

Exhibit A: Zoning Code Excerpts with Proposed Changes Relating to Large Family Day Care; Accessory Structures; Paving in Residential Front Yards; and Fences in the Residential Single-Family View Preservation Overlay District

(Note: Additions are shown in **bold underline** and deletions in ~~strike-out~~; all other sections of the Code not amended or altered shall remain the same, and in full force and effect)

2-516 Large Family Day Care Homes

Large Family Day Care Homes are subject to the following regulations:

- A. Permitted Location. A large family day care home shall be permitted only in a detached single-family dwelling on a lot zoned for residential use.
- B. Required Permits. A lot zoned for a single-family dwelling may only be used for a large family day care home when the Zoning Enforcement Official has granted a Large Family Day Care Home Permit for such use.
- C. Large Family Day Care Home Permit; Compliance With Standards. The Zoning Enforcement Official shall grant a permit for the use of a lot zoned for a single-family dwelling for a large family day care home only if after review of the application for such permit, inspection of the premises and any other necessary information, he determines that the application complies with the following standards:
 1. Spacing. No Large Family Day Care home shall be located within three hundred (300) feet of any other Large Family Day Care Home, as measured from the exterior lot lines.
 2. On-Street Parking. No Large Family Day Care home shall be located upon a lot having less than thirty-two (32) feet of legally permitted parking along the frontage of the lot.
 3. Street Width. No Large Family Day Care home shall be located upon a lot fronting upon a street with a curb-to-curb width of less than thirty (30) feet.
 4. High Traffic Volume Streets. No Large Family Day Care home shall be located upon a lot fronting upon a street with four or more traffic lanes or upon a street with an average daily traffic of five thousand (5,000) or more vehicles, as calculated by the City

Engineer.

5. Employee Parking and Circulation Plan. The driveway of a Large Family Day Care home may be used to provide off-street parking required by Article 17 if such use will not obstruct any required drop-off and pick-up area and will not obstruct a sidewalk or other public right-of-way.

The Applicant shall provide the Zoning Enforcement Official with a written plan for the administration of parking and traffic operations related to the proposed Large Family Day Care home. This plan shall include controls for vehicle circulation, drop-off and pick-up of children and parking for employees so that parking, loading, unloading and turning movements related to the drop-off and pick-up of children is compatible with the residential environment in which the Large Family Day Care home will be located.

6. Noise Control. The level of noise in connection with the operation of a large family day care home shall not be persistently maintained at a level of fifty-five (55) decibels or greater, as measured from any point along or beyond the property line of the subject premises.
7. Fire Inspection. The premises have been inspected by the Alameda County Fire Department and the results reported to the licensing agency and the Zoning Enforcement Official.
8. Required State Permits or Licenses. No permit issued pursuant to this Section shall become operative until all necessary state permits or licenses have been obtained by the applicant and copies thereof have been filed with the Zoning Enforcement Official.
9. Permit Considered Zoning Approval. Any permit issued pursuant to this Section shall be considered a zoning approval.
10. Non-Transferable. A permit issued pursuant to this Section shall be non-transferable and shall not run with the land.
11. Permit Term. A permit issued pursuant to this Section shall be effective for the period of two (2) years, commencing from the date issued, and may be renewed by the Zoning Enforcement Official for additional two (2) year terms upon a determination after a re-inspection of the premises, that the permittee remains in compliance with the term and conditions of this Section.

- D. ~~Use Permit Provision.~~ A use permit is required if an applicant cannot meet one or more of the provisions of Section 2-516, C.1 through 5. **Administrative Exception Provision. The Zoning Enforcement Official may approve an Administrative Exception, per Section 2-574, if an applicant cannot meet the provisions of Section 2-516, C.1 through 5.**

