

EXHIBIT A

AMENDMENTS TO CHAPTER 15.04 ZONING AND SUBDIVISION REGUALTIONS OF THE RICHMOND MUNICIPAL CODE

(Text in underline and strikeout denote changes proposed.
Please note that only pages with proposed amendments
are included in this exhibit and that the pages provided
may not be sequential.)

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- F. To facilitate the appropriate location of community facilities, institutions, parks, and recreational areas.

15.04.101.030 Structure of Zoning and Subdivision Regulations

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

100 Series – Introductory Provisions

200 Series – Base Zoning Districts

300 Series – Overlay Zoning Districts

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

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

600 Series – ~~Additional Use and Development Regulations~~General Standards

700 Series – Land Divisions, Dedications and Improvements

800 Series – Administration and Permits

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

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

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

and loading, signs, and wireless communications facilities. Design standards for public improvements in subdivisions are in the 700 Series.

3. ***Administrative Regulations.*** These regulations contain detailed procedures for the administration of these regulations and include common procedures, processes and standards for discretionary entitlement applications and other permits. Specific procedures for processing maps related to subdivisions, approving improvement agreements, and other approvals related to land divisions are located in the 700 Series. Authority for adopting and implementing Specific Plans is located in the 500 Series. Administrative regulations are located in 800 Series.
4. ***General Terms and Use Classifications.*** The 100 Series provides a list of terms and definitions of the terms used in the Zoning and Subdivision Regulations.

15.04.101.040 Applicability

A. General Rules for Applicability.

1. ***Applicability to Property.*** The Zoning and Subdivision Regulations apply, to the extent permitted by law, to all property within the corporate limits of the City and to property for which applications for annexation and/or subdivisions have been submitted to the City, including all uses, structures and land owned by any private person, firm, corporation or organization, or the City or other local, State or federal agencies. Any governmental agency is exempt from these Regulations only to the extent that such property may not be lawfully regulated by the City. Parcels which lie across jurisdictional boundaries shall be subject to the entitlement process of the jurisdiction in which it has the most land acreage. The other jurisdiction will remain a responsible agency and projects may be subject to additional design review.
2. ***Compliance with Regulations.*** Land must be used, and structures must be constructed, occupied, enlarged, altered, demolished and moved in accordance with the provisions of the Regulations.

B. Relation to Other Regulations.

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

2. ***Permit Streamlining Act.*** It is the intent of the Zoning and Subdivision Regulations that all solely adjudicatory actions taken by the decision-making body pursuant to these Regulations be within a time frame consistent with the provisions of Government Code Section 65920 et seq. (California Permit Streamlining Act). These Regulations may not be interpreted as imposing time limits on a decision-making body's legislative actions or quasi-legislative judgments.
 3. ***Relation to Private Agreements.*** The Zoning and Subdivision Regulations shall not interfere with or annul any recorded easement, covenant, or other agreement now in effect, provided that where these Regulations impose a greater restriction than imposed by an easement, covenant, or agreement, these Regulations control.
 4. ***Application During Local Emergency.*** The City Council may authorize a deviation from a provision of the Zoning and Subdivision Regulations during a local emergency that has been proclaimed and ratified under the Municipal Code. The City Council may authorize a deviation by resolution without notice or public hearing.
- C. **Consistency with the General Plan.** Any permit, license or approval issued pursuant to these Regulations must be consistent with the General Plan and all applicable specific plans. Where there is a conflict between ~~this~~ the Zoning and Subdivision Regulations and the General Plan, the General Plan prevails.
- D. **Effect on Previously Approved Projects and Projects in Progress.** Any building, structure or use of land for which conditional use permits, variances, or design approval have been granted must be completed in accordance with the zoning, plans, specifications and permits on which these approval were granted within two years of such granting, except if a later expiration date is stated in the approval. Any building, structure, or use of land for which a Building Permit or its functional equivalent has been issued and where substantial work has been performed and substantial liabilities incurred in good faith reliance thereon, may be completed and used in accordance with the plans, specifications and permits on which these permits or approvals were granted. No extensions of time, except as provided for in the Building Code, shall be granted for commencement of construction, unless the applicant has secured a permit extension from the Department of Planning and Building Services. This provision does not apply to projects with an approved vesting tentative map or development agreement.
1. ~~***Applications Filed Prior to and Approved After the Effective Date of the Zoning and Subdivision Regulations.***~~
- a. ~~***Applications for Design Review and Use Permits Submitted Prior to and Approved After the Effective Date of these Regulations.*** Complete applications filed prior to the effective date of the ordinance codifying these Zoning and Subdivisions Regulations may be approved under the current provisions of Article XV upon request of~~

~~the applicant. For a four month period after the effective date of the ordinance codifying these Regulations applicants may elect to develop under the provisions of the prior Zoning Ordinance and the Interim Zoning Regulations, but in that case shall comply with all provisions of the prior Zoning Ordinance and Interim Zoning Regulations. If a Building Permit application is not filed within one year of the date of approval of Design Review or Use Permit, the approval shall expire unless otherwise specified in the conditions of approval.~~

- ~~i. A one year time extension may be permitted upon submission of a completed application fee, and documentation showing conditions have not substantially changed since the approval was granted.~~
- ~~ii. All requests for extensions shall be reviewed for compliance to the applicable development standards. Where the pre-existing Zoning Ordinance or Interim Regulations is silent on any specific aspect of land use regulations and development standards, these Regulations control. Extension requests may be denied or approved by the Zoning Administrator. The Zoning Administrator shall approve the extension request if the delay in obtaining a building permit was not caused by the applicant and has discretion to approve or deny the extension if the applicant failed to take steps towards obtaining a building permit. This decision is appealable to the Planning Commission, which may deny, approve, or approve with new conditions the extension request.~~

~~b. *Applications for Tentative Subdivision Maps and Parcel Map Submitted Prior to and Approved After the Effective Date of this Zoning Code.* Complete applications filed prior to the effective date of the ordinance codifying these Regulations may be approved under the current provisions of Article XV. Applicants may elect to develop under the provisions of the prior Subdivision Regulations and the Interim Zoning Regulations, but in that case shall comply with all provisions of the prior Subdivision Regulations. If the final subdivision map and associated improvement plans are not filed within two years of the date of the Tentative Map approval, the approval shall expire.~~

- ~~i. If a final map application is not filed prior to the date of tentative map expiration, the tentative map approval shall expire, unless a time extension is requested and approved. A time extension may be permitted upon submission of a completed application and the required fee.~~
- ~~ii. All requests for extensions shall be reviewed for compliance to the existing development standards of the applicable~~

~~zoning districts and overlay districts and these Regulations where the pre-existing Subdivision Regulations are silent as to land use regulations, improvement standards, design and development standards. Extension requests may be denied, approved, or approved with new or modified conditions (if not a vesting tentative map) by the original Approving Authority. When making its decision, the Approving Authority shall consider whether the delay in obtaining a final map was caused by the applicant.~~

~~c. *Applications for Rezoning Filed Prior to and Approved After the Effective Date of this Zoning Code.* Rezoning applications filed prior to the effective date of this Zoning Code shall be governed by the provisions, standards and conditions of approval established in these Regulations or, at the applicant's request, the prior Interim Zoning Regulations and shall follow the applicable procedures identified in the 800 Series, Administration and Permits, of these Regulations. In the event an applicant requests compliance to any provisions of these Regulations, all provisions of these Regulations shall apply to the Zoning Map Amendment request.~~

~~i. In the case of an application for rezoning, if the applicant elects to comply with these Zoning Regulations, the parcel shall be rezoned to one or more Zoning Districts established in these Regulations.~~

~~ii. In the case of an application for an Amendment to a pre-existing Planned Area District, if an applicant elects to comply with these Regulations, the Amendment procedure shall follow the applicable provisions in the 800 Series.~~

~~2. *Applications Filed After the Effective Date of these Regulations and Not Covered by Pre-Existing Planned Area or Development Agreement.* All new applications for Rezoning, Use Permits, Planned Area (PA) Zoning, and Tentative Subdivision Maps and Parcel Maps filed after the effective date of these Regulations, including modifications and amendments to those new applications, shall conform to the current provisions of Article XV.~~

15.04.101.050 Interpretation – No Civil Liability

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

15.04.103.050 Measuring Height

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

FIGURE 15.04.103.050-A(1): MEASURING BUILDING HEIGHT

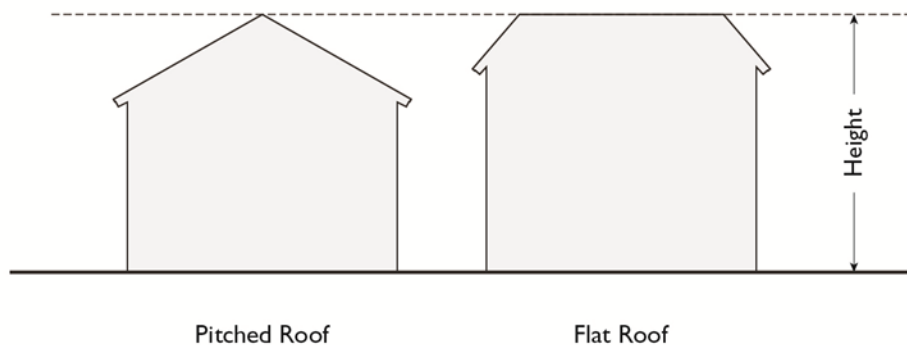
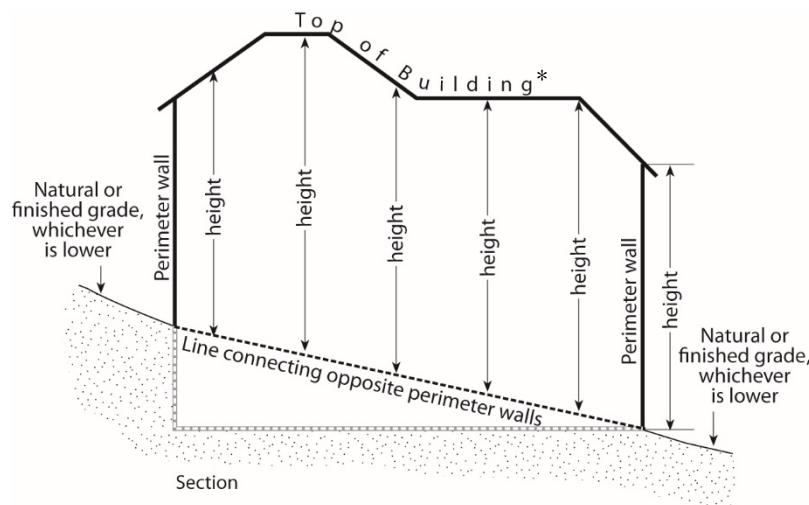


FIGURE 15.04.103.050-A(2): MEASURING BUILDING HEIGHT OF A TERRACED OR STEPPED BUILDING



* or roof mid-point

Article 15.04.104 Key Terms and Definitions

Sections:

- 15.04.104.010 Key Terms
- 15.04.104.020 Definitions

15.04.104.010 Key Terms

Abutting or Adjoining	<i>Veterinary Services</i>
Access	Applicant
<u>Accessory Dwelling Unit</u>	Approval Authority
Active Play Area	Area
ADA	Architectural Feature
Adjacent	Arterial Street
Administrative Review	Artisan/Small-Scale Manufacturing
Adult Businesses	Artist's Studio
Affordable-Housing Related Terms	<i>Studio-Light</i>
<i>Accessible</i>	<i>Studio-Heavy</i>
<i>Affordable Housing Units</i>	Auto/Vehicle Sales and Services
<i>Affordable Housing Cost</i>	<i>Alternative Fuels and Recharging Facility</i>
<i>Density Bonus</i>	<i>Automobile Rental</i>
<i>Housing Unit</i>	<i>Automobile Storage Parcel</i>
<i>Inclusionary Unit</i>	<i>Automobile/Vehicle Sales and Leasing,</i>
<i>Initial Subsidy</i>	<i>New and Used</i>
<i>In-lieu Fee</i>	<i>Automobile/Vehicle Repair, Major</i>
<i>Proportionate Share of Appreciation</i>	<i>Automobile/Vehicle Service and Repair,</i>
<i>Resale Control</i>	<i>Minor</i>
<i>Senior Citizen</i>	<i>Automobile/Vehicle Washing</i>
<i>Senior Citizen Housing Development</i>	<i>Large Vehicle and Equipment Sales, Service</i>
Agent	<i>and Rental</i>
Agricultural Production and Services	<i>Service Station</i>
Alley	<i>Towing and Impound</i>
Allowed Use	Awning
Alteration	Balcony
Amendment	Banks and Financial Institutions
Animals, Domestic (Household Pets)	<i>Bank and Savings and Loan</i>
Animal Husbandry	<i>Nontraditional Financial Institutions</i>
Animal Keeping	Basement
Animal Sales and Services	Bathroom
<i>Boarding Kennel</i>	Bay Window
<i>Clinic/Hospital</i>	Bedroom
<i>Grooming</i>	Bicycle-Parking Related Terms
<i>Retail Sales (Pet Shops)</i>	<i>Abandoned Bicycle</i>
<i>Riding Schools and Stables</i>	<i>Bicycle</i>

