.104 Basic Requirements for Off-Street Parking and Loading

- K. Parking Requirements for Certain Properties Near BART. Consistent with California Public Utilities Code Sections 29010.1 through 29010.12, the parking requirements presented in the following table apply to parcels that meet the following criteria..
1. Located within a half-mile of a BART station;
  3. At least one-quarter acre in size (either individual or contiguous parcels);
  4. Owned by BART on or before July 1, 2018; and
  5. An infill site (defined in section 21061.3 of the Public Resources Code as a site that had previous development or a site without development immediately adjacent to urban uses).

#### **PARKING REQUIREMENTS, CERTAIN PROPERTIES NEAR BART**

Parking Requirements	San Leandro BART	Bay Fair BART
<i>Residential Parking*</i>		
Minimum Vehicle Space	0	0
Maximum Vehicle Space	0.5 space/unit	1.0 space/unit
<i>Commercial Parking (Office)*</i>		
Minimum Vehicle Space	0	0
Maximum Vehicle Space	1.6 spaces/1,000 square feet	2.5 spaces/1,000 square feet
<i>* Unbundled vehicle parking is neither prohibited nor required</i>		

### Section 4.08.108 Off-Street Parking and Loading Spaces Required

- A. Off-street parking and loading spaces shall be provided in accord with the following list. For off-street loading, references are to Table A, which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of gross floor area, unless otherwise specified, and shall include allocations of shared restroom, halls, and lobby area, and mechanical equipment or maintenance areas, but shall exclude area for vertical circulation, stairs, or elevators.
- B. Where the use is undetermined, or not specified herein, the Zoning Enforcement Official shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Zoning Enforcement Official may require the submission of survey or other data from the applicant or have data collected at the applicant's expense.

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

Use Classification	Off-Street Parking Spaces		Off-Street Loading Spaces Per Group Classification (See Table A)
<b>1. RESIDENTIAL</b>			
<b>A. Residential, Single-Family and Two-Family</b>			
Single-Family Dwelling	2 covered, per unit. New single-family dwellings or additions with more than 4 bedrooms or over 4,000 square feet of livable area shall require one additional space which may be uncovered and in tandem if it is located a minimum of 30 feet back from the front property line.		
Two-Family Dwelling	2, including 1 covered, per unit	(DA Only) 1 covered per unit for areas adjacent to BART 1.5, including 1 covered, per unit for all other areas	
<b>B. Residential, Mixed-Use &amp; Multi-Family (3 or more units)</b>			
Studio or One-Bedroom Unit	1.0 covered space, plus 0.5 uncovered spaces per unit; 0.25 space per unit must be designated guest parking	(SA and DA Only) ≤ 0.25 mile to public transit as defined in Section 1.12.108, Definitions: 1.0 space per unit > 0.25 mile to public transit as defined in Section 1.12.108, Definitions: 1.25 space per unit	(B-TOD Only) Sub-Area 1: maximum 1.0 space per unit B-TOD Sub-Areas 2 and 3: minimum 0.5 spaces per unit, maximum 1.0 space per unit
Two-Bedroom Unit	2.0 covered spaces, plus 0.25 uncovered spaces per unit; 0.25 space per unit must be designated guest parking	(SA and DA Only) ≤ 0.25 mile to public transit as defined in Section 1.12.108, Definitions: 1.0 space per unit > 0.25 mile to public transit as	(B-TOD Only) Sub-Area 1: maximum 1.0 space per unit B-TOD Sub-

Use Classification	Off-Street Parking Spaces				Off-Street Loading Spaces Per Group Classification (See Table A)
		defined in Section 1.12.108, Definitions: 1.5 space per unit		Areas 2 and 3: minimum 0.75 space per unit, maximum 1.5 spaces per unit	
Three-Bedroom or Larger Unit	2.0 covered spaces, plus 0.5 uncovered spaces per unit; 0.25 space per unit must be designated guest parking	(SA and DA Only) ≤ 0.25 mile to public transit as defined in Section 1.12.108, Definitions: 1.0 space per unit > 0.25 mile to public transit as defined in Section 1.12.108, Definitions: 1.5 space per unit			

**Section 4.08.116 Reduced Parking for Other Uses**

The number of parking spaces required pursuant to Section 4.08.108 Off-Street Parking and Loading Spaces Required may be reduced through Major Site Plan Review approval per Chapter 5.12 Site Plan Review, provided that the following findings are made:

- A. Certain conditions—including, but not limited to, the nature of the proposed operation; transportation characteristics of persons residing, working, or visiting the site; or the availability of shared parking that serves more than one property or use, the peak parking hours of which do not overlap or coincide to the degree that peak demand will be greater than the total supply—exist that will reduce parking demand at the site; or because existing development precludes the addition of parking spaces; ; and
- B. The use will adequately be served by the proposed parking.

In reaching a decision, the review authority shall consider survey data submitted by an applicant or collected at the applicant’s or Zoning Enforcement Official’s request and the applicant’s expense.

## Section 4.08.128 Bicycle Parking

A. **Short-Term Bicycle Parking.** Short-term secure bicycle parking shall be provided to serve shoppers, customers, guests, and other visitors to a site who generally stay for a short time.