2-546 Accessory Structures in RS, RD and RM Districts

- A. Timing. Accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, except that construction trailers may be placed on a site at the time site clearance and grading begins and may remain on the site only for the duration of construction.
- B. Location. Except as provided in this Subsection, accessory structures shall not occupy a required front or corner side yard or court or project beyond the front building line of the principal structure on a site. No accessory uses shall be permitted off-site. Accessory structures must maintain a six (6) foot separation from other structures on the lot.
- C. Maximum Area and Coverage.
1. The coverage of accessory structures on the lot shall be part of the fifty percent (50%) total lot coverage allowed in the RS, RD, and RM-3000 Districts. Accessory structures in the RM-2500 and RM-2000 Districts shall meet the total lot coverage requirement of sixty percent (60%) and accessory structures in the RM-1800 District shall meet the total lot coverage requirement of seventy percent (70%).
 2. No single such structure shall occupy more than five hundred (500) square feet.
 3. Structures ~~one hundred twenty (120) square feet or less~~ **that are not required to obtain a building permit under the San Leandro Building Code and** which are not over eight (8) feet in height shall be exempt from the lot coverage requirement.
 4. In determining coverage, one-half ($\frac{1}{2}$) of the roofed area of a building open on at least two (2) sides shall be excluded.

5. ~~Exceptions to these provisions are subject to Administrative Review~~ **The Zoning Enforcement Official may approve an Administrative Exception, per Section 2-574, to allow exception to these provisions, or refer the matter to the Board of Zoning Adjustments for** a Conditional Use Permit, as determined by the Zoning Enforcement Official.

D. **Maximum Height and Minimum Setbacks.**

1. ~~Maximum Permitted Height.~~ The maximum height of an accessory structure one hundred twenty (120) square feet or less shall be eight (8) feet when located within five (5) feet of the side and rear property lines. The maximum height of all other accessory structures; as defined in Section 1-304, shall be twelve (12) feet, and the ridge of the roof shall not exceed fifteen (15) feet.
2. ~~Administrative Exception.~~ The Zoning Enforcement Official may approve an Administrative Exception, per Section 2-574, to allow exception to these height limitations, up to a height not to exceed the maximum height allowed in the subject R District.

E. ~~Minimum Setbacks and Relation to Property Lines.~~

1. ~~Accessory Structures Located Entirely Within the Rear Twenty Five (25) Feet of the Lot.~~ An accessory structure one hundred twenty (120) square feet or less, may be located on the rear and side property lines. An accessory structure more than one hundred twenty (120) square feet, shall not be located closer than three (3) feet from the rear and side property lines.
2. ~~Accessory Structures Not Located Entirely Within the Rear Twenty Five (25) Feet of the Lot.~~ Accessory structures not located entirely within the rear twenty five (25) feet of the lot shall not be located closer than five (5) feet from the rear and side property lines.
1. **Accessory Structures shall have the following maximum height and minimum setbacks. Maximum height is defined in Section 1-304 of this Zoning Code. The maximum height for an accessory structure with a slope less than 2:12 shall be twelve (12) feet. The ridge of the roof in all accessory structures shall not exceed fifteen (15) feet.**

<u>Maximum Height:</u>	<u>Minimum Setback:</u>
<u>Eight Feet or less and not required to obtain a building permit under the City of San Leandro Building Code</u>	<u>Zero</u>
<u>Greater than Eight (8) feet up to Twelve (12) feet</u>	<u>Three (3) feet</u>
<u>Greater than Twelve (12) feet up to Fifteen (15) feet</u>	<u>Five (5) feet</u>

2. **Residential Garages as Accessory Structures located entirely within the rear twenty-five (25) feet of the lot and with a roof height up to twelve (12) feet, may be located less than five (5) feet from an interior property line.**
3. ~~Administrative Exception.~~ The Zoning Enforcement Official may approve an Administrative Exception, per Section 2-574, to allow exception to these provisions, **or refer the matter to the Board of Zoning Adjustments for a Conditional Use Permit.**

FE. **Residential Garages Doors in as Accessory Structures.** The following standards apply only to garage doors for single-family homes, duplexes, and small apartment and condominium complexes giving access to not more than three (3) parking spaces either side-by-side or in tandem:

1. The vehicle access opening shall not have a height in excess of seven and one-half (7½) feet;
2. The entire opening shall be covered by a solid or sectional overhead door constructed of wood, metal, or fiberglass;
3. The door shall be painted, stained, or treated to match the exterior of the residential structure.

Any door that does not comply with the above standards shall be approved by the Zoning Enforcement Official prior to installation. In reviewing the proposed door, the Zoning Enforcement Official shall find that the door has an appearance

that is consistent with the home on which it is installed and with other homes in the vicinity and does not detract from the residential appearance of the neighborhood.