<i>Bicycle Locker</i>	<i>Cinema</i>
<i>Bicycle Parking Space</i>	<i>Theater</i>
<i>Bicycle Path</i>	<i>Large-scale Facility</i>
<i>Class 1 Bicycle Parking Space(s)</i>	<i>Small-scale Facility</i>
<i>Class 2 Bicycle Parking Space(s)</i>	Commercial Kitchen
<i>Fixed</i>	Commissary
<i>Long-Term Bicycle Parking</i>	Communications Facilities
<i>Publicly Accessible</i>	<i>Antennas and Transmission Towers</i>
<i>Rack Element</i>	<i>Equipment within Buildings</i>
<i>Secured Bicycle Parking</i>	Community Assembly
<i>Short-Term Bicycle Parking</i>	Community Garden
<i>Tandem</i>	Condition of Approval
Bikeway	Conditional Use
Bikeway Classes	Condominium Related Terms
<i>Class I Bikeway (Bike Path)</i>	<i>Association</i>
<i>Class II Bikeway (Bike Lane)</i>	<i>Common Area</i>
<i>Class III Bikeway (Bike Route)</i>	<i>Community Apartment</i>
<i>Class IV Bikeway (separated bikeway)</i>	<i>Community Apartment Project</i>
Block	<i>Condominium</i>
Block Face	<i>Consumer Price Index, Rental Component</i>
Bluff	<i>Conversion</i>
Breweries	<i>Cooperative, Stock</i>
<i>Brewery, Production</i>	<i>Developer</i>
<i>Brewery, Brew-On Premises</i>	<i>Open Space—Common</i>
<i>Micro-brewery</i>	<i>Open Space—Private</i>
Buffer	<i>Open Space—Recreational</i>
Build-to Line	<i>Owner</i>
Building	<i>Residential Condominium</i>
<i>Building, Accessory</i>	<i>Tenant</i>
<i>Building, Principal</i>	<i>Unit</i>
Building Code	Construction
Building Face	Construction and Material Yard
Building Site	CPUC; PUC
Business Services	Creek-Related Terms
Canopy	<i>Brush Layering</i>
Carport	<i>Brush Matting</i>
Catering Service	<i>Creek</i>
CDHP	<i>Cribwalls</i>
<u>Cemetery</u>	<i>Culverted</i>
Centerline of Street	<i>Daylighting</i>
Change of Use	<i>Fascines</i>
Civil Code	<i>Gabions</i>
College and Trade School	<i>Restoration</i>
Commercial Entertainment and Recreation	<i>Retention Basins</i>
	<i>Riprap</i>

Cul De Sac	Family Day Care
Cultural Facility	<i>Small</i>
Day Care	<i>Large</i>
Day Care Home, Large	Farmers Market
Days	FCC
De novo	Feasible
Decision-making Body	FEMA
Deck	Fence-Related Terms
Demolition	<i>Fence</i>
Density	<i>Opacity</i>
Design	Final Map
Design Review Board	Finance, Insurance and Real Estate
Detached Structure	Services
Development	Fire Chief
Development Agreement	Floor Area
Director	Food and Beverage Sales
Drive-Through Facilities	<i>Convenience Market</i>
Driveway	<i>Farmers Market</i>
Drug Paraphernalia	<i>General Market</i>
Duplex	<i>Liquor Store</i>
Dwelling Unit	Food Membership Distribution Site
Easement	Footprint
Eating and Drinking Establishments	Freight/Truck Terminal and Warehouse
<i>Bars/Night Clubs/Lounges</i>	Frontage, Street
<i>Brenpub</i>	Funeral and Interment Service
<i>Restaurant, Full Service</i>	Garage
<i>Restaurant, Limited Service</i>	Glare
<i>Restaurant with Drive Through</i>	Government Code
Effective Date	Government Buildings
Efficiency Unit	Grade
Elderly and Long-Term Care	<i>Adjacent Grade</i>
<u>Electric Vehicle (EV)</u>	<i>Average Grade</i>
<u>Electric Vehicle Supply Equipment</u>	<i>Existing Grade</i>
Emergency	<i>Finished Grade</i>
Emergency Shelter	Group Residential
Environmental Impact Report (EIR)	<i>Congregate Housing</i>
Environmental Review	<i>Senior Group Residential</i>
Erect	Habitable Room
Et seq	Hazardous Waste Terms
<u>EV Capable</u>	<i>Hazardous Materials</i>
<u>EV Ready</u>	<i>Hazardous Waste Facility</i>
Exterior Storage	Health and Safety Code
FAA	Heat
Façade	Height
Family	Home Occupation

Hospitals and Clinics

Hospital

Clinic

Skilled Nursing Facility

Hours of Operation

Household

Household Income Types

Extremely Low Income Household

Low Income Household

Moderate Income Household

Very Low Income Household

Household Pets

Housing Authority

Illegal use

Improvement

Improvement Agreement

Improvement Plan

Indoor Agriculture

Industrial, General

Industrial Limited

Instructional Services

Intensity of Use

Intersection, Street

ITE

Junior Accessory Dwelling Unit

Kitchen

Land Use

Landscape-Related Terms

Applied Water

Automatic Irrigation Controller

Backflow Prevention Device

Certified Irrigation Designer

Check Valve or Anti-Drain Valve

Compost

Drip Irrigation

Effective Precipitation or "Usable Rainfall"
(Epppt)

Emitter

Established Landscape

Establishment Period

Estimated Total Water Use (ETWU)

ET Adjustment Factor

Evapotranspiration Rate

Flow Rate

Flow Sensor

Graywater

Hydrozone

Infiltration Rate

Invasive Plant Species

Irrigation Efficiency

Irrigation Survey

Irrigation Water Use Analysis

Landscape Area

Landscape Contractor

Landscape Water Meter

Landscaping

Lateral Line

Low Volume Irrigation

Maximum Applied Water Allowance

Microclimate

Mulch

Operating Pressure

Overhead Sprinkler Irrigation Systems

Pervious

Plant Factor or "Plant Water Use Factor"

Precipitation Rate

Rain Sensor

Recycled Water

Reference Evapotranspiration (ET_o)

Runoff

Soil Moisture Sensing Device

Special Landscape Area

Sprinkler Head

Station

Swing Joint A

Turf

Valve

Water Conserving Plant Species

Water Feature

Watering Window

WUCOLS

Ldn

Light Fleet-Based Service

Lighting-Related Terms

Color Rendition

Display Lot or Area

Flood Lamp

Fully Shielded Light Fixture

Glare

Illuminance

<i>Light Trespass</i>	<i>Management Member</i>
<i>Lumen</i>	<i>Manufacturer</i>
<i>Luminaire</i>	<i>Marijuana</i>
<i>Lux</i>	<i>Marijuana Cultivation Facility</i>
<i>Opaque</i>	<i>Marijuana Product Manufacturer</i>
<i>Outdoor Light Fixture</i>	<i>Medical Marijuana</i>
<i>Searchlight</i>	<i>Medical Marijuana Business</i>
<i>Spot Lamp</i>	<i>Medical Marijuana Regulation and Safety</i>
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Lot	<i>Qualified Patient</i>
<i>Abutting Lot</i>	<i>Testing Laboratory</i>
<i>Corner Lot</i>	<i>Transporter</i>
<i>Flag Lot</i>	Marinas
<i>Interior Lot</i>	Media Production
<i>Through Lot</i>	Master Fee Schedule
Lot Area	Merger
Lot Area, Net	Mezzanine
Lot Coverage	Mixed-Use Building
Lot Line	Mixed-Use Development
Lot Line Adjustment	Mobile Vending Unit
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<i>Front Lot Line, Corner Lot</i>	Multiple-Unit Dwelling
<i>Interior Lot Line</i>	Municipal Code
<i>Rear Lot Line</i>	Neighborhood Council
<i>Side Lot Line</i>	Noise-Related Terms
<i>Street Side Lot Line</i>	<i>Ambient Noise Level</i>
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Maintenance and Repair Service	<i>Decibel (dB)</i>
Major Subdivision	<i>Noise Level</i>
Major Transit Stop	Nonconforming Lot
Mansard	Nonconforming Structure
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<i>Attending Physician</i>	Nursery and Garden Center
<i>Bureau of Medical Marijuana Regulations</i>	NPDES
<i>Cannabis</i>	Off-Site Use
<i>Collective</i>	Offices
<i>Commercial Cannabis Activity</i>	<i>Medical and Dental</i>
<i>Cultivation</i>	<i>Walk-In Clientele</i>
<i>Delivery</i>	On-Site Use
<i>Dispensary</i>	Open Space Types
<i>Distributor</i>	<i>Open Space, Common</i>
<i>Edible Marijuana Product</i>	<i>Open Space, Private</i>

Open Space, Useable
 Opposite
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 OSHA
 Outdoor Agriculture
~~Outdoor Storage~~
 Outdoor Vendor
 Overlay District
 Owner
 Parapet Wall
 Parcel
 Parcel Map
 Park and Recreation Facility
 Parking Area
 Parking Facilities, Commercial
 Path
 Peak Hour
 Pedestrian Way
 Permit
 Permitted Use
 Person
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 General Personal Services
 Massage Establishment
 Health/Fitness Facility
 Tattoo or Body Modification Parlor
 Persons with Disabilities
 Petroleum Refining
 Planned Development
 Planned Residential Group
 Planning Division
 Planting Strip
 Pre-existing
 Principal Structure
 Printing & Publishing
 Project
 Property Line
 Public Resources Code
 Public Safety Facility
 Qualified Applicant
 Reasonable Accommodation
 Research and Development
~~Residential Care, General~~
 Residential Facility
 Residential Care, General

Residential Care, Limited
Residential Care, Senior
Hospice, General
Hospice, Limited
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 Building Materials and Services
 General Retail Sales, Small-Scale
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 With Drive-Through
 Reversion to Acreage Map
 Right-of-Way
 Salvage and Wrecking
 Sanitary Waste and Recycling Facilities
 Recycling Collection Facilities
 Recycling Processing Facilities
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 Composting and Waste Disposal
 Conversion Technology Facilities
 (Waste/Biomass to Energy)
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 Seaport
 Second Dwelling Unit
 Setback
 Shoreline
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 Sight Triangle
 Single Unit Dwelling, Attached
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 Social Service Center
 Solar Reflective Index
 Specific Plan
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 Structural Alterations
 Structure
 Structure, Accessory
 Structure, Primary (Structure, Main)
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 Subdivider
 Subdivision

Subdivision Map Act	<i>Antenna, Amateur Radio</i>
Supportive Housing	<i>Antenna, Ground-Mounted</i>
Swimming Pool	<i>Antenna, Panel</i>
TDM	<i>Antenna, Satellite Earth Station</i>
Tenant	<i>Antenna Array</i>
Tentative Map	<i>Antenna Structure</i>
Tentative Parcel Map	<i>Antenna Structure, Freestanding</i>
TMA	<i>Approved Radio Frequency Expert</i>
Transient Lodging	<i>Base Station</i>
<i>Bed and Breakfast</i>	<i>Camouflaged Facility</i>
<i>Hotel and Motel</i>	<i>Co-Location</i>
Transitional Housing	<i>Eligible Support Structure</i>
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<i>Incidental Use</i>	<i>Mast</i>
<i>Primary Use</i>	<i>Microcell Facility</i>
Use Classification	<i>Monopole</i>
Use Permit	<i>PUC</i>
Use Type	<i>Readily Visible</i>
Utilities	<i>Radio Frequency</i>
<i>Utilities, Major</i>	<i>Related Equipment</i>
<i>Utilities, Minor</i>	<i>Satellite Dish</i>
Variance	<i>Service Provider</i>
Vehicle	<i>Shot Clock</i>
Vesting Tentative Map	<i>Substantial Change</i>
Visible	<i>Tolling</i>
Wall	<i>Tower</i>
Warehousing, Storage, and Distribution	<i>Wireless Communications Facility</i>
<i>Chemical, Mineral, and Explosives Storage</i>	Yard
<i>Indoor Warehousing and Storage</i>	<i>Front Yard</i>
<i>Outdoor Storage</i>	<i>Interior Side Yard</i>
<i>Mini-Storage</i>	<i>Street Side Yard</i>
<u>Wineries</u>	<i>Rear Yard</i>
<u><i>Winery, Large</i></u>	Zoning Administrator
<u><i>Winery, Small</i></u>	Zoning Map
Wireless Communications-Related Terms	Zoning Ordinance; Zoning Regulations
<i>Accessory Equipment</i>	
<i>Antenna</i>	

15.04.104.020 Definitions

Abutting or Adjoining. Having a common boundary.

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

Accessory Dwelling Unit. An attached or detached residential dwelling with a floor area of 150 to 800 square feet, that provides complete independent living facilities for one or more persons, including living, sleeping, eating, cooking, and sanitation facilities, on the same lot as a single-family dwelling. An accessory dwelling unit may be an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, or a manufactured home as defined in Section 18007 of the health and Safety Code. An accessory dwelling unit may be within the same structure as the primary unit, in an attached structure, or in a separate detached structure on the same lot. This use is distinguished from a duplex. See also Junior Accessory Dwelling Unit.