1. **Short-Term Bicycle Parking Spaces Required.**

a. *B-TOD District.*

- i. Residential Use Classifications. A minimum of 0.05 spaces per bedroom.
- ii. Offices, Business and Professional and Offices, Medical and Dental. A minimum of one space per 20,000 square feet.
- iii. Non-Residential Uses Other than Office. A minimum of one space per 2,500 square feet.

b. *Other Districts.*

- i. Public and Semipublic Use Classifications. As specified by use permit.
- ii. Other Uses. For the following uses, the number of short-term secure bicycle parking spaces shall be at least five percent of the requirement for automobile parking spaces, with a minimum of one secure bicycle parking spaces provided per establishment.
  - (1) Multi-Family Residential.
  - (2) All Commercial Use Classifications, except for the following classifications, which are exempt:
    - (a) Ambulance Services
    - (b) Animal Boarding
    - (c) Animal Grooming
    - (d) Catering Services
    - (e) Commercial Filming
    - (f) Horticulture, Limited
    - (g) Funeral and Interment Services
    - (h) Vehicle/Equipment Sales and Services (all classifications)

B. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided to serve employees, students, residents, commuters, and others who generally stay at a site for four hours or longer.

1. **Parking Spaces Required.**

a. *Multi-Family Residential.*

- i. Within B-TOD Sub-Area 1, DA-6 District, and PS District: A minimum of one long-term bicycle parking space shall be provided per bedroom.
- ii. Other Areas. A minimum of 0.5 long-term bicycle parking space shall be provided per bedroom.
- a. *Offices, Business and Professional; Offices, Medical and Dental.*
- iii. Within B-TOD District. A minimum of one space per 5,000 square feet.
- b. *Non-Residential Use Other than Office.*
- iv. Within B-TOD District. A minimum of one space per 10,000 square feet.

**C. Design Standards.**

- 1. Short-term bicycle parking shall include racks to which the bicycle can be locked.
- 2. Long-term bicycle parking shall consist of one of the following:
  - a. Covered, lockable enclosures with permanently anchored racks for bicycles;
  - b. Lockable bicycle rooms with permanently anchored racks;
  - c. Lockable, permanently anchored bicycle lockers;
  - d. Private garages or other private, lockable storage space accessible from the outside; or
  - e. Dedicated in-unit bicycle storage area.
- 3. Lockers and racks shall be securely anchored to the pavement or a structure.
- 4. Racks shall be designed and installed to allow two points of contact with the frame and allow the frame and one or both wheels to be secured.
- 5. ***Bicycle Parking Space Dimensions.*** All bicycle parking spaces must meet the following minimum dimensions:
  - a. Each bicycle parking space must include a minimum area of 72 inches in length and 24 inches in width that is clear of obstructions. A minimum of 10 percent of the bicycle parking spaces shall be a minimum of 105 inches in length;
  - b. No part of a bicycle parking rack may be located closer than 30 inches to a wall or other obstruction;
  - c. The front or back of a bicycle parking rack for short term bicycle parking shall be located no less than 48 inches from a sidewalk or pedestrian way; and
  - d. A minimum of 30 inches shall be provided between adjoining bicycle parking racks.

**D. Location.**

1. Bicycle parking shall be located outside of pedestrian walkways, and within 100 feet of a main entrance to the building it serves.
2. Bicycle parking shall be located outside of the public right-of-way except short term bicycle parking may be located within the right-of-way pursuant to an encroachment permit.
3. Where the secure bicycle parking area is not visible from the main entrance of the buildings, signs located at the main entrance of the building shall identify the location of bicycle parking.

### **Section 4.08.136 Minimum Requirements for Parking Spaces and Drive Aisle Dimensions**

The minimum dimensions for drive aisles, all uncovered parking spaces, and required covered parking spaces shall conform to the standards established by the City Engineer.

- A. **Tandem Parking.** Tandem parking may be permitted to satisfy parking requirements in accordance with the following.
  1. No more than two vehicles shall be placed one behind the other.
  2. Both spaces shall be assigned to a single dwelling unit or non-residential establishment.
    - a. Tandem parking for non-residential uses is limited to employee parking.

### **Section 4.08.152 Parking Area Screening: Walls and Fences**

- A. A parking area for five or more cars serving a nonresidential use shall be screened from an adjoining R district by a solid concrete, solid wood, or masonry wall six feet in height, except that the height of a wall adjoining a required front yard in an R district shall be three feet. A carport or open parking area for five or more cars serving a residential use shall be screened from an adjoining lot in an R district by a solid wall or fence six feet in height, except that the height of a wall or fence adjoining a required front yard in an R district shall be not less than two feet or more than three feet.
- B. Where the parking area abuts a street separating the area from property classified for residential use, an architectural screen wall not less than three feet in height above the parking surface shall be installed and maintained not less than three feet from the property line that separates the parking area from the street.
- C. Allowable Modification. The Board of Zoning Adjustments may modify these requirements in accord with the procedures and findings established by Section 4.04.364 Fences, Walls, and Hedges.

### **Section 4.08.164 Location and Design Off-Street Loading Spaces**

- A. Required spaces shall be on the site of the use served or on an adjoining site. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the Zoning Enforcement Official. A required loading space shall be accessible without backing a truck across a street property line unless the Zoning Enforcement Official determines that provision of turn-around space is infeasible and approves alternative access. An occupied loading space shall not prevent access to a required off-street parking space. A loading area shall not be located in a required yard.

## Chapter 4.12 Signs

### Section 4.12.108 Exempt Signs

- A.5. District identification signs approved by the Zoning Enforcement Official and names of buildings, dates of erection, monumental citations, commemorative tablets, and the like made an integral part of the structure.