2-574 Administrative Exceptions

A. Standards for Which an Administrative Exception May be Approved.

The Zoning Enforcement Official may approve an Administrative Exception for the following:

1. An extension of the existing building line of a single-family residence, which legally projects into a required yard area of the applicable R District.
 2. Exceptions to the maximum allowable height for Accessory Structures, up to a height not to exceed the maximum height allowed in the applicable R District.
 3. Exceptions to the setback and relation to property line requirements for Accessory Structures, as prescribed for the applicable R District.
 4. Exceptions to the Daylight Plane.
 - 5. Exceptions to the provisions for Large Family Day Care Homes, per Section 2-516, C.1 through 5.**
- B. Application Requirements. Application for such approval shall be made to the Zoning Enforcement Official on a form prescribed by Planning staff, and shall be accompanied by a plot plan showing location and height of all structures on the premises subject to the application and on all abutting premises, and showing location, height and area of the ~~proposed extension~~ **proposal**. Reduced copies of these plans shall also be provided. The Zoning Enforcement Official may require further information as is deemed appropriate to the application.
- C. Neighborhood Notification. The City shall notify abutting property owners in writing of the ~~proposed extension~~ **proposal**. A copy of the reduced plan shall be included.
- D. Administrative Review:
1. Findings Necessary for Approval. The Zoning Enforcement Official may approve an Administrative Exception upon a determination that ~~such extension~~ **the proposal** would not be

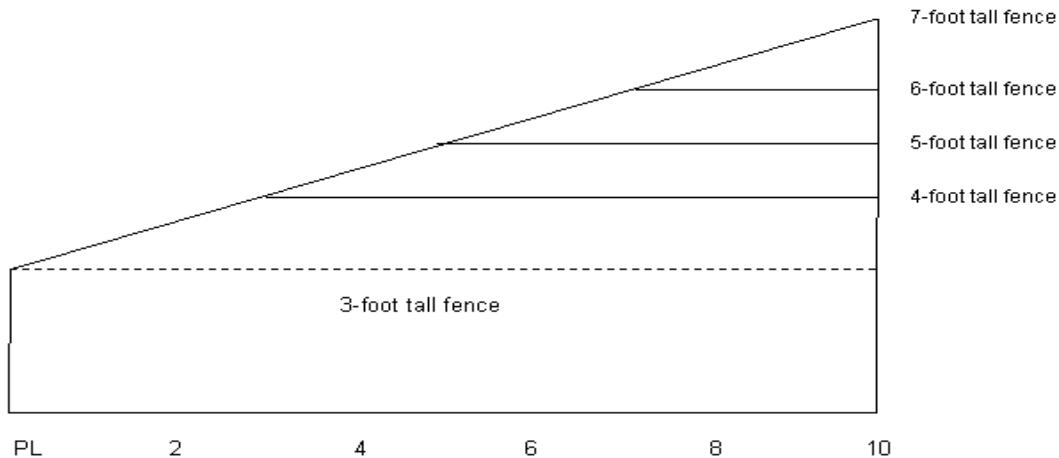
detrimental to public health, safety or welfare and would not cause undue damage, hardship, nuisance or other detriment to persons or property in the vicinity. The Zoning Enforcement Official shall deny, approve or conditionally approve the application.

2. 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 fifteen (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 so filed.
- E. 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 Article 28.

4-1682 Fences, Walls, and Hedges

- A. Residential, Open Space and Public/Semi-Public Districts. Except as provided for in Paragraphs 1, 2 and 3 below, the maximum height of a fence, wall, or hedge shall be seven (7) feet except in required front or corner side yards abutting a street where the maximum height shall be three (3) feet. All fences, walls, and hedges shall be subject to the driveway visibility requirements of Article 17, Off-Street Parking and Loading Requirements.
1. RO District. The maximum height of a fence, wall, or hedge in the RO District shall be six (6) feet except in required front or corner side yards abutting a street where the maximum height shall be three (3) feet.
 2. Corner lots in the RO, RS, RS-40, RS-VP, and RD Districts. Starting from the back wall of the house, the maximum height of a fence, wall, or hedge on a corner lot in the RO, RS, RS-40, RS-VP or RD District shall follow the gradient formula diagram below, which allows for an increase in height of one (1) foot for each 2.5 feet back from the street side property line, up to a maximum of six (6) feet in the RO District, and seven (7) feet in the RS, RS-40, RS-VP and RD Districts. The area in front of the fence shall be required to be planted with a combination of groundcovers, shrubs, and/or small trees and shall also have irrigation installed.