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

ADA. Americans with Disabilities Act.

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

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

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

Affordable-Housing Related Terms.

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

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

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

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

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

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

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

Bikeway Classes.

Class I Bikeway (Bike Path). Provides a completely separated right of way for the exclusive use of bicycles and pedestrians with crossflow by motorists minimized.

Class II Bikeway (Bike Lane). Provides a striped lane for one-way bike travel on a street or highway.

Class III Bikeway (Bike Route). Provide a right-of-way designated by signs or pavement markings for shared use with pedestrians or motor vehicles. While a basic Class III route may simply have signs and markings, a Bicycle Boulevard is a special type of shared route that optimizes bicycle travel. Bike boulevards can have a variety of traffic calming elements to improve safety and comfort for bicyclists.

Class IV Bikeway (separated bikeway). On-street bikeway for the exclusive use of bicycles and includes a separation required between the separated bikeway and the through vehicular traffic. The separation may include, but is not limited to, grade separation, flexible.

Biosafety Level. A defined set of biocontainment precautions required to isolate dangerous biological agents in an enclosed laboratory facility. The levels are designated in ascending order, by degree of protection provided to personnel, the environment, and the community. Standard microbiological practices are common to all laboratories. Special microbiological practices enhance worker safety, environmental protection, and address the risk of handling agents requiring increasing levels of containment. These levels range from the lowest biosafety level 1 (BSL-1) to the highest at level 4 (BSL-4). They are specified by, the Centers for Disease Control and Prevention (CDC).

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

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

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

Breweries. Facilities that produce beer and similar beverage onsite.

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

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

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

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

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

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

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

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

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

Building Face. The general outer surface of the structure or walls of a building. Where bay windows or pillars project beyond the walls, the outer surface of the windows or pillars is considered to be the face of the building.

Building Site. A lot or parcel of land occupied or to be occupied by a main building and accessory buildings together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway, or waterway.

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

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

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

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

CDHP. California Department of Public Health.

Cemetery. Establishments primarily engaged in operating sites or structures reserved for the internment of human or animal remains and/or cremating the dead. This classification includes mausoleums, crematory, columbarium, burial places, and memorial gardens.

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

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

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

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

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

Cinema. Facilities for indoor display of films and motion pictures.

Theater. Facilities designed and used for entertainment, including plays, comedy, and music, which typically contain a stage upon which movable scenery and theatrical appliances or musical instruments and equipment are used.

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

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

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

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

Communications Facilities. Broadcasting and other information relay services.

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

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

Community Assembly. A facility for public or private meetings, including community centers, banquet centers, youth centers, senior centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs, and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage. It does not include gymnasiums or other sports facilities uses that represent more than 20 percent of overall square footage, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.

Community Garden. An area of land managed and maintained by a public or non-profit organization or a group of individuals to grow and harvest food or medicinal crops, excluding marijuana, and/or ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members. This use type includes the accessory sale of goods produced on-site, but excludes marijuana cultivation.

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

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

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

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

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

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

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

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

Gabions. Wire baskets filled with rocks and soil and planted with seeds, cuttings and rooted plants. Gabions can be used to rebuild streambanks.

Restoration. The rehabilitation and improvement of a culverted or engineered creek to re-create a natural system by the use of erosion control technology, revegetation, vegetation management, and/or selective channel clearing.

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

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

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

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

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

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

Days. Calendar days, unless indicated otherwise.

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

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

Restaurant with Drive Through. A restaurant where food or coffee-type beverages are purchased by motorists who remain in their vehicles during the sales transaction.

Effective Date. The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

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

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

Electric Vehicle (EV). A State-licensed motor vehicle that operates either partially or exclusively on electrical energy from the grid, or an off-board source, where the energy is stored on-board. Electric vehicle includes a battery electric vehicle, a plug-in hybrid electric vehicle, and an electric motorcycle. Off-road, self-propelled vehicles, such as industrial trucks, hoists, and golf carts, are not included.

Electric Vehicle Supply Equipment. The conductors, including the ungrounded, grounded, and equipment grounding conductors and the electric vehicle connectors, attachment plugs, and other fitting, devices, power outlets, or apparatus installed specifically for the purposes of transferring energy between the premises wiring and the electric vehicle.

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

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

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

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

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

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

EV Capable. An EV Capable space refers to a parking space with conduit installed and allocated 208/240-volt 40-amp electric panel capacity for future EV charging stations.

EV Ready. An EV Ready space has easily accessible electric vehicle supply equipment needed for charging an electric vehicle, 208/240-volt 40-amp panel capacity, conduit, wiring, and overprotection devices.

EV Space. A parking space intended for future installation of an electric vehicle charging equipment. An EV Space does not need to be reserved for electric vehicle charging prior to the installation of the electric vehicle charging equipment.

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

FAA. Federal Aviation Administration.

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

Family. One or more persons, related or unrelated, living together as a single housekeeping unit.

Family Day Care. A day-care facility licensed by the State of California that is located in a dwelling unit where a resident of the dwelling provides care and supervision for children under the age of 18 for periods of less than 24 hours a day.

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

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

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

at the location. An open air farmers market may only be operated by a local government agency.

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

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

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

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

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

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

Funeral and Interment Service. Establishment primarily engaged in providing services involving the care during preparation for disposition ~~burial~~ of human ~~dead remains~~ other than in a cemetery. Typical uses ~~include crematory, columbarium,~~include a funeral home or mortuary.

Garage. A building or portion thereof, containing accessible and usable enclosed space designed, constructed, and maintained for the parking or storage of one or more motor vehicles.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

Government Code. The Government Code of the State of California.

Government Buildings. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service

operation; the amount of noise, light or glare generated; the number of persons attracted to the site, or, in eating establishments, the number of seats.

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

ITE. Institute of Transportation Engineers.

Junior Accessory Dwelling Unit. An accessory dwelling unit that is no more than 500 square feet in size and is contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities that are within the existing structure.

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

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

Landscape-Related Terms.

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

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

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

Certified Irrigation Designer. A person certified to design irrigation systems by an accredited academic institution, a professional trade organization, or other certification program.

Check Valve or Anti-Drain Valve. A valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

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

Drip Irrigation. Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Drip irrigation systems are

towed by a motor vehicle or carried upon or in a motor vehicle or trailer. A mobile vending unit does not include news racks or vending machines but does include mobile vending food preparation units and vehicles, such as “taco trucks”.

Monument Works. An establishment that makes gravestones, headstones, tomb monuments, obelisks, statuary, or other markers to commemorate an individual or event, typically for use in cemeteries and public places.

Multi-Use Path. A completely separated right-of-way for exclusive non-motorized use with cross flow minimized to the extent possible.

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

Municipal Code. The City of Richmond Municipal Code.

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

Noise-Related Terms.

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

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

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

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

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

Open Space Types.

Open Space, Common. Areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit. Common areas typically consist of landscaped areas, walks, patios, swimming pools, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development.

Open Space, Private. Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. Private areas typically consist of courtyards, balconies, decks, patios, fenced yards, and other similar areas.

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

Opposite. Across from or across the street from.

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

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

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

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

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

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

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

General Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, and travel agencies mainly intended for the consumer. It does not include gyms, exercise clubs, or studios offering performing arts, martial arts, physical exercise, or yoga training and similar types of instruction.

Massage Establishment. Any establishment having a fixed place of business where any individual, firm, association, partnership, corporation, joint venture or combination of individuals conducts, carries on or permits to be engaged in, conducted or carried on, for consideration or compensation, massages, baths or health treatments involving therapeutic massages or baths as regular functions. Exempted from this definition are massage therapists operating in conjunction with and on the same premises as a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist (State-licensed professions or vocations) who are duly State-licensed to practice their respective professions in the State of California.

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

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

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

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

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

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

Research and Development. The research and development use type refers to establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial or scientific products or commodities for sale, but excludes uses which in the opinion of the planning commission, may be objectionable by reason of production of offensive odor, dust, noise, bright lights, vibration or the storage of hazardous material or products, or uses which in the opinion of the commission threaten public safety. Typical uses include biotechnology firms.

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

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

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

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

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

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

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

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

Sanitary Waste and Recycling Facilities. Collection or processing of waste or recyclable materials or items.

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

Recycling Processing Facilities. An industrial facility where recycled materials are processed into new materials or products, which may include composting of garden waste or similar green materials. Conversion technology facilities (e.g. waste/biomass to energy) are classified as Major Utilities.

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

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

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

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

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

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

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

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

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

Sight Triangle. The area enclosed by a triangle formed by the intersecting property lines of a corner lot at a street intersection for a distance of 25 feet or by an alley intersecting a street for a distance of 15 feet that defines a driver's view of approaching, merging or intersecting traffic.

Single Unit Dwelling, Attached. A dwelling unit that is designed for occupancy by one household located on a single parcel that does not contain any other unit (except a second dwelling unit, where permitted), and is attached through common vertical walls to one or more dwellings on abutting parcel. An attached single-unit dwelling is sometimes called a “townhouse” or “zero-parcel line” development.

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

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

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

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

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

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

may be designated for homeless or recently homeless individuals or families transitioning to permanent housing as defined in subdivision (h) of Section 50675.2 of the California Health and Safety Code. Facilities may be linked to onsite or offsite supportive services designed to help residents gain skills needed to live independently. Transitional housing may be provided in a variety of rental housing types (e.g., multiple-unit dwelling, single-room occupancy, group residential, single unit dwelling). This classification includes domestic violence shelters.

Transportation Passenger Terminals. Facilities for passenger transportation operations. This classification includes rail stations, bus terminals, ferry terminals, and scenic and sightseeing facilities.

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

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

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

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

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

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

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

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

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

Utilities, Major. Generating plants, electric substations, and solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, biomass and waste to energy conversion facilities, and similar facilities of private companies, public agencies or public utilities.

Utilities, Minor. Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, and underground water and sewer lines.

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

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

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

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

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

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

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

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

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

keeping of building materials reasonably required for the completion of a project currently under construction. ~~Storage of vehicles or commercial goods or materials in open parcels.~~

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

Wineries

Winery, Large. An establishment that produces more than 10,000 cases of wine annually, comprising building or buildings used to convert fruit juices (all of part of which are produced on the property) to wine, and to age, bottle, store, distribute and sell said wine. A winery for the purposes of this section includes crushing, fermenting and refermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales and administrative office functions. A winery may include on-sale and off-sale wine consumption pursuant to the California Department of Alcohol Beverage Control license for winegrowers.

Winery, Small. An establishment that produces less than 10,000 cases of wine annually, and may include on-sale and off-sale wine consumption pursuant to the California Department of Alcohol Beverage Control license for winegrowers.

Wireless Communications-Related Terms.

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

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

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

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

Service Provider. Any authorized provider of wireless communications services.

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

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

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

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

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

Yard. An open space on a lot, other than a court on a lot, that is unoccupied and unobstructed from the ground upward.

Front Yard. A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard is a distance specified for the zoning district in which it is located and measured inward from the front lot line.

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

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

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

RL1 Single Family Very Low Density Residential. This district is intended to create, preserve, and enhance areas for very low density single-family housing in outlying, undeveloped hillside areas. Standards will ensure that development is compatible with hillside conditions and promote clustered development to preserve open space. Minimum lot size for this designation is 6,000 square feet, which may be reduced with clustered development.

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

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

~~RM-3~~ 2 Medium-High Density Multi-Family Residential. This district is intended for multi-family housing types including apartments, condominiums, townhouses, and group housing. A maximum density of 40 dwelling units per acre is permitted, and a minimum density of 15 dwelling units per acre is required. In addition to residential uses, this district allows for compatible public and semi-public uses, including day care centers, public safety facilities, community assembly, residential care facilities, and transitional and supportive housing that are appropriate in a medium-high density residential environment. Neighborhood mixed-use development is allowed at neighborhood nodes identified by the Planning Commission.

15.04.201.020 Land Use Regulations

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

“P” designates permitted uses.