### Section 4.12.112 Regulations for On-Premises Signs

- F. Multistory Office Identification. Multistory office buildings may be identified under the following conditions:
1. Only a single company name or logo of an organization or enterprise occupying office space within the office building shall be permitted.
  2. Subject to approval of the Zoning Enforcement Official, multistory office building signs shall be located below the parapet at a height and scale architecturally in harmony with the building.
- K. Temporary and Miscellaneous Signs.
1. Temporary signs, banners, flags, outdoor display of merchandise, and other advertising devices may be placed by individual tenants on a site for a maximum of two 15-day periods each calendar year, subject to the approval of the Zoning Enforcement Official, provided the total temporary and permanent sign area shall not exceed 150 percent of permitted permanent sign area, and provided that temporary devices do not create safety hazards or block signs identifying adjoining establishments.
    - a. Such signs are subject to prior approval by the Zoning Enforcement Official and number, type, duration, and other aspects may be restricted or conditioned by the Zoning Enforcement Official.
    - b. Up to two additional 30-day periods may be approved by the Zoning Enforcement Official provided such extensions are determined to be reasonably necessary to achieve business identity and are consistent with the purposes of this Code.
  2. A use permit for a theater or cinema may authorize signs deviating from the standards of this chapter, subject to site plan review under the provisions of Chapter 5.12 Site Plan Approval. The Zoning Enforcement Official may approve marquee signs, animated signs, changeable copy signs, brighter lights, and other features for cinema or theater signs not otherwise authorized by this chapter if such modifications are consistent with the style



and character of existing signs on the site and adjacent property, and will not be readily visible from an R district.

#### **Section 4.12.120 Master Sign Programs and Sign Exceptions**

- D. Review and Approval Authority. The Zoning Enforcement Official shall be the decision-maker, unless the Zoning Enforcement Official defers action to the Board of Zoning Adjustments. The Zoning Enforcement Official or Board of Zoning Adjustments shall approve, conditionally approve or deny the requested Master Sign Program/Sign Exception. The decision-maker may require any reasonable conditions necessary to carry out the intent of this section.
- E. Appeals. A decision by either the Zoning Enforcement Official or by the Board of Zoning Adjustments may be appealed pursuant to the requirements of Chapter 5.20 Appeals.

## Chapter 4.16 Landscape Requirements

### Section 4.16.116 Design Standards

- A. General Design Standards. All landscapes shall adhere to the following design standards:
1. Landscape materials shall demonstrate a recognizable pattern or theme for the overall development by choice and location of materials and shall be located such that at maturity:
    - a. They do not interfere with site distance standards for vehicular, bicycle, or pedestrian traffic, as determined by the City Engineer;
    - b. They do not conflict with overhead utility lines, overhead lights, or walkway lights; and
    - c. They do not block pedestrian or bicycle ways or emergency access or exits.
  2. Plant selection and irrigation design shall incorporate appropriate water conservation measures, as required by applicable State or local regulations and adhere to the most recent version of the “Bay Friendly Landscape Guidelines” developed by StopWaste.Org for use in the professional design, construction and maintenance of landscapes. City staff shall maintain the most recent version of the “Bay-Friendly Landscape Guidelines” at all times.
  3. The minimum portion of a site that is to be a landscaped area shall be as prescribed under the applicable R, C or I Zoning District’s development regulations.
- B. Street Trees.
1. Street Trees Required. Street trees with spacing not to exceed 30 feet and of minimum 24 inch box size shall be provided along any public street frontage. Such trees shall be a deciduous species that will provide canopy shade cover at maturity or alternate species type as approved with the conceptual or final landscape plan. Credit may be given for existing city street trees, where applicable. New trees may be placed in the City right-of-way in conjunction with new sidewalk improvements and subject to the approval of the Zoning Enforcement Official and City Engineer.
- C. Design Standards for Parking Lots.
1. Requirements for Perimeter Planting.
    - a. Perimeter Landscaping Required for All Parking Lots. In addition to the requirements for minimum landscaped front and corner side yards prescribed for in the applicable R, C, and I Zoning Districts, and notwithstanding the zero foot setback requirement for side or rear yards in the C and I Districts, a landscaped area of not less than five feet wide, measured from inside of curb, shall be provided adjacent to any property line.



in which they will be planted, as documented by a published plant reference. If plants are given a range of water needs from “occasional to moderate” for example, the landscape designer must determine if the plant will require either occasional or moderate watering based on site, soil, and climate conditions and categorize the plant appropriately. Sources used to determine climate adaptation and watering requirements may include:

- a. Bornstein, Carol, David Fross and Bart O’Brien, California Native Plants for the Garden. Qualifying irrigation designation: “occasional,” “infrequent,” or “drought tolerant.”
  - b. East Bay Municipal Utility District’s publication Plants and Landscapes for Summer Dry Climates. Qualifying irrigation designation: “occasional,” “infrequent,” or “no summer water.”
  - c. Sunset Publishing Corporation Sunset Western Garden Book. Qualifying irrigation designation: “little or no water.”
  - d. University of California Cooperative Extension’s Guide to Estimating Irrigation Water Needs of Landscape Plantings in CA. Qualifying irrigation designation: “Low” or “Very Low.”
4. Total irrigated areas specified as turf shall be limited to a maximum of 25 percent; sports or multiple uses fields or recreational areas are exempted. Turf is not allowed on slopes greater than 25 percent where the toe of the slope is adjacent to an impermeable hardscape and where 25 percent means one foot of vertical elevation change for every four feet of horizontal length.
  5. Those species identified by California Invasive Plan Council (CAL-IPC) as invasive in the San Francisco Bay Area shall not be specified.
  6. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, Planned Developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.
  7. Recirculating water shall be used for water features and, where available, recycled water shall be used as a source for decorative water features.
  8. Recycled water shall be used for all irrigation (if available).
  9. The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer’s recommended pressure range for optimal performance.
  10. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

11. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.
12. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system.
13. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures. Weather-based irrigation controllers, soil moisture-based controllers or other self-adjusting irrigation controllers shall be required for all irrigation systems.
14. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
15. Sprinkler spacing shall be designed to achieve to achieve a uniform precipitation rate with no overspray onto hardscapes.
16. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.
17. Check valves or anti-drain valves are required for all irrigation systems.
18. Narrow or irregularly shaped areas, including turf, less than eight feet in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system. Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology.
19. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation scheduling shall be regulated by automatic irrigation controllers. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
20. Stabilizing mulching products shall be used on slopes. It is highly recommended that bio based products are used and petroleum based products are avoided.
21. Compost shall be specified as the soil amendment according to the outcome of the soil analysis, to bring the soil organic matter content to a minimum of 3.5 percent by dry weight or one inch of compost. Adding compost is waived if the plant palette primarily includes plants that are adapted to soils with little or no organic matter as documented by a published plant reference. If imported or site soil meets the organic content of 3.5 percent, the compost requirement is waived.

22. All plans shall specify that 50 percent of landscape construction and demolition waste by weight must be diverted from the landfill.

E. Recommended Design Standards. It is recommended that all landscape projects:

1. Protect and preserve existing native vegetation and use local natural plant communities as models;
2. Select water-conserving plant and turf species that are suitable for the climate and soil conditions in San Leandro;
3. Select plants based on disease and pest resistance;
4. Use the Sunset Western Climate Zone System to select plants, which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
5. Avoid turf on slopes greater than 10 percent where the toe of the slope is adjacent to an impermeable hardscape and avoid turf in street medians, traffic islands or bulbouts of any size unless irrigated with subsurface or low volume irrigation;
6. Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
7. Avoid disruption of natural drainage patterns and undisturbed soil;
8. Avoid soil compaction in landscape areas;
9. Place trees on separate valves from shrubs, groundcovers, and turf;
10. Use automatic irrigation controllers that allow for multiple start times;
11. Set irrigation controls to water before 10:00 a.m. or after 8:00 p.m.;
12. Space sprinkler heads to achieve a uniform precipitation rate with no overspray onto hardscapes;
13. Use dedicated landscape water meters on landscape areas smaller than 5,000 square feet to facilitate water management;
14. Install high-flow sensors (flow meters) that detect and report high flow conditions created by system damage or malfunction;
15. Install manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair;
16. Use low volume irrigation to maximize water infiltration into the root zone in mulched planting areas;
17. Incorporate rain harvesting or catchment technologies such as cisterns for storage and use of rainwater to satisfy a percentage of the landscape irrigation requirements; and

18. Incorporate stormwater best management practices to minimize runoff and to increase on-site retention and infiltration. Examples include:
  - a. Rain gardens, infiltration beds, swales and basins that allow water to collect and soak into the ground,
  - b. Constructed wetlands and retention ponds that retain water, handle excess flow and filter pollutants, and
  - c. Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.
- F. Exceptions to Design Standards. An Administrative Exception per Chapter 5.06 may be approved to allow exceptions to the requirements of this section if such requirements are found not to be practical due to pre-existing site constraints.

## **Chapter 4.20 Nonconforming Uses and Structures**

### **Section 4.20.124 Elimination of Nonconforming Uses (Abatement)**

- C.2. Commission Review. The Planning Commission shall hold a duly noticed public hearing within a reasonable time, following the procedures established in Chapter 5.08 Use Permits and Variances, on each application for an exception from the termination requirements of this section. Upon the conclusion of the hearing, the Commission shall determine whether the use of the property on the date of adoption of this Code is compatible with and not detrimental to the land uses designated in the General Plan for the surrounding area and properties. If it so finds, it shall recommend to the City Council that the use shall be excepted from the termination provisions of this section. The Commission may recommend such conditions as it may find necessary to ensure compatibility, including, but not limited to: required improvement of or modifications to existing improvements on the property, limitations on hours of operations, limitations on the nature of operations, and a specified term of years for which the exception shall be granted.



## Title 5—Administration

### Chapter 5.06 Administrative Exceptions

- A. Purpose. The purpose of this Chapter is to establish a means of granting relief from locational, developmental, and operational standards where doing so would be consistent with the purposes of this Code and the General Plan, and where it is not possible or practical to approve a Variance.
- B. Standards for Which an Administrative Exception May be Approved. The Zoning Enforcement Official may approve an Administrative Exception as specifically identified in any section of this Code.
- C. Application Requirements. Application for such approval shall be made to the Zoning Enforcement Official on a form prescribed by Planning staff.
- D. Procedures.
  - 1. Review Authority. The Zoning Enforcement Official shall act as the Review Authority for Administrative Exception applications based on consideration of the requirements of this Chapter except in the case of concurrent processing pursuant to Subsection D.5, below.
  - 2. Findings Necessary for Approval. The Zoning Enforcement Official may approve an Administrative Exception upon a determination that the proposal would not be detrimental to public health, safety or welfare and would not cause undue damage, hardship, nuisance or other detriment to persons or property in the vicinity. The Zoning Enforcement Official shall deny, approve or conditionally approve the application.
  - 3. Notice of Decision. The Zoning Enforcement Official shall notify by mail the applicant and all abutting property owners. Said notice shall contain a statement that the action taken will become final within 15 days from the date thereof unless appealed in writing to the Board of Zoning Adjustments. The action of the Zoning Enforcement Official shall be final unless an appeal is filed.
  - 4. Appeals. Any person aggrieved with the action of the Zoning Enforcement Official may appeal such action to the Board of Zoning Adjustments, pursuant to the requirements of Chapter 5.20 Appeals.
  - 5. Concurrent Processing. If a request for an Administrative Exception is being submitted in conjunction with an application for another approval, permit, or entitlement that requires review or action by the Planning Commission/Board of Zoning Adjustments or another review body, it shall be heard and acted upon at the same time and in the same manner as that application and subject to the noticing and appeal procedures therein.