Over-height fences along the side of the house shall continue to require review and approval of a Fence Modification.



Gradient Fence Formula
(illustrative)

(Where PL = Property Line and 2-10 indicates feet back from Property Line)

3. RS-VP District. In order to protect the existing view corridor, the maximum height of a solid fence, wall or hedge in the RS-VP District shall be no more than three (3) feet above finished grade. The portion of a permitted fence between the heights of three (3) feet to seven (7) feet shall be constructed with glass to allow for continued enjoyment of the view. Transparent materials do not include chain link, mini-mesh, chicken wire, wood or lattice materials. Non-transparent structural materials necessary for the support of the fence are permitted every four (4) feet.

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

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

B. Commercial, Professional and Industrial Districts.

1. Maximum Height. The maximum height of a fence, wall, or hedge shall be eight (8) feet except in required front or corner side yards where the maximum height shall be three (3) feet.
2. Minimum standards for fences along street frontages. Fences that are adjacent to the required minimum front, corner side and/or rear yard with frontage along a public street frontage shall be constructed of either: a) tubular steel, or of equally high quality “visually transparent” style, or b) a solid architectural wall compatible with the building colors and materials.

In addition, all fences, walls, and hedges shall be subject to the driveway visibility requirements of Article 17: Off-Street Parking and Loading Requirements. Walls adjoining residential uses shall be subject to the regulations of Section 4-1642: Walls Adjoining Residential Use.

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

1. The Zoning Enforcement Official May Approve Modifications. The Zoning Enforcement Official in a hearing following informal notice as specified in Paragraph 4 below may modify the requirements for the maximum height, minimum setback, and material of construction for fences as established in the Zoning Code.
2. Noticing Requirements. Notice of the time, place, and purpose of the hearing shall be posted at least ten (10) days prior to the date of the hearing, on or adjacent to the property involved, and mailed at least ten (10) days prior to the hearing to the owners of adjacent property.
3. Standards for Approval:
 - a. The fence is not detrimental to adjacent property;
 - b. The fence is compatible with the neighborhood in terms of aesthetics;
 - c. The fence does not create a site distance hazard; and

- d. The fence is not detrimental to the public health, safety, or welfare.
4. Referrals and Appeals: The Zoning Enforcement Official may refer a fence modification request to the Board of Zoning Adjustments. The Board of Zoning Adjustments shall also review fence modification(s) requests that are made in conjunction with an application for either a conditional use permit or variance. Appeals of the decision of the Zoning Enforcement Official approving or denying a fence modification shall be heard by the Board of Zoning Adjustments, pursuant to the requirements of Article 28.

4-1718 Restrictions on Residential Parking and Paving Within Required Minimum Front or Side Yards

- A. Parking, other than on Driveway, is Prohibited. Except as provided in Subsection B, no vehicles, whether motorized or non-motorized, shall be parked within the minimum required front yard or street-side side yard (i.e., within that portion of the front and street side yard required as a minimum building setback) in either a residential district or on a parcel in a non-residential district with a single-family or two-family dwelling use unless on a paved driveway which provides access to a parking space, covered or uncovered, that is required by this Article.
- B. Parking Adjacent to Driveway may be Permitted. Additional paved area for parking is allowed provided such parking area is constructed and maintained with a paved surface in conformance with design and construction standards established by the City Engineer and located adjacent to such paved driveways, and provided further that such parking area when added to the paved driveway would not exceed fifty percent (50%) of the width of the subject property or thirty (30) feet, whichever is less, as measured at the front setback line.
- C. Allowable Paving in the Required Front Yard. Paving or impervious surfaces for walkways, parking areas and vehicular access shall not collectively occupy more than fifty percent (50%) of the required front setback area.