TABLE 15.04.201.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS						
Uses	RH	RL1	RL2	RM1	RM2	Additional Regulations
Transitional Housing	P	P	P	P	P	
COMMERCIAL						
Animal Sales and Services	See subclassifications below					See § 15.04.610.070 Animal Keeping
Boarding Kennel	A	A	A	*	*	
Riding Schools and Stables	L11	x	x	x	x	
Auto/Vehicle Sales Services	See subclassifications below					
Alternative Fuels and Recharging Facility	x	x	x	C	C	
Food and Beverage Sales	See subclassifications below					
Convenience Market	x	C	C	C	C	See § 15.04.610.150 Convenience Markets
Farmers Market	x	x	x	C	C	See § 15.04.610.200 Farmers Markets
Offices, Business and Professional	x	x	x	C	C	
Medical and Dental	L8L12	L5	L5	L5	L5	See § 15.04.610.240 Hospitals and Clinics
Walk-in Clientele	L8L12	x	x	L2	L2	
Personal Services	L8L12	x	x	x	x	See § 15.04.610.340 Personal Services
General Personal Services	x	x	x	C	C	
Health/Fitness Facility	x	x	x	x	x	
Retail Sales	See subclassifications below					
General Retail Sales, Small-scale	L8L12	x	x	x	x	
Transient Lodging	See subclassifications below					
Bed and Breakfast	C	C	C	C	C	See § 15.04.610.110 Bed and Breakfast Lodging
Hotel and Motel	x	x	x	L9	L9	See § 15.04.610.420 Transient Lodging
INSTITUTIONAL AND COMMUNITY FACILITIES						
College and Trade School	x	C	C	C	C	
Community Assembly	C	C	C	C	C	See § 15.04.610.140 Community Assembly
Community Garden	P	P	P	P	P	See § 15.04.610.290 Nurseries and Garden Centers
Cultural Facility	C	C	C	C	C	
Day Care Centers	A	A	A	A	A	See § 15.04.610.190 Family Day Care, Large Center
Emergency Shelter	L4	L4	L4	L4	L4	See § 15.04.610.180 Emergency Shelters
Government Buildings	x	x	x	C	C	

TABLE 15.04.201.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS						
Uses	RH	RL1	RL2	RM1	RM2	Additional Regulations
Hospitals and Clinics	x	x	x	C	C	See § 15.04.610.240 Hospitals and Clinics
Hospital	x	x	x	C	C	
Clinic	x	x	x	L2	L2	
Skilled Nursing Facility	x	x	x	C	C	
Park and Recreation Facility	C	C	C	C	C	
Public Safety Facility	C	C	C	C	C	
Schools	L10	L10	L10	L10	L10	See § 15.04.610.020 Schools
INDUSTRIAL						
Artist's Studio	See subclassifications below					
Studio-Light	x	x	x	P	P	
Studio-Heavy	x	x	x	C	C	
Recycling Facilities	See subclassification below					See § 15.04.610.350 Recycling Facilities
Collection Facilities	x	x	x	P	P	
TRANSPORTATION, COMMUNICATION AND UTILITIES						
Communication Facilities						
Antennas and Transmission Towers	C or A depending on facility type					See § 15.04.614 Wireless Communications Facilities
Utilities, Major	C	C	C	C	C	
Utilities, Minor	P	P	P	P	P	
AGRICULTURE						
Agricultural Production and Services	C	C	C	C	C	
Animal Husbandry	L3	L3	L3	x	x	See § 15.04.610.430 Urban Agriculture
Indoor Agriculture	A	A	A	A	A	
Outdoor Agriculture	C	C	C	C	C	
OTHER						
Accessory Uses and Structures	See § 15.04.601.010 Accessory Uses and Structures					
Home Occupations	P	P	P	P	P	See § 15.04.610.230 Home Occupations
Nonconforming Uses	See Article 15.04.606, Nonconforming Uses, Structures, and Lot					
Temporary Use	See Article 15.04.807, Temporary Use Permits					

TABLE 15.04.201.020: LAND USE REGULATIONS – RESIDENTIAL DISTRICTS

Notes:

L1 Existing multifamily residential structures may be improved, subject to the nonconforming provisions of Article 15.04.606, if applicable. No new residential structures allowed.

L2 Only allowed on the ground floor in mixed-use buildings; a conditional use permit is required for more than 3,000 sq. ft.

L3 The Contra Costa County animal keeping regulations, which are incorporated by reference, apply; an administrative use permit is required to increase up to 10 percent in the number of animals allowed in these regulations. No slaughtering of animals is allowed.

L4 Permitted with 10 or fewer beds only. All of the standards of Section 15.04.610.180 (Emergency Shelters), or Ordinance 15-15 N.S., adopted on May 19, 2015, are hereby incorporated by reference and apply.

L5 Allowed as a temporary use within a residential structure with a conditional use permit.

L6 Permitted if the primary use of the property remains residential; requires a conditional use permit if it is the primary use.

L7 Only attached and detached single-family housing on subdivided parcels and clustered multi-family residential are allowed with design review on developable portions of hillside parcels below the 400-foot elevation. Hillside development standards and density controls in Section 15.04.201.100 of the Zoning Ordinance apply.

L8 Up to 10 units allowed with a conditional use permit in a neighborhood mixed-use development at a neighborhood node.

L9 Allowed with a conditional use permit if the hotel has no more than 20 guest rooms.

L10 An administrative use permit is required if a new school will be located in an existing building and any new space added to the building will not exceed 20 percent of existing floor area, excluding space in portable classrooms. A conditional use permit is required for construction of new schools and for additions to existing buildings in which new schools will be located that exceed 20 percent of existing floor area.

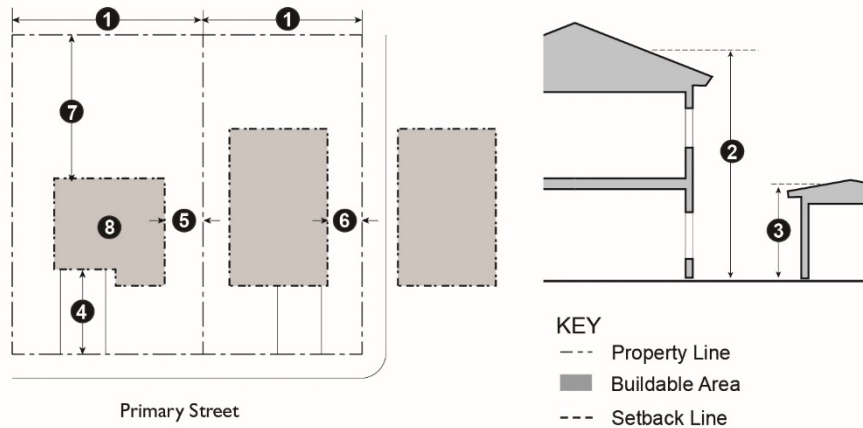
L11 Allowed with a conditional use permit on lots of two acres or more.

L12 Commercial-only development is not allowed, and this use is only permitted in a mixed use building with a conditional use permit. The area devoted to commercial uses cannot exceed 30 percent of the total building floor area or 50 percent if its a corner store with one or more dwelling units above the store.

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

15.04.201.030 Development Standards – RH, RL1 and RL2 Districts

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

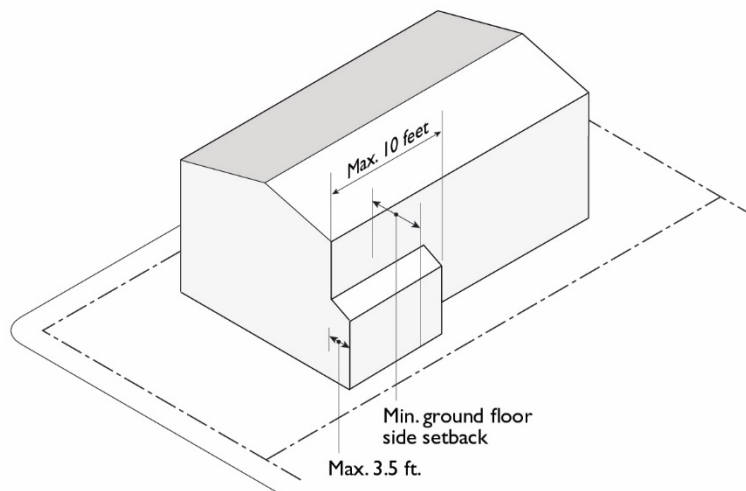
TABLE 15.04.201.030: DEVELOPMENT STANDARDS – RH, RLI AND RL2 DISTRICTS

District	RH	RL1	RL2	Additional Regulations	#
Lot and Density Standards					
Maximum Density (units/net acre)	5	5 9	12 15		1
Minimum Lot Size (sq ft)	11,000	6,000	3,750	For Small Lot Single Unit, Bungalow Court, or Townhouse development, see § 15.04.201. 870	1
Minimum Lot Width (ft)	70	60	37.5		①
Building Form and Location					
Maximum Height (ft)					
Main Building	35	35	30	See § 15.04.601.060 Height Regulations for Sloped Lots and § 15.04.601.050 Exceptions to Height Limits	②
Accessory Building	12-14 (A)	12-14 (A)	12-14 (A)		③
Minimum Setbacks (ft)					
Front	25 (B)	20 (B)	15-20 (B)	See § 15.04.601.020 Building Projections into Yards	④
Interior Side	10 (C)	6 (C)	Ground floor: 5; Above: 9 (C) (D)		⑤
Street Side	10 (E)	7.5 (E)	7.5 (E)		⑥
Rear	25	20 (F)	20 (F)		⑦
Garage	25	20	20		④ ⑦
Maximum Lot Coverage (% of Lot)	40	45	50	For Small Lot Single Unit, Bungalow Court, or Townhouse development, see § 15.04.201.070. For Rules of Measurement. See Article 15.04.103.	⑧
Maximum Floor Area Ratio (FAR)	See (G), (H), (I)				

Additional Development Standards for RH and RL Districts

- A. **Accessory Building Height.** ~~If a peak roof is used, the height limit may be increased to 14 feet. The 14-foot height limit also applies to detached accessory dwelling units.~~
- B. **Ground Floor Front Setback.** Where the adjoining lots on the same block face have been improved with buildings, the minimum ground floor front setback requirement shall be the average of the actual front setback of these abutting improved lots on such block face or ~~15-20~~ feet, whichever is less. When the lot slope is 20 percent or more, the front setback may be reduced to 10 feet provided the garage door is setback 18 feet from the edge of the pavement.
- C. **Side Setback Projection.** Covered walkways, porches, and verandas may project up to 3.5 feet into the required side setback for a maximum length of 10 feet.

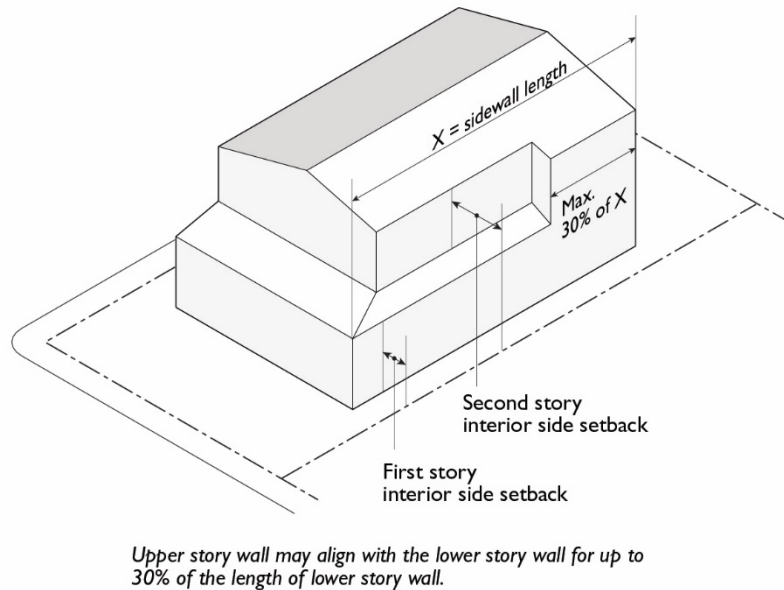
FIGURE 15.04.201.030-C: PORCHES WITHIN SIDE SETBACK



Covered walkways and porches may extend 3.5 feet into the side setback for a maximum length of 10 feet.

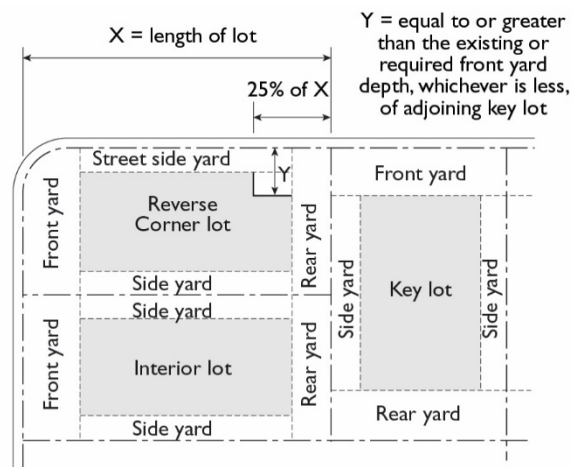
- D. **Side Setback for Narrow Lots.**
 1. **Minimum.** The minimum side setback for lots with an average width of 45 feet or less shall be a minimum of 10 percent of the lot width, or three feet, whichever is greater.
 2. **Second Story Projection.** On lots less than 45 feet in width, the upper story wall may project a maximum of four feet into the required second story setback for up to 30 percent of the length of the lower story wall.

FIGURE 15.04.201.030-D: SECOND STORY PROJECTION ON NARROW LOTS



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

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



- F. **Rear Setback.** In the ~~RH~~RL2 and RL1 districts the rear setback may be reduced to 10 feet if the combined front and rear setback is at least 40 feet.
- G. **Maximum Residential Floor Area and FAR.** The maximum gross residential floor area allowed on a lot shall not exceed the maximum FAR applicable to a lot size

range, as shown in Table 15.04.201.030-G. ~~For lots less than 7,500 square feet in size, the maximum floor area is 3,000 square foot irrespective of lot size.~~

TABLE 15.04.201.030-G: MAXIMUM RESIDENTIAL FLOOR AREA BASED ON LOT SIZE	
<i>Lot Size (Sq. Ft.)</i>	<i>Maximum Floor Area</i>
Less than 3,750	2,325 <u>2,125</u> sq. ft.
3,750 – 6,000	2,325 <u>2,125</u> sq. ft. plus an additional 0.3 FAR on square footage above 3,750
6,001 – 7,500	2,325 <u>2,125</u> sq. ft. plus an additional 0.2 FAR on square footage above 3,750
7,501-11,000	2,325 <u>2,125</u> sq. ft. plus an additional 0.15 FAR on square footage above 3,750
Above 11,000	4,000 sq. ft.