## Chapter 5.08 Use Permits and Variances

### 5.08.100 Purposes

- A. This chapter provides the flexibility in application of land use and development regulations necessary to achieve the purposes of this Code by establishing procedures for approval, conditional approval, or disapproval of applications for use permits and variances.
- B. Use permits are required for use classifications typically resulting in unusual site development features or operating characteristics requiring special consideration, so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area, provided the use will not be detrimental to the public health, safety, and welfare and will not impair the integrity and character of the zoned district.
- C. Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.
- D. Variances may be granted only with respect to landscaping, screening, lot area, lot dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards.
- E. Authorization to grant variances does not extend to use regulations, because sufficient flexibility is provided by the use permit process for specified uses and by the authority of the Board of Zoning Adjustments to determine whether a specific use belongs within one or more of the use classifications listed in Section 1.12.108 Definitions. Further, Chapter 5.16 Amendments provides procedures for amendments to the zoning map or zoning regulations. These will ensure that any changes are consistent with the General Plan and the land use objectives of this Code.

### 5.08.104 Authority of Board of Zoning Adjustments

- A. The Board of Zoning Adjustments shall approve, conditionally approve, or disapprove applications for use permits or variances upon finding that the proposed use permit, variance, or parking exception is consistent with the General Plan, the general purposes of this chapter, the specific purposes of the base or overlay zoning district in which a development site is located, and all applicable requirements of the Municipal Code.
- B. Projects on City-Owned Land in the CR and OS Districts. The Zoning Enforcement Official shall submit all applications for use permits or variances to the City Council for approval, and no action by the Board of Zoning Adjustments shall be required. After a duly noticed public hearing, the City Council may approve or conditionally approve such application if it meets the findings required by Section 5.08.124 Required Findings.

### **5.08.108 Applicability to Existing and New Uses**

Use permits shall be required for any new or expanded use located in a district where the land use regulations require such a permit for that use classification. In addition, preexisting uses shall be presumed to be subject to a use permit, even though a use permit was not required at the time the use was originally established, if a requirement for a use permit for the use is subsequently enacted in the Zoning Code. Therefore, any subsequent modifications or expansions to the “presumed conditional use,” shall be subject to all of the requirements of this chapter.

### **5.08.112 Initiation**

Applications for use permits and variances shall be initiated by submitting the following materials to the Zoning Enforcement Official:

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

### **5.08.116 Notice and Public Hearing**

- A. Public Hearing Required. The Board of Zoning Adjustments shall hold a public hearing on an application for a use permit or variance.
- B. Notice. Notice of the hearing shall be given in the following manner:
  - 1. Mailed or Delivered Notice. At least 10 days prior to the hearing, notice shall be: (1) mailed to the owner of the subject real property or the owner’s duly authorized agent, and the project applicant; (2) all owners of property within 500 feet of the boundaries of the site, as shown on the last equalized property tax assessment roll or the records of the County Assessor or Tax Collector; and (3) any agency as required by Government Code Section 65091.
  - 2. Notice to Adjacent Property Owners. Notice shall be mailed to all owners of real property as shown on the latest equalized assessment roll within 500 feet of the boundaries of the site that is the subject of the hearing. In lieu of utilizing the assessment roll, applicants may submit and the City may use records of the County Assessor or Tax Collector, which contain more recent information than the assessment roll.
  - 3. Posted Notice. For hearings directly relating to an identifiable property, notice shall also be given by posting at least three public notices, thereof, at least 10 days prior to such hearing, including at least one such notice on or within 500 feet of the subject property.
  - 4. Published Notice. Notice shall be published once in a newspaper of general circulation in San Leandro at least 10 days prior to the hearing.

5. No proceeding in connection with the hearing shall be invalidated by failure to send notice where the address of the owner is not a matter of public record or by failure to post public notices or by failure to receive any notice.
  6. Supplemental On-Site Notice. For projects that the Community Development Director determines may have a significant impact on adjacent uses or may generate significant public concerns, the Director may require that the applicant and/or property owner erect an on-site public notice sign, minimum three feet by five feet in size and six feet in height that provides a description of the proposed project, the date, time, and place of scheduled public hearing(s), the name of the project proponent, and other information as required to clarify the project proposal. Such sign shall be subject to review and approval of the Community Development Director and shall be installed at a prominent location on the site a minimum of 10 days prior to the scheduled public hearing.
- C. Contents of Notice. The notice of public hearing shall contain:
1. A description of the location of the development site and the purpose of the application;
  2. A statement of the time, place, and purpose of the public hearing;
  3. A reference to application materials on file for detailed information; and
  4. A statement that any interested person or an authorized agent may appear and be heard.
- D. Multiple Applications. When applications for multiple use permits or variances on a single site are filed at the same time, the Zoning Enforcement Official may schedule a combined public hearing.

#### **5.08.120 Duties of Board of Zoning Adjustments**

- A. Public Hearing. The Board of Zoning Adjustments shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued to a definite date and time without additional public notice.
- B. Decision and Notice. After the close of the public hearing, the Board shall approve, conditionally approve, or deny the application. Notice of the decision shall be mailed to the applicant and any other party requesting such notice within seven days of the date of the action ratifying the decision.
- C. Limits on Conditions of Approval. No conditions of approval of a use permit shall include use, height, bulk, open space, loading, or sign requirements that are less restrictive than those prescribed by applicable district regulations.

#### **5.08.124 Required Findings**

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

- A. For All Use Permits.

1. That the proposed location of the use is in accord with the objectives of this Code and the purposes of the district in which the site is located;
  2. That the proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing, or working in, or adjacent to, the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity, or to the general welfare of the City;
  3. That the proposed use will comply with the provisions of this Code, including any specific condition required for the proposed use in the district in which it would be located; and
  4. That the proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.
- B. For Variances.
1. That because of special circumstances or conditions applicable to the subject property, including narrowness and shallowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions, strict application of the requirements of this chapter would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property;
  2. That the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources, and without significant detriment or injury to property or improvements in the vicinity of the development site or to the public health, safety or general welfare; and
  3. That granting the application is consistent with the purposes of this Code and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.
  4. OS District Only. That granting the application is consistent with the requirements of Section 65911 of the Government Code and will not conflict with General Plan policy governing orderly growth and development and the preservation and conservation of open-space land.
- C. Mandatory Denial. Failure to make all the required findings under Subsections A or B shall require denial of the application for a use permit or variance.

### **5.08.128 Conditions of Approval**

In approving a use permit or variance reasonable conditions may be imposed as necessary to:

- A. Achieve the general purposes of this Code or the specific purposes of the zoning district in which the site is located or to make it consistent with the General Plan;
- B. Protect the public health, safety, and general welfare;

- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area; or
- D. Prevent or mitigate potential adverse effects on the environment.

### **5.08.132 Effective Date; Appeals**

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

### **5.08.136 Lapse of Approval; Transferability; Discontinuance; Revocation**

- A. Lapse of Approval. A use permit or variance shall lapse after two years, or at an alternative time specified as a condition of approval, after its date of approval unless:
  - 1. A building permit has been issued, coupled with diligent progress evidencing a good faith intent to commence the intended use; or
  - 2. A certificate of occupancy has been issued; or
  - 3. The use is established; or
  - 4. The approval is granted a one-year extension by the Zoning Enforcement Official upon receipt of a written application with the required fee within the time period specified by the review authority, or two years of the date of the approval..

A use permit also shall lapse upon discontinuance of work on a project or expiration of a building permit.

- B. Transferability. The validity of a use permit or variance shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor applies to the City for a business license and zoning approval.
- C. Discontinuance. A use permit or variance shall lapse if the exercise of rights granted by it is discontinued for 180 consecutive days.
- D. Revocation. A use permit or variance that is exercised in violation of a condition of approval or a provision of this Code may be revoked, as provided in Section 5.24.108 Revocation of Discretionary Permits.
- E. Renewal. Upon written request or a use permit, variance may be renewed by the Zoning Enforcement Official for one year, with one additional one-year renewal allowed for a total period not to exceed two years without notice or public hearing if the findings required by Section 5.08.124 Required Findings remain valid.

### **5.08.140 Changed Plans; New Applications**

- A. Changed Plans. A request for changes in conditions of approval of a use permit or variance, or a change to development plans that would have a substantial effect on conditions of approval shall be treated as a new application. The Zoning Enforcement Official may approve changes that are minor in nature.

- B. **New Application.** If an application for a use permit or variance is disapproved, no new application for the same or substantially the same, use permit or variance shall be filed within one year of the date of denial of the initial application, unless the denial is made without prejudice.

### **5.08.144 Temporary Use Permits**

A temporary use permit authorizing certain temporary use classifications as listed in various residential, commercial, and industrial districts under the heading “Temporary Uses Subject to Administrative Review...” shall be subject to the provisions of this section. Temporary uses shall include: Christmas Tree and Pumpkin Sales; Commercial Filming; Assembly Uses, Temporary; Street or Neighborhood Fairs; Temporary Real Estate Offices; Outdoor Retail Sales; Temporary Storage Containers; Circuses and Carnivals; Trade Fairs; Non-Recurring Swap Meets; and Animal Shows. The definitions for these temporary uses are found in Section 1.12.108 Definitions. In the event that a temporary use other than those listed above is proposed, the Zoning Enforcement Official shall review the proposed use and shall determine if it should be treated as a temporary use.

- A. **Application and Fee.** A completed application form and the required fee shall be submitted to the Zoning Enforcement Official. The Zoning Enforcement Official may request any other plans and materials necessary to assess the potential impacts of the proposed temporary use.
- B. **Duties of the Zoning Enforcement Official.** The Zoning Enforcement Official shall approve, approve with conditions, or deny a complete application within a reasonable time. No notice or public hearing shall be required.
- C. **Required Findings.** The application shall be approved as submitted, or in modified form, if the Zoning Enforcement Official finds:
  - 1. That the proposed temporary use will be located, operated, and maintained in a manner consistent with the policies of the General Plan and the provisions of this Chapter; and
  - 2. That approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare.
- D. **Conditions of Approval.** In approving a temporary use permit, the Zoning Enforcement Official may impose reasonable conditions necessary to:
  - 1. Achieve the general purposes of this chapter and the specific purposes of the zoning district in which the temporary use will be located, or to be consistent with the General Plan;
  - 2. Protect the public health, safety, and general welfare; or
  - 3. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.
- E. **Effective Date; Duration; Appeals.** An approved temporary use permit shall be effective on the date of its approval; a disapproved permit may be appealed by the applicant, as provided in Chapter 5.20 Appeals. The permit shall be valid for a specified time period not to exceed 90 days as specified by the Zoning Enforcement Official’s approval action. The temporary use permit shall specify the

time within which the temporary use shall be commenced, which shall be not more than 90 days from approval by the Zoning Enforcement Official, and the use shall be continued only for the duration set forth in the zoning approval. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Zoning Enforcement Official effective immediately upon verbal or written notice for violation of the terms of the permit. Verbal notice shall be confirmed by written notice mailed to the permit holder within a reasonable time. The Zoning Enforcement Official may approve changes in a temporary use permit.