- H. **Maximum Non-Residential Floor Area.** The maximum non-residential floor area ratio (FAR) is 0.65 in RH, RL1 and RL2 Districts.
- I. **Determining FAR.** When determining FAR in RH, RL1 and RL2 Districts, side-loaded or detached garages located to the rear of residential structures, a minimum of 40 feet away from the front property line and accessed by a driveway less than 12 feet in width are excluded from the floor area calculation.

15.04.201.040 Design Standards for Single Family Housing

- A. **Design of Building Additions.** Rooflines, exterior materials, windows, railings, porches, and other design elements shall be designed in a manner that is compatible with the design elements of the existing buildings and surrounding neighborhood.
- B. **Building Entrances.** The principal entry shall be located in a visible location facing the street and shall incorporate a projection (e.g. porch) or recess, with a minimum depth of five feet. Alternative designs that create a welcoming entry feature facing the street, such as a trellis or landscaped courtyard entry, may be approved through the administrative design review process.

- minimum depth of 25 feet, landscaping, and seating amenities are provided on the ground level at grade; or other comparable public amenities are provided.
- D. **Front Setback.** Where 75 percent or more of the lots in a block, on both sides of the street, have been improved with buildings, the minimum front setback required for the entry element (stoop or projected porch) shall be the average of those on the improved lots or 10 feet, whichever is less.
- E. **Street Side Yards on Lots with Reversed Frontage.** The rear one-quarter of the exterior side yard shall not be less than the front yard required or existing on the lot adjoining such exterior side yard.
- F. **Parking Setback.** Parking may be located within 40 feet of the street facing property line in accordance with the following standards.
1. ***Underground and Partially Submerged Parking.*** Parking completely or partially underground may match the setbacks of the main structure. The maximum height of a parking podium visible from a street is five feet from finished grade.
 2. ***Surface Parking.*** Above ground parking may be located within 40 feet of a street facing property line with the approval of an administrative use permit when ~~the~~ at least one of ~~the~~ following findings can be made:
 - a. The design incorporates habitable space built close to the public sidewalk to the maximum extent feasible;
 - b. The parking area is well screened with a wall, hedge, trellis, and/or landscaping; ~~and or~~
 - c. The site is small and constrained such that underground, partially submerged, or surface parking located more than 40 feet from the street frontage is not feasible.
- G. **Open Space.** Private and common areas shall be provided in accordance with this section. Private areas typically consist of balconies, decks, patios, fenced yards, and other similar areas outside the residence. Common areas typically consist of landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development. Landscaped courtyard entries that are oriented towards the public street which create a welcoming entry feature are also considered common areas. All areas not improved with buildings, parking, vehicular accessways, trash enclosures, and similar items shall be developed as common areas with the types of attributes described above.
1. ***Minimum Dimensions.***
 - a. ***Private Open Space.*** Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than 10 feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.

TABLE 15.04.202.020: LAND USE REGULATIONS – CM MIXED-USE DISTRICTS							
Uses	CM-1	CM-2	CM-3	CM-4	CM-5	LW	Additional Regulations
							Work Units
Media Production	A	x	L1	L1	A	L2	
Maintenance and Repair	L2	C	L2	P	P	L2	
Mobile Vending Unit	x	A	A	x	A	x	See § 15.04.610.320 Outdoor Vendors (Mobile Food Vendors)
Nursery and Garden Center	x	x	x	x	P	x	See § 15.04.610.290 Nurseries and Garden Centers
Offices, Business and Professional	L2	L1	P	L1	L1	A	
Medical and Dental	L2	L1	P	L1	L1	L2	See § 15.04.610.240 Hospitals and Clinics
Walk-in Clientele	P	P	P	P	P	L2	
Parking Facilities, Commercial	A	A	A	A	P	x	
Personal Services	L2	L2	P	P	P	L2	See § 15.04.610.340 Personal Services
General Personal Services	L2	P	L2	L2	P	L2	
Health/Fitness Facility	L2	P	L2	L2	P	L2	
Massage Establishment	L3	x	L3	L3	C	x	
Tattoo or Body Modification Parlor	x	x	C	C	C	x	
Printing & Publishing	x	x	L1	L1	L1	A	
Retail Sales	See subclassifications below						
General Retail Sales, Small-scale	L2	P	L2	L2	P	L2	
General Retail Sales, Large-scale	x	x	P	L2	P	x	
Pawn Shop; Secondhand Store	x	x	L3	L3	L3	x	See § 15.04.610.330 Pawn Shops; Secondhand Dealers
With Drive-Through Service	x	x	C	C	C	x	See § 15.04.610.170 Drive-In and Drive-Through Facilities
Transient Lodging	See subclassifications below						
Bed and Breakfast	A	P	x	x	x	x	See § 15.04.610.110 Bed and Breakfast Lodging
Hotel and Motel	C	L4	C	C	C	x	See § 15.04.610.420 Transient Lodging
INSTITUTIONAL AND COMMUNITY FACILITIES							
College and Trade School	C	x	C	x	L15	x	
Community Assembly	L2	x	C	C	C	x	See § 15.04.610.140 Community Assembly
Community Garden	x	P	C	x	C	P	See § 15.04.610.290 Nurseries and Garden Centers
Cultural Facility	P	C	P	P	P	x	
Day Care Centers	A	A	A	A	L14	x	See § 15.04.610.190 Family Day Care, Large Center

TABLE 15.04.202.020: LAND USE REGULATIONS – CM MIXED-USE DISTRICTS							
Uses	CM-1	CM-2	CM-3	CM-4	CM-5	LW	Additional Regulations
Emergency Shelter	P	C	L11	x	L13	x	See § <u>15.04.610.180</u> Emergency Shelters
Government Buildings	P	P	P	P	P	C	
Hospitals and Clinics	C	C	C	C	C	x	See § <u>15.04.610.240</u> Hospitals and Clinics
<i>Hospital</i>	C	x	C	C	C	x	
<i>Clinic</i>	L2	L2	L2	L2	L2	L2	
<i>Skilled Nursing Facility</i>	C	x	C	C	C	x	
Park and Recreation Facility	L1	L1	C	C	C	x	
Public Safety Facility	C	C	C	P	P	x	
Schools	L12	L12	L12	L12	L12	x	See § <u>15.04.610.370</u> Schools
Social Service Center	x	x	L2	L2	L1	x	See § <u>15.04.610.160</u> Domestic Violence Shelters
INDUSTRIAL							
Artisan/Small-scale Manufacturing	x	x	L8	x	C	P	
Artist's Studio	See subclassifications below						
<i>Studio-Light</i>	L2	P	L2	x	L2	P	
<i>Studio-Heavy</i>	C	C	C	x	C	C	
Commercial Kitchen	x	x	x	x	C	A	
Limited Industrial	x	x	L9	L9	x	A	
Marijuana Cultivation Facility	x	x	x	L10	x	x	See § <u>15.04.610.270</u> Medical Marijuana Uses
Micro-brewery	x	C	L15	L15	L15	L19	See § <u>15.04.610.120</u> Breweries and Wineries
Recycling Facilities	See subclassifications below						See § <u>15.04.610.350</u> Recycling Facilities
<i>Collection Facilities</i>	P	P	A	A	A	A	
Research and Development	x	x	L1	L1	L1	L16	
Winery, Small	x	x	L18	L18	L18	L19	
TRANSPORTATION, COMMUNICATION AND UTILITIES							
Communication Facilities	See subclassifications below						See Article <u>15.04.614</u> Wireless Communications Facilities
Antennas and Transmission Towers	L7	L7	L7	L7	L17C	L17C	
<i>Equipment within Buildings</i>	x	x	L1	L1	L1	L16	
Transportation Facilities	See subclassifications below						
<i>Transportation Passenger Terminal</i>	x	x	x	P	P	x	
Utilities, Major	C	C	C	C	C	C	
Utilities, Minor	P	P	P	P	P	P	
OTHER							
Accessory Uses and Structures	See § <u>15.04.601.010</u> Accessory Uses and Structures						
Home Occupations	P	P	P	P	P	P	See § <u>15.04.610.230</u> Home

TABLE 15.04.202.020: LAND USE REGULATIONS – CM MIXED-USE DISTRICTS

Uses	CM-1	CM-2	CM-3	CM-4	CM-5	LW	Additional Regulations
							Occupations
Nonconforming Uses	See Article 15.04.606 , Nonconforming Uses, Structures, and Lot						
Temporary Use	See Article 15.04.807 , Temporary Use Permits						
Notes:							
L1 Permitted above the ground floor or behind an allowed ground floor use, but not within the Industrial Buffer Zone shown on the Zoning Map.							
L2 Only allowed on the ground floor in mixed-use buildings; an administrative use permit is required for 1,500 to 3,000 square feet <u>and for any establishment serving beer and/or wine occupying less than 1,500 square feet</u> , and a conditional use permit is required for more than 3,000 sq. ft. A full service restaurant requires a conditional use permit for 1,500 square feet or more.							
L3 Requires a conditional use permit and cannot be located within 500 feet of a school or park.							
L4 Allowed with a conditional use permit if the hotel has no more than 20 guest rooms.							
L5 Only allowed on arterial streets, occupying 2,500 sq. ft. or less unless greater floor area, up to 5,000 square feet may be approved with an administrative use permit.							
L6 Must be within an enclosed structure.							
L7 Allowed with a conditional use permit if the Planning Commission finds that there are no feasible alternative locations and all other requirements of the Zoning Ordinance are met.							
L8 Only allowed on the ground floor of a building; a conditional use permit is required for more than 25,000 square feet.							
L9 Within the area established for the Richmond Bay Specific Plan, limited industrial development is permitted only in an existing building. Minor additions to such buildings of up to 10 percent of existing floor area are allow without discretionary review beyond that required for a building permit. Repairs and maintenance also is allowed as may be necessary to comply with existing City codes and ordinances or to strengthen or restore to a safe condition any building, structure, or part thereof declared to be unsafe by the Director of Planning and Building Services or any other City official charged with the responsibility of protection of public health, safety and welfare. <i>(This limitation will be superseded by the adopted plan.)</i>							
L10 Permitted above the ground floor or behind an allowed ground floor use and with approval of a conditional use permit.							
L11 Up to 25 beds are permitted; for more than 25 beds, a conditional use permit is required. See Section 15.04.610.180 (Emergency Shelters).							
L12 An administrative use permit is required if a new school will be located in an existing building and any new space added to the building will not exceed 20 percent of existing floor area, excluding space in portable classrooms. A conditional use permit is required for construction of new schools and for additions to existing buildings in which new schools will be located that exceed 20 percent of existing floor area. No schools are allowed within the Industrial Buffer Zone shown on the Zoning Map.							
L13 Permitted if not within the Industrial Buffer Zone shown on the Zoning Map.							
L14 Allowed with an administrative use permit if not within the Industrial Buffer Zone shown on the Zoning Map.							
L15 Allowed with a conditional use permit if not within the Industrial Buffer Zone shown on the Zoning Map.							
L16 Allowed with an administrative use permit on sites with existing, potential, and potential environmental cleanup obligations pursuant to the requirements of the California Department of Toxic Substances Control and/or the Regional Water Quality Control Board, which do not permit residential uses.							
<u>L17 A conditional use permit is required unless the criteria for an administrative use permit listed in Section 15.04.614.030 (B) are met.</u>							
<u>L18 A conditional use permit is required with on-sale consumption. Not allowed with production only.</u>							
<u>L19 A conditional use permit is required without on-sale consumption only. Not allowed with a tasting room.</u>							

15.04.203.020 Land Use Regulations

Table 15.04.203.020 prescribes the land use regulations for “Commercial” Districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

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

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

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

“x” designates uses that are not permitted.