## Chapter 5.12 Site Plan Approval

### 5.12.100 Intent

The purpose of this chapter is to provide a process for Site Plan Review, assuring that new development complies with the applicable site development standards of this Code and that older nonconforming sites are upgraded at the time the uses or structures on such sites are expanded or intensified. The Site Plan Review process is integral to the City's other discretionary and non-discretionary development review procedures in order to facilitate the permitting process.

### 5.12.104 Applicability

**Site Plan Review is required for uses or developments specifically identified in district Administrative Regulations and/or any other section of this Code which requires Site Plan Review. 5.12.108 Concurrent Processing**

When a development project requires a Use Permit, Variance, or any other discretionary approval, the Site Plan Review application shall be submitted as a part of the application for the underlying permit, Use Permit, or Variance, processed concurrently, and reviewed and decided on by the highest review authority designated for any of the approvals.

### 5.12.112 Review and Approval Authority

- A. The Zoning Enforcement Official shall review and approve, conditionally approve, or disapprove applications for Site Plan Review based on consideration of the requirements of this chapter except as follows.
  - 1. Board of Zoning Adjustments or Planning Commission shall have Site Plan Review authority for all projects otherwise requiring Board of Zoning Adjustments or Planning Commission approval.
  - 2. The Zoning Enforcement Official may refer items directly the Board of Zoning Adjustments when in the Zoning Enforcement Official's opinion the public interest would be better served by having the Board of Zoning Adjustments conduct Site Plan Review.

### 5.12.116 Hearing and Noticing Requirements

- A. Administrative Site Plan Review.
  - 1. Public Notice. No public notice is required for Administrative Site Plan Review.
  - 2. Action. Upon review of the application the Zoning Enforcement Official may take action on the Administrative Site Plan Review application without holding a public hearing.

3. Notice of Decision. The applicant shall be given written notification of the Zoning Enforcement Official's action on the Administrative Site Plan Review application so that an appeal may be filed within 15 days from when such notification is sent.

B. Minor Site Plan Review.

1. Public Notice. Notice of an application for projects requiring Minor Site Plan Review shall be mailed to property owners adjoining and across the street from the subject site, not less than 10 days prior to action on the application.
2. Action. Upon review of the application and any related correspondence received, the Zoning Enforcement Official may take action on the application without holding a public hearing.
3. Notice of Decision. The applicant, and those who submitted written comments regarding the application, shall be given written notification of the Zoning Enforcement Official's action on the Minor Site Plan Review application so that an appeal may be filed within 15 calendar days from when such notification is sent.

C. Major Site Plan Review.

1. Public Notice. Written notification of the time, place, and purpose of the hearing by the Zoning Enforcement Official on the Major Site Plan Review application shall be mailed to the applicant, property owner, and property owners adjoining and across the street from the subject site, not less than 10 days prior to the hearing except as follows.
  - a. RS-VP. In the RS-VP Subdistrict, written notification of the time, place, and purpose of the hearing by the Zoning Enforcement Official on the Major Site Plan Review application shall be mailed to the applicant, property owner, and property owners within a 500-foot radius from the subject site, not less than 10 days prior to the hearing.
  - b. Parking Reductions. Written notification of the time, place, and purpose of the hearing by the Zoning Enforcement Official on Major Site Plan Review applications for a reduction in the number of required parking spaces shall be mailed to the applicant, property owner, and property owners within a 500-foot radius from the subject site, not less than 10 days prior to the hearing.
2. Public Hearing. The Zoning Enforcement Official shall hold a public hearing on an application for a Major Site Plan Review.
3. Notice of Decision. The applicant, and those who submitted written comments regarding the application, shall be given written notification of the Zoning Enforcement Official's action on the Major Site Plan Review application so that an appeal may be filed within 15 days from when the decision was made.

### 5.12.120 Appeals

- A. A Decision on a Site Plan Review may be appealed pursuant to the requirements of Chapter 5.20 Appeals.

### 5.12.124 Site Plan Review Standards

To approve or conditionally approve a Site Plan, the decision maker or the decision making body shall find that the proposal is in substantial compliance with the following standards, to the extent permitted by applicable State or Federal law:

- A. Site plan elements (such as, but not limited to, building placement, yard setbacks, size and location of landscape areas, parking facilities, and placement of service areas) are in compliance with the minimum requirements of this Code and are arranged as to achieve the intent of such requirements by providing a harmonious and orderly development that is compatible with its surroundings. Parking, loading, storage, and service areas are appropriately screened by building placement, orientation walls, and/or landscaping.
- B. The building(s) has(have) adequate articulation, with appropriate window placement, use of detailing, and/or changes in building planes to provide visual interest. The exterior materials, finishes, detailing, and colors are compatible with those of surrounding structures. Visually incompatible elements, such as roof-mounted utilities, are fully screened from public view. If the proposal is for an addition to an existing building, such additions shall appear as an integral element of the building. Additions shall not have a “tacked on” appearance, and either the addition should be consistent with the existing building’s design element, or the existing building should be remodeled concurrently with construction of the addition.
- C. The landscaping complements the architectural design, with an appropriate balance of trees, shrubs, and living ground covers, and provides adequate screening and shading of parking lots and/or driveways.
- D. Detail features, such as signs, fences, and lighting for buildings, parking lots, and/or driveways are visually consistent with the architectural and landscape design and minimize off-site glare.
- E. Exceptions to Above Regarding Expansions and/or Alterations to Existing Nonconforming Structures and Sites. The decision maker or the decision making body may vary from the standards outlined in Subsections A through D above and approve a Site Plan that cannot achieve compliance with these standards due to the limitations created by pre-existing nonconforming structures and site features. In such cases, the priority of Site Plan Review is to reduce, to the degree feasible given the scale and scope of the proposal, the nonconforming features. The nonconforming features to be addressed shall include, but are not limited to, the following:
  - 1. Deficiencies in landscaping shall be corrected, with selective additional plantings, primarily where such landscaping can have the greatest visual benefit to the overall area. The scale and scope of such landscaping requirements will be relative to both the degree of non-compliance with current Code requirements and the changes/improvements being proposed by the applicant.

2. Obsolete and unused equipment, such as roof-mounted utilities, exterior manufacturing equipment, and unused pole sign and wall sign cabinets shall be removed, as required.
  3. The effects of past “deferred maintenance,” where such has been identified, shall be corrected by such effort as repainting, repaving, restriping, replanting of existing landscape areas, and removal of unused equipment, vehicles, and debris.
- F. All site plan elements in the SA-1, SA-2, and SA-3 Districts shall be reviewed for general consistency with the Design Guidelines contained in the East 14th Street South Area Development Strategy.
- G. All site plan elements in the DA-1, DA-2, DA-3, DA-4, and DA-6 Districts shall be reviewed for general consistency with the Design Guidelines contained in the Downtown San Leandro Transit-Oriented Development Strategy.
- H. Site Plan Review Standards-Residential Single Unit Development. To approve or conditionally approve a Site Plan for a single dwelling unit, the decision-maker or the decision making body shall find that the proposed project is in substantial compliance with all of the following standards:
1. The Residence’s Architecture is Appropriate and Consistently Applied. The structure has adequate articulation, with appropriate window placement, architectural detailing, roof forms and/or changes in wall planes to provide visual interest. Additions shall not have a “tacked on” appearance, and either the addition should be consistent with the existing residence in terms of design and use of materials, or the existing residence should be remodeled concurrently with construction of the proposed addition in order to achieve the desired consistency.
  2. The Visual Mass of the Home is De-Emphasized. The home appears in scale with the surrounding homes. The building’s surfaces should be articulated in a manner that reduces the appearance of blocky or massive features, and architectural features, detailing and/or landscaping should subdue, rather than accentuate the prominence of larger homes.
  3. The Neighborhood’s Existing Visual Character is Valued. The proposal “fits in” to the neighborhood’s existing architectural and landscape context, utilizing a compatible architectural vocabulary and retaining existing trees to the degree feasible and where conducive to achieving the purposes of this chapter. The landscaping to be retained and/or provided around the new and/or remodeled residence should include an appropriate balance of trees, shrubs and living ground covers, and should be designed to blend the project into its larger setting.
  4. The Physical Impacts to Neighbors Are Minimized. The proposed home or addition does not substantially impair the privacy and access to light and air of adjacent residences, while balancing the applicant’s ability to improve the subject property in accordance with all applicable restrictions.
  5. View Preservation Standard, RS-VP District. To approve or conditionally approve a Site Plan in the RS-VP District, the decision-maker or the decision-making body shall also find that

the proposed construction does not unreasonably block or diminish neighbors' views of distant and scenic features, such as the San Francisco Bay and surrounding open spaces and skylines, while balancing the applicant's ability to improve the subject property in accordance with the applicable restrictions

### **5.12.128 Conditions of Approval**

In approving Site Plan Review, reasonable conditions may be imposed as necessary to achieve consistency with the intent of the applicable District's development standards and the standards of this chapter. When approving a Site Plan for projects that expand and/or alter existing nonconforming sites, complete consistency may not be obtainable, and conditions may be imposed to reduce, if not eliminate, the nonconforming site features.

### **5.12.132 Effective Date; Lapse and Renewal; Alterations**

- A. **Effective Date.** Site Plan approval shall become effective on the 15th day after the date the decision maker or the decision making body approves the site plan, unless appealed, as provided in Chapter 5.20 Appeals.
- B. **Lapse of Approvals and Renewals.** Site Plan approval shall lapse two years after its date of approval, or at an alternate time specified as a condition of approval, unless:
  - 1. A grading permit or building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use; or
  - 2. An occupancy permit has been issued; or
  - 3. The approval is granted a one-year extension by the Zoning Enforcement Official upon receipt of a written application with the required fee within the time period specified by the review authority, or two years of the date of the approval..
- C. **Changed Plans.** The Zoning Enforcement Official may approve changes to approved plans or in conditions of approval without a public hearing upon determining that the changes in conditions are minor and consistent with the intent of the original approval. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications, to be reviewed as a new project by the decision making body as required by Section 5.12.112 Review and Approval Authority of this chapter.

## **Chapter 5.20 Appeals**

### **Section 5.20.100 Purpose and Authorization for Appeals**

To avoid results inconsistent with the purposes of this Code, decisions of the Zoning Enforcement Official may be appealed to the Board of Zoning Adjustments or the Planning Commission, whichever is most appropriate, and decisions of the Planning Commission and Board of Zoning Adjustments may be appealed to the City Council.

## Chapter 5.24 Enforcement

### Section 5.24.108 Revocation of Discretionary Permits

- A. Duties of Zoning Enforcement Official. Upon determination by the Zoning Enforcement Official that there are reasonable grounds for revocation of a use permit, variance, development plan approval, or other discretionary approval authorized by this Code, a revocation hearing shall be set by the Zoning Enforcement Official before the Board of Zoning Adjustment, the Planning Commission, or the City Council, whichever took final previous action on the permit, except for appeals.