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

TABLE 15.04.203.020: LAND USE REGULATIONS – COMMERCIAL DISTRICTS				
<i>Uses</i>	<i>CG</i>	<i>CR</i>	<i>CC</i>	<i>Additional Regulations</i>
RESIDENTIAL				
Single Family	See subclassifications below			See § <u>15.04.201.070</u> Residential Development Types
Attached	x	A	x	
Multi-Unit Dwelling	x	L6	x	
Elderly and Long Term Care	x	C	x	
<u>Residential Facility</u>	<u>x</u>	<u>L6</u>	<u>x</u>	<u>See § 15.04.610.360</u> <u>Residential Care</u>
COMMERCIAL				
Adult Business	x	C	x	See § <u>15.04.610.050</u> Adult Businesses
Animal Sales and Services	See subclassifications below			See § <u>15.04.610.070</u> Animal Keeping
Boarding Kennel	x	A	x	
Clinic/Hospital	x	A	x	
Grooming	x	A	x	
Retail Sales (Pet Shops)	x	P	x	
Veterinary Services	x	A	x	
Auto/Vehicle Sales Services	See subclassifications below			
Alternative Fuels and Recharging Facility	P	L7	P	

TABLE 15.04.203.020: LAND USE REGULATIONS – COMMERCIAL DISTRICTS				
Uses	CG	CR	CC	Additional Regulations
<u>Automobile Rentals</u>	<u>A</u>	<u>A</u>	x	
<u>Automobile/Vehicle Sales and Leasing, New</u>	<u>P</u>	<u>P</u>	x	See § 15.04.610.080
<u>Automobile/Vehicle Sales and Leasing, Used</u>	<u>A</u>	<u>A</u>	x	Automobile/Vehicle Sales and Leasing
Automobile/Vehicle Repair, Major	C	x C	x	See § 15.04.610.090 Automobile/Vehicle Repair, Major
Automobile/Vehicle Repair, Minor	A	L7	x	
Automobile/Vehicle Washing	A	C	x	See § 15.04.610.100 Automobile/Vehicle Washing
Service Station	P	A	P	See § 15.04.610.380 Service Stations
Banks and Financial Institutions	See subclassifications below			
Bank and Savings and Loan	P	C	x	
- With Drive-through Service	C	C	x	See § 15.04.610.170 Drive-In and Drive-Through Facilities
Non-traditional Financial Institutions	C	C	x	See § 15.04.610.280 Nontraditional Financial Institutions (“Check-cashing”)
Business Services	P	P	L4	
Catering	L1	L6	x	
Commercial Entertainment and Recreation	See subclassifications below			
Cinema	x	C	x	See § 15.04.610.130 Commercial/Recreation and Entertainment
Theatre	x	C	x	
Large-scale Facility	x	C	x	
Small-scale Facility	x	A	x	
Eating and Drinking Establishments	See subclassifications below			
Bars/Night Clubs/Lounges	x	C	x	See § 15.04.610.300 Outdoor Dining and Seating
Restaurant, Full Service	x	L1	C	
Restaurant, Limited Service	L2	P	L2	
Restaurant with Drive Through Service	x	C	x	See § 15.04.610.170 Drive-In and Drive-Through Facilities
Finance, Insurance and Real Estate Services	x	P	x	
Food and Beverage Sales	See subclassifications below			
Convenience Market	L2	L1	L3	See § 15.04.610.150 Convenience Markets
Farmers Market	C	C	x	See § 15.04.610.200 Farmers Markets
General Market	C	P	x	

TABLE 15.04.203.020: LAND USE REGULATIONS – COMMERCIAL DISTRICTS				
Uses	CG	CR	CC	Additional Regulations
Liquor Store	C	C	x	See § 15.04.610.060 Alcoholic Beverage Sales
Funeral and Interment Service	C	C	x	
Instructional Services	L6	P	P	
Live-Work	L9	x	x	See § 15.04.610.250 Live-Work Units
Maintenance and Repair <u>Service</u>	LI	LI	L4	
Marinas	x	x	C	
Media Production	LI	LI	x	
Medical Marijuana Collectives and Dispensaries	x C	C	x	See § 15.04.610.270 Medical Marijuana Uses
Mobile Vending Unit	A	A	C	See § 15.04.610.320 Outdoor Vendors (Mobile Food Vendors)
Nursery and Garden Center	P	P	x	See § 15.04.610.280 Nurseries and Garden Centers
Offices, Business and Professional	LI	L6	LI	
Personal Services	See subclassifications below			See § 15.04.610.340 Personal Services
General Personal Services	L2	P	LI	
Health/Fitness Facility	L4	P	x	
Massage Establishment	C	C	x	
Printing & Publishing	LI	L6	x	
Retail Sales	See subclassifications below			
Building Materials and Services	P	x	L4	
General Retail Sales, Small-scale	P	P	L3	
General Retail Sales, Large-scale	C	P	x	
With Drive-Through Service	C	C	x	See § 15.04.610.170 Drive-In and Drive-Through Facilities
Transient Lodging	See subclassification below			See § 15.04.610.420 Transient Lodging
Bed and Breakfast	x	x	C	
Hotel and Motel	x	C	C	
INSTITUTIONAL AND COMMUNITY FACILITIES				
College and Trade School	x	C	x	
Community Assembly	x	C	C	See § 15.04.610.140 Community Assembly
Community Garden	P	x	P	See § 15.04.610.290 Nurseries and Garden Centers
Cultural Facility	x	P	C	

TABLE 15.04.203.020: LAND USE REGULATIONS – COMMERCIAL DISTRICTS				
Uses	CG	CR	CC	Additional Regulations
Day Care Centers	L7	A	x	See § 15.04.610.190 Family Day Care , <u>Large Center</u>
Emergency Shelter	L8	L8	x	See § 15.04.610.180 Emergency Shelters
Government Buildings	P	P	P	
Hospitals and Clinics	See subclassifications below			See § 15.04.610.240 Hospitals and Clinics
<i>Clinic</i>	LI	LI	x	
Park and Recreation Facility	x	C	C	
Public Safety Facility	P	P	P	
Schools	x	L10	x	See § 15.04.610.370 Schools
Social Service Center	P	P	x	See § 15.04.610.160 Domestic Violence Shelters
INDUSTRIAL				
Artisan/Small-scale Manufacturing	LI	x	LI	
Artist’s Studio	See subclassifications below			
<i>Studio-Light</i>	LI	x	LI	
<i>Studio-Heavy</i>	LI	x	x	
Commercial Kitchen	A	A	x	
Limited Industrial	x	x	L4	
Marijuana Cultivation Facility	C	x	x	See § 15.04.610.270 Medical Marijuana Uses
Marijuana Product Manufacturer	C	x	x	
Marijuana Testing Laboratory	C	x	x	
Micro-breweries	L11	L11	L11	See § 15.04.610.120 Breweries
Recycling Facilities	See subclassifications below			See § 15.04.610.350 Recycling Facilities
<i>Collection Facilities</i>	A	A	P	
Research and Development	L6	x	x	
Warehousing, Wholesaling, Storage, and Distribution	See subclassifications below			See § 15.04.610.400 Storage Containers
<i>Indoor Warehousing and Storage</i>	C	x	L5	
<i>Outdoor Storage</i>	C	x	L5	
<i>Mini-Storage</i>	C	x	L5	
TRANSPORTATION, COMMUNICATION AND UTILITIES				
Communication Facilities	See subclassifications below			
<i>Antennas and Transmission Towers</i>	<u>C or A depending on facility type</u>			<u>See § 15.04.614 Wireless Communications Facilities</u>
<i>Equipment within Buildings</i>	C	L6	C	
Freight/Truck Terminal and Warehouse	C	x	C	
Light Fleet-Based Service	C	x	x	

TABLE 15.04.203.020: LAND USE REGULATIONS – COMMERCIAL DISTRICTS				
Uses	CG	CR	CC	Additional Regulations
Transportation Facilities	See subclassification below			
Transportation Passenger Terminal	x	P	C	
Utilities, Major	C	C	C	
Utilities, Minor	P	P	P	
OTHER				
Accessory Uses and Structures	Caretakers units are not allowed in the Industrial Buffer Zone shown on the Zoning Map. See § 15.04.601.010 Accessory Uses and Structures			
Nonconforming Uses	See Article 15.04.606, Nonconforming Uses, Structures, and Lot			
Temporary Use	See Article 15.04.807, Temporary Use Permits			
Notes:				
L1 Only allowed on the ground floor in mixed-use buildings; an administrative use permit is required for more than 3,000 sq. ft. Full service restaurants require a conditional use permit for 1,500 square feet or more.				
L2 Small-scale establishments serving local businesses and workers occupying less than 1,000 sq. ft. are allowed.				
L3 Only water-related stores allowed occupying less than 1,000 sq. ft. are allowed.				
L4 Only small-scale marine-related industrial uses and services occupying less than 3,000 sq. ft. are allowed.				
L5 Only water-related storage or storage associated with a marine-related use or service allowed as an accessory use.				
L6 Permitted above the ground floor or behind an allowed ground floor use, <u>otherwise, a conditional use permit is required.</u>				
L7 Only allowed on arterial streets that are not within the Industrial Buffer Zone shown on the Zoning Map, occupying 2,500 sq. ft. or less unless greater floor area, up to 5,000 square feet is approved with a conditional use permit. This Industrial Buffer Zone is functionally equivalent to the Industrial Buffer Zone/Transition Zone established by Ordinance No. 18-18 N.S.				
L8 Up to 25 beds are permitted; for more than 25 beds, a conditional use permit is required. See Section 15.04.610.180 (Emergency Shelters).				
L9 Requires a conditional use permit and not allowed in the Industrial Buffer Zone shown on the Zoning Map. This Industrial Buffer Zone is functionally equivalent to the Industrial Buffer Zone/Transition Zone established by Ordinance No. 18-18 N.S.				
L10 An administrative use permit is required if a new school will be located in an existing building and any new space added to the building will not exceed 20 percent of existing floor area, excluding space in portable classrooms. A conditional use permit is required for construction of new schools and for additions to existing buildings in which new schools will be located that exceed 20 percent of existing floor area.				
L11 Requires a conditional use permit and, if there is <u>on-sale consumption</u> of alcoholic beverages, the standards of Section 15.04.610.060 (Alcoholic Beverage Sales) apply.				

TABLE 15.04.204.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS						
Uses	ILL	IB	IL	IG	IW	Additional Regulations
Auto/Vehicle Sales Services	See subclassifications below					
Alternative Fuels and Recharging Facility	P	P	P	P	P	
Automobile/Vehicle Repair, Major	C	C	C	C	x	See § 15.04.610.090 Automobile/Vehicle Repair, Major
Automobile/Vehicle Repair, Minor	A	A	A	P	x	
Automobile/Vehicle Washing	A	x	A	x	x	See § 15.04.610.0100 Automobile/Vehicle Washing
<u>Large Vehicle and Equipment Sales, Service and Rental</u>	<u>x</u>	<u>A</u>	<u>A</u>	<u>P</u>	<u>x</u>	
Service Station	C	C	C	P	x	See § 15.04.610.380 Service Stations
Towing and Impound	x	x	x	C	x	
Banks and Financial Institutions	See subclassifications below					
Bank and Savings and Loan	LI	P	P	x	x	See § 15.04.610.170 Drive-In and Drive-Through Facilities
With Drive-through Service	x	C	C	x	x	
Business Services	LI	LI	P	x	L5	
Commercial Entertainment and Recreation	See subclassification below					See § 15.04.610.130 Commercial/Recreation and Entertainment
Small-scale Facility	A	A	A	x	x	
Eating and Drinking Establishments	See subclassifications below					See § 15.04.610.300 Outdoor Dining and Seating
Restaurant, Full Service	C	C	C	x	x	
Restaurant, Limited Service	L3	L3	L3	x	x	
Finance, Insurance and Real Estate Services	LI	P	P	x	x	
Food and Beverage Sales	See subclassifications below					
Convenience Market	L8	L8	L8	x	x	See § 15.04.610.150 Convenience Markets
Live-Work	C	C	L9	x	x	See § 15.04.610.250 Live-Work Units
Maintenance and Repair	L2	L2	L2	x	x	
Marinas	x	x	x	x	C	
Media Production	P	P	P	x	x	
<u>Mobile Vending Unit</u>	<u>A</u>	<u>x</u>	<u>A</u>	<u>A</u>	<u>A</u>	See § 15.04.610.320 Outdoor Vendors (Mobile Food Vendors)
Nursery and Garden Center	x	x	x	L10	x	See § 15.04.610.290 Nurseries and Garden Centers
Offices, Business and Professional	P	P	P	P	L5	

TABLE 15.04.204.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS						
Uses	ILL	IB	IL	IG	IW	Additional Regulations
Personal Services	See subclassification below					See § 15.04.610.340 Personal Services
Health/Fitness Facility	L2	L2	L2	x	x	
Printing & Publishing	P	P	P	P	x	
Retail Sales	See subclassifications below					
Building Materials and Services	x	x	x	x	L4	
General Retail Sales, Small-scale	x	x	x	x	L5	
INSTITUTIONAL AND COMMUNITY FACILITIES						
College and Trade School	C	C	L9	x	x	
Community Garden	C	C	C	x	x	See § 15.04.610.290 Nurseries and Garden Centers
Government Buildings	P	P	P	P	P	
Hospitals and Clinics	See subclassifications below					
Clinic	x	x	L9	x	x	
Public Safety Facility	x	x	x	P	P	
Schools	x	Cx	x	x	x	See § 15.04.610.370 Schools
INDUSTRIAL						
Artisan/Small-scale Manufacturing	P	P	P	P	x	
Artist's Studio	See subclassifications below					
Studio-Light	P	P	P	x	x	
Studio-Heavy	C	C	C	x	x	
Breweries	See subclassifications below					See § 15.04.610.120 Breweries and Wineries
Brewery, Production	C	x	C	x	x	
Micro-brewery	C	C	C	x	x	
Commercial Kitchen	A	A	A	x	x	
Construction and Material Yard	x	x	PC	PC	CP	
General Industrial	C	x	C	L11	L6	
Limited Industrial	P	P	P	P	L6	
Marijuana Cultivation Facility	C	x	C	C	L12	See § 15.04.610.270 Medical Marijuana Uses
Marijuana Distributor	C	x	C	C	L12	
Marijuana Product Manufacturer	C	x	C	C	L12	
Marijuana Testing Laboratory	C	x	C	C	L12	
Marijuana Transporter	C	x	C	C	L12	
Micro-brewery	P	P	P	P	x	See § 15.04.610.120 Breweries
Recycling and Waste Transfer Facilities	See subclassifications below					See § 15.04.610.350 Recycling Facilities
Collection Facilities	PA	PA	PA	PA	PA	
Processing Facilities	x	x	x	C	C	
Waste Hauling and Transfer Facilities	x	x	x	C	C	

TABLE 15.04.204.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS						
Uses	ILL	IB	IL	IG	IW	Additional Regulations
Research and Development	L7	L7	L7	P	x	
Salvage and Wrecking	x	x	x	C	C	
Warehousing, Wholesaling, Storage, and Distribution	See subclassifications below					See § 15.04.610.400 Storage Containers
Chemical, Mineral and Explosives Storage	x	x	C	C	C	
Indoor Warehousing and Storage	P	L1	P	P	P	
Outdoor Storage	x	x	x	L4	L4	
Mini-Storage	x	C	C	C	x	
Wineries	See subclassifications below					See § 15.04.610.120 Breweries and Wineries
Winery, Large	C	x	C	x	C	
Winery, Small	A	A	A	x	A	
TRANSPORTATION, COMMUNICATION AND UTILITIES						
Communication Facilities	See subclassifications below					See Article 15.04.614 Wireless Communications Facilities
Antennas and Transmission Towers	C or A depending on facility type					
Equipment within Buildings	A	A	A	P	P	
Freight/Truck Terminal and Warehouse	x	x	x	C	C	
Light Fleet-Based Service	C	x	C	C	x	
Utilities, Major	C	C	C	C	C	
Utilities, Minor	P	P	P	P	P	
AGRICULTURE						
Agricultural Production and Services	x	x	x	P	x	
Indoor Agriculture	A	x	P	P	x	See § 15.04.610.430 Urban Agriculture
OTHER						
Accessory Uses and Structures	Caretakers units are not allowed in the Industrial Buffer Zone shown on the Zoning Map. See § 15.04.601.010 Accessory Uses and Structures					
Nonconforming Uses	See Article 15.04.606, Nonconforming Uses, Structures, and Lot					
Temporary Use	See Article 15.04.807, Temporary Use Permits					
Notes:						
L1 Only allowed in mixed-use buildings; an administrative use permit is required for more than 3,000 sq. ft.						
L2 An administrative use permit is required for more than 3,000 sq. ft.						
L3 Small-scale establishments serving local businesses and workers occupying less than 1,000 sq. ft. are allowed. A conditional use permit is required for outdoor dining and seating.						
L4 Prohibited as a principal use; allows as an accessory use for a nursery, building materials, construction services and contractors yards, marine-related industrial uses, and allowable uses within the IG and IW districts if screened from view for any abutting residential or Mixed-Use district.						
L5 Only small-scale marine-related services occupying less than 3,000 sq. ft. are allowed.						
L6 Transportation equipment, ship and boat building and repair are allowed; industrial uses including more than						

TABLE 15.04.204.020: LAND USE REGULATIONS – INDUSTRIAL DISTRICTS						
Uses	ILL	IB	IL	IG	IW	Additional Regulations
incidental use of hazardous materials require a conditional use permit. L7 Laboratories used for Bbiological research or commercial testing <u>in a laboratory rated for a Biosafety Level (BSL) 3 or higher according to criteria of the federal Center for Disease Control</u> requires a conditional use permit. <u>Research and development laboratories designed for BSL 1 or 2 are permitted without a use permit</u> L8 Only allowed with a conditional use permit on a site with a service station. L9 Requires a conditional use permit and not allowed in the Industrial Buffer Zone shown on the Zoning Map. This Industrial Buffer Zone is functionally equivalent to the Industrial Buffer Zone/Transition Zone established by Ordinance No. 18-18 N.S. L10 Only centers that primarily sell wholesale or “to the trade” are allowed. L11 Permitted except for petroleum refining and related oil and gas production, storage, and distribution, all of which requires a conditional use permit. L12 Only on City-owned land with a conditional use permit.						

15.04.204.030 Development Standards

Table 15.04.204.030 prescribes the development standards for Industrial Districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of this Article, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.

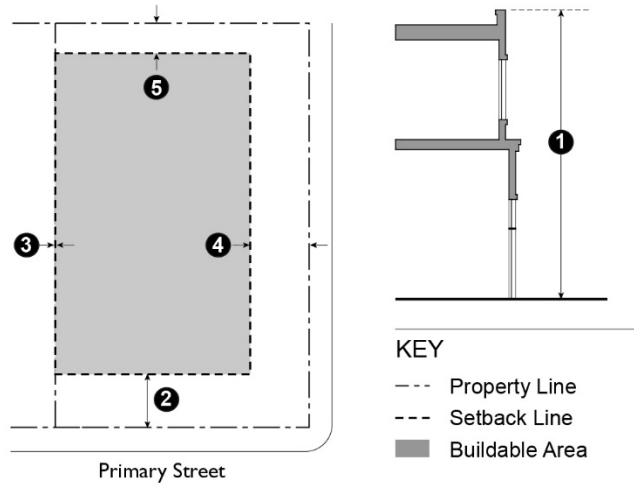
TABLE 15.04.204.030: DEVELOPMENT STANDARDS – INDUSTRIAL DISTRICTS							
 KEY --- Property Line --- Setback Line ■ Buildable Area							
District	ILL	IB	IL	IG	IW	Additional Regulations	#
Building Form and Location							
Maximum Height (ft)	25; up to 55 feet with approval of a CUP	55	55	55	100	(A); (C); See § 15.04.601.050 Exceptions to Height Limits	①
Minimum Setbacks (ft) (B)							
Front	20	15	0	10 from local streets; 25 from Collector streets		See § 15.04.601.020 Building Projections into Yards	②
Interior Side	0; 15 where abutting an RL, PCI, or PR district (8 with solid fence)	0; 15 where abutting an RL, PCI, or PR district (8 with solid fence)	10 15 where abutting an RL, PCI, or PR district	0; 10 where abutting an RL, PCI, or PR district (5 with solid fence)	0; 10 where abutting an RL, PCI, or PR district (5 with solid fence)		③
Street Side	20	10	0	10 from minor streets; 25 from Collector streets			④

TABLE 15.04.204.030: DEVELOPMENT STANDARDS – INDUSTRIAL DISTRICTS							
District	ILL	IB	IL	IG	IW	Additional Regulations	#
Rear	I0	0: I0 where abutting an RL, PCI, or PR district (8 with solid fence)	0: I5 where abutting an RL, PCI, or PR district			See § <u>15.04.601.020</u> Building Projections into Yards	⑤
Maximum Floor Area Ratio (FAR)	0.4; up to 0.65 with approval of a CUP	0.5; up to 0.65 with an approval of a CUP	0.65; <u>up to 3.0 with an approval of a CUP</u>	0.65; <u>up to 2.0 with an approval of a CUP</u>	0.5; <u>up to 1.0 with an approval of a CUP</u>	See Article <u>15.04.103</u> Rules of Measurement	

Additional Development Standards – Industrial Districts

- A. **Transitional Standards.** Where an Industrial District adjoins a Residential District, the following standards apply:
1. The maximum height is (1) 35 feet within 40 feet of an RH or RL District; (2) 40 feet within 50 feet of an RH, RL or RM1 District; and (3) 50 feet within 100 feet of any Residential District.
 2. The building setback from a Residential District boundary shall be 15 feet for ~~interior-side yards~~ and ~~20 feet for~~ rear yards.
 3. A landscaped planting area, a minimum of 10 feet in width, shall be provided along all Residential District boundaries. A tree screen shall be planted in this area with trees planted at a minimum interval of 15 feet.
- B. **Perimeter Landscaping.** A perimeter planting strip shall be provided along all arterial streets and street frontages that are opposite Mixed-Use and Residential zoning districts.
- C. **Additional Height Exceptions – IG and IW Districts.** Processing equipment associated with port activities and with oil and gas refining may exceed the height limits.

15.04.204.040 Supplemental Regulations

- A. **Building Design Near Interstate Highways 580 and 80.** For any site that is fully or partially located within 200 feet of the right-of-way line of an Interstate Highway, buildings shall be designed with four-sided architecture where each exterior wall is designed equivalent to the primary façade in the extent of building articulation and quality of exterior materials, and consistent with the color scheme of the primary façade.
- B. **Sidewalks.** Sidewalks shall be provided if none already exist or if the existing sidewalks are in poor condition.

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

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

“x” designates uses that are not permitted.

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

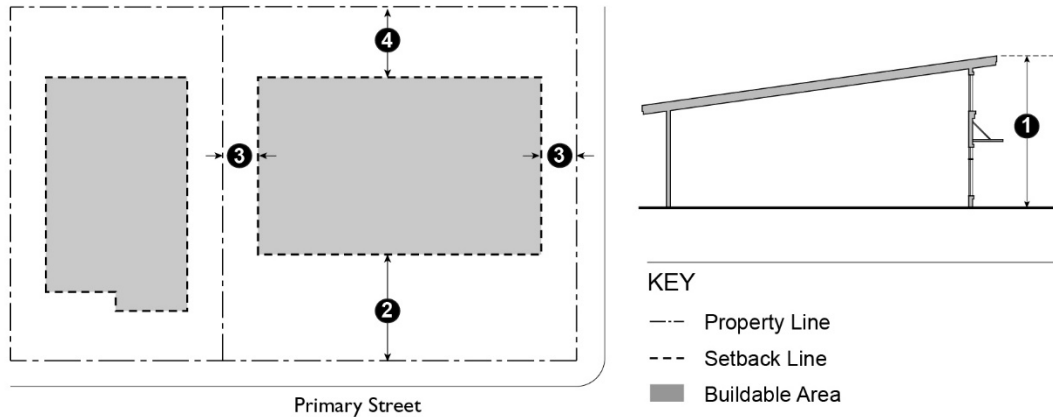
TABLE 15.04.205.020: LAND USE REGULATIONS – PCI AND PR			
Uses	PCI	PR	Additional Regulations
COMMERCIAL			
Commercial Entertainment and Recreation	See subclassifications below		See § 15.04.610.130 Commercial/Recreation and Entertainment
Large-scale Facility	C	C	
Small-scale Facility	P	P	
Eating and Drinking Establishments	See subclassifications below		See § 15.04.610.300 Outdoor Dining and Seating
Restaurant, Full Service	x	C	
Restaurant, Limited Service	x	LI	
Personal Services	See subclassification below		See § 15.04.610.340 Personal Services
Health/Fitness Facility	x	LI	
INSTITUTIONAL AND COMMUNITY FACILITIES			
Cemetery	C	x	
College and Trade School	C	x	
Community Garden	C	A	See § 15.04.610.290 Nurseries and Garden Centers
Cultural Facility	C	C	
Day Care Centers	C	x	See § 15.04.610.190 Day Care Center
Emergency Shelter	L2	x	See § 15.04.610.180 Emergency Shelters
Government Buildings	C	C	
Hospitals and Clinics	L2	x	See § 15.04.610.240 Hospitals and Clinics
Park and Recreation Facility	C	C	
Public Safety Facility	P	x	
Schools	C	x	See § 15.04.610.370 Schools

TABLE 15.04.205.020: LAND USE REGULATIONS – PCI AND PR			
Uses	PCI	PR	Additional Regulations
Social Service Center	C	x	See § <u>15.04.610.160</u> Domestic Violence Shelters
TRANSPORTATION, COMMUNICATION AND UTILITIES			
Communication Facilities	See subclassifications below		See Article <u>15.04.614</u> Wireless Communications Facilities
Antennas and Transmission Towers	<u>C or A depending on facility type</u>		
Equipment within Buildings	C	x	
Transportation Facilities	See subclassifications below		
Transportation Passenger Terminal	C	x	
Utilities, Major	C	C	
Utilities, Minor	P	P	
OTHER			
Accessory Uses and Structures	See § <u>15.04.601.010</u> Accessory Uses and Structures		
Nonconforming Uses	See Article <u>15.04.606</u> , Nonconforming Uses, Structures, and Lot		
Temporary Use	See Article <u>15.04.807</u> , Temporary Use Permits		
Notes:			
L1 Only small-scale establishments serving recreational uses are allowed			
L2 Permitted if associated with a Community Assembly use.			

15.04.205.030 Development Standards

Table 15.04.205.030 prescribes the development standards for Public and Semi-Public, Open Space and Agricultural Districts. Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of this Article. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.

TABLE 15.04.205.030: DEVELOPMENT STANDARDS – PUBLIC AND SEMI-PUBLIC DISTRICTS



District	PCI	PR	Additional Regulations	#
Lot Size; Building Form and Location				
Minimum Lot Size	10,000 sq ft	n/a		
Minim Lot Width (ft)	n/a	n/a		
Maximum Height (ft)	45	35	See § 15.04.601.050 Exceptions to Height Limits	①
Minimum Setbacks (ft)				
Front	When adjacent to an RS-RL or RM district, the front setback is the same as that of the RLS or RM district.	20% of lot depth, not to exceed 40 ft	See § 15.04.601.020 Building Projections into Yards	②
Side	5	10% of lot depth, not to exceed 20 ft		③
Rear	15	0		④
Maximum Floor Area Ratio (FAR)	1.0	0.5		
Maximum Density (net units/acre)	n/a	n/a		

Article 15.04.206 Open Space District

Sections:

- 15.04.206.010 Purpose
- 15.04.206.020 Land Use Regulations
- 15.04.206.030 Development Standards
- 15.04.206.040 Supplemental Regulations

15.04.206.010 Purpose

The purpose of the OS Open Space District is to provide land for development of open, space uses, consistent with the General Plan. More specifically, this zoning district is intended for undeveloped publicly owned lands, visually significant open lands, water areas, and wildlife habitat. These areas are set aside as permanent open space preserves and may include trails, trail heads, agricultural uses ~~(such as 4H)~~, and other facilities for low-impact public recreational uses. This zoning district includes wetlands, mudflats, creek corridors and other natural preservation areas, as well as private lands deed-restricted for open space preservation.

15.04.206.020 Land Use Regulations

Table 15.04.206.020 below prescribes the land use regulations for the OS Open Space District. These regulations are established by letter designations as follows:

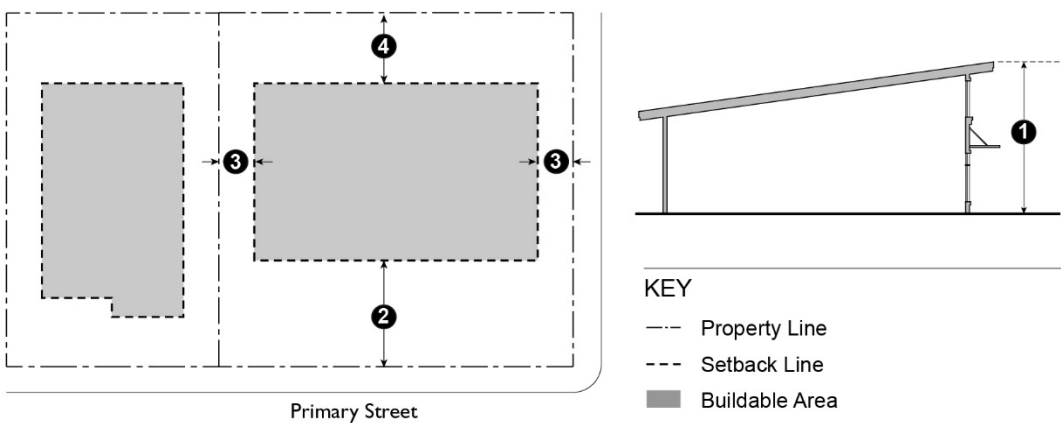
“P” designates permitted uses.

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

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

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

TABLE 15.04.207.030: DEVELOPMENT STANDARDS – AGRICULTURAL DISTRICT

 Primary Street KEY — Property Line - - - Setback Line ■ Buildable Area			
District	AG	Additional Regulations	#
Lot Size; Building Form and Location			
Minimum Lot Size	0.5 acre		
Minimum Lot Width (feet)	150		
Maximum Height (feet)	35; 50 for barns; <u>20 for greenhouses</u>	See § <u>15.04.601.050</u> Exceptions to Height Limits	①
Minimum Setbacks (feet)			
Front	<u>15</u> 20	See § <u>15.04.601.020</u> Building Projections into Yards	②
Side <u>and Rear</u>	<u>7.5</u> 20 ; <u>7.5 for non-habitable accessory structures</u>		③
Rear	<u>7.5</u>		④
Maximum Floor Area Ratio (FAR)	0.5		
Maximum Density (net units/acre)	0.20		
<u>Maximum Lot Coverage (% of lot)</u>	<u>5</u> ; 50 for commercial greenhouses	<u>Additional coverage may be approved with a conditional use permit</u>	

15.04.207.040 Supplemental Regulations

- A. **Truck Docks, Loading and Service Areas.** Truck docks, loading areas, and service areas must be located at the rear or interior sides of buildings and screened so as not to be visible from public streets or residential properties.

- B. **Abutting Residential Districts.** When a lot abuts a Residential zoning district, the setback standards of the abutting district apply. Barns, ~~greenhouses, solar panels,~~ and animal enclosures shall be at least 50 feet from a Residential district.

Secretary of the Interior's Standards for the Treatment of Historic Properties. The latest edition of the standards and guidelines provided by the National Park Service for preservation, rehabilitation, restoration, and reconstruction of historic properties.

Structure. That which is built or constructed. (Section 202 of Title 24, Vol. 1 of the 2013 California Building Code.) As used in this Article, "structure. does not include machinery, equipment, or appliances installed for manufacture or process purposes only, any construction installations that are not part of a building, or any goods movement equipment and facilities.

Substantial Deterioration or Decay. Those conditions of the structure or property that are not so serious as to constitute demolition by neglect but nevertheless threaten the structural or historical integrity of the resource (also see Chapter 9.22 of this Code).

15.04.303.030 Applicability

This overlay district shall be applied to identified historic resources, potentially historic resources, and other land property located within a historic district. Buildings, structures, or objects that have been designated a historic resource by the ~~Historic Preservation Commission~~City Council (HPCCC) or that are located within a historic district shall continue to be subject to all zoning regulations of this Article XV and State and federal laws and regulations that would apply to such buildings, structures, or objects if they were not so designated or located. By designating historic resources and historic districts, the Council shall not be construed to be repealing or waiving any other portion of the Municipal Code as it applied to the designated property.

15.04.303.040 Establishment of -H Historic Overlay Districts and -L Landmark Designations; Zoning Map Designators

- A. An -H Historic Overlay District designation may be applied to any significant area or historic district, and an -L Landmark designation may be applied to any significant building on the Richmond Historic Register. These overlay designations may be combined with any base zoning district.
- B. Each -H Historic District or -L Landmark designation shall be shown on the zoning map by adding an -H or an -L designator, respectively, to the base zoning district designation followed by the number of the Historic District or Landmark designation, based on its order of adoption with reference to the enacting ordinance.

15.04.303.050 Initiation

- A. An application for an amendment to the zoning map for an -H Historic District designation or -L Landmark designation may be initiated by the City Council, the Planning Commission, the HPC, or by any resident of the City.
- B. Upon initiation, notice shall be provided in accordance with the provisions of Article 15.04.803 (Common Procedures). The Zoning Administrator shall post a Public Notice at the Richmond Civic Center and on the City's website and inform by mail all property owners that would be subject to the designation of the restrictions and

- A. **Authority.** The HPC shall have the authority to review and approve, approve with conditions, or reject a certificate of appropriateness pursuant to the procedures and criteria in this section.
- B. **Exemptions.** No certificate of appropriateness is required for ordinary maintenance; interior modifications; work pre-approved in a Mills Act contract; and any development, alteration, restoration, rehabilitation, or relocation that is not specifically described in an application for Historic District designation or Landmark designation or in a Mills Act contract application as having historical or architectural value. However, Zoning Administrator review is required to confirm whether an exemption is warranted.
- C. **Criteria.** To approve an application for a certificate of appropriateness, the HPC or the Zoning Administrator in the case of minor alterations and additions shall find that the proposed work ~~conf~~forms to the Secretary of the Interior's Standards for the Treatment of Historic Properties and more specifically:
1. Whether the proposed construction, reconstruction, or relocation is appropriate and consistent with this section and, if applicable, the Historic Conservation Plan for the historic district.
 2. Whether the applicant has demonstrated that every reasonable effort will be made to minimize alteration of any contributory structure or designated landmark and preserve its integrity.
 3. With regard to any property located within an historic district but which is not a contributing structure, the proposed work does not adversely affect the character and integrity of the district.
 4. Whether the distinguishing original qualities or character of a contributory building, structure, or object, or site and its environment will not be destroyed, and the removal or alteration of any historic material or distinctive architectural feature will be avoided, to the greatest extent reasonably practical.
 5. Whether changes which may have taken place in the course of time are evidence of the history and development of a contributory structure or site and its environment and that such changes which may have acquired significance in their own right, will be recognized and respected.
 6. Whether distinctive stylistic features or examples of skilled craftsmanship which characterize a structure or site will be retained, to the extent reasonably possible.
 7. Whether any proposed project will have a minimal impact on any ~~destroy~~ significant historical, architectural, or cultural material, and will be compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

Article 15.04.304 Interim Study Overlay District

Sections:

- 15.04.304.010 Specific Purpose and Applicability
- 15.04.304.020 Zoning Map Designator
- 15.04.304.030 Study Districts Established
- 15.04.304.040 Land Use Regulations
- 15.04.304.050 Development Regulations
- 15.04.304.060 Expiration of IS District Ordinance – Renewal
- 15.04.304.070 Resubmittal of Development Proposals

15.04.304.010 Specific Purpose and Applicability

In addition to the general purposes listed in Article 15.04.101, the specific purpose of the -IS Interim Study Overlay District is to allow discretionary review of development proposals in areas where changes in zoning regulations are contemplated or under study.

15.04.304.020 Zoning Map Designator

An IS district may be initiated as prescribed by Article 15.04.814 or established in an ordinance amending Chapter XV. Prior to approving an amendment reclassifying land to a future IS district, the Planning Commission and City Council shall approve a study plan that identifies regulatory problems and states land use and development issues to be resolved for the area proposed for reclassification. The IS district may be combined with any base district. Each IS district shall be shown on the zoning map with an "-IS" designator, numbered and identified sequentially by order of enactment and reference to the enacting ordinance.

15.04.304.030 Study Districts Established

Three IS overlay districts are established by Ordinance 16-16, carrying forward designations in prior Interim Zoning Regulations. These include lands where the pre-existing zoning district has been deemed inappropriate under the General Plan and assignment of a new classification and new zoning awaits completion and Council adoption of a specific plan or other planning and zoning study.

- A. **IS-1** includes the Form-Based Code study area which includes Downtown Richmond and adjacent mixed use corridors;
- B. **IS-2** includes the Richmond Bay Specific Plan study area; and
- C. **IS-3** includes the Point Molate study area, where the City Council has initiated a review of appropriate zoning, development standards and related open space for General Plan implementation in the context of the Point Molate Reuse Plan.

| These IS designations will expire no later than December 30, ~~2017~~2019, unless extended by action of the City Council, or rescinded early with Council action on the specific plan or other planning and zoning study.

Article 15.04.306 Shoreline Overlay District

Sections:

- 15.04.306.010 Purpose
- 15.04.306.020 Applicability
- 15.04.306.030 Permit Requirements
- 15.04.306.040 Development Regulations
- 15.04.306.050 Guarantees of Public Access

15.04.306.010 Purpose

The purpose of the -S Shoreline Overlay District is to implement General Plan policies on shoreline protection and public access. More specifically, this overlay district is intended to ensure that any allowable development of the shoreline and tideland areas will protect water quality, wildlife habitats, and native or naturalized vegetation and, where appropriate, provide public access to and enjoyment of the shoreline.

15.04.306.020 Applicability

This overlay district applies to all land within 100 feet of the San Francisco Bay and San Pablo Bay shorelines and to tideland areas, excluding lands that are precluded from public access requirements because of federal regulations on homeland security. It also applies to a public access zone, which extends from the ordinary high water mark on the shoreline to the nearest public highway or arterial street in order to ensure that public access to the shoreline is provided and the San Francisco Bay Trail is completed, as envisioned by the General Plan. These regulations shall be combined with the base zoning district and, in the case of conflicts, the more restrictive provisions apply.

15.04.306.030 Permit Requirements

All uses and developments subject to an -S Shoreline Overlay District shall obtain a conditional use permit pursuant to Article 15.04.806 (Use Permits).

15.04.306.040 Development Regulations

- A. **Habitat Protection.** Development shall avoid encroachments into sensitive wildlife habitats to the extent feasible and shall not limit create barriers to wildlife movement which cut off access to food, water or shelter, or cause damage to fisheries or fish habitats. Access to environmentally sensitive marshland and adjacent upland habitat shall be restricted during spawning and nesting seasons, as appropriate.
 - 1. **Buffers.** Buffer areas shall be provided between developments and identified as potential wetland areas based on the following criteria: biological (habitat) significance; sensitivity of habitats or particular species; presence of threatened or endangered species; susceptibility of adjacent site to erosion; topography and configuration of wetland areas; and type and scale of development proposed.

action, shall be permitted only if all of the following conditions are satisfied, as appropriate:

- a. New water surface or marsh is created by removal of bay fill;
- b. Existing navigation channels, basins or areas are maintained;
- c. Drainage or an outfall pipe or similar structure is provided;
- d. The location and depth of dredging minimizes shoaling and the need for maintenance dredging;
- e. An approved plan exists for the disposal of dredge spoils and all subsequent maintenance dredging for the life of the project; and
- f. The dredging is approved by the Bay Conservation and Development Commission.

D. Site Planning and Structure Design.

1. *Site Planning.*

- a. Development shall be sited, designed and undertaken so that it is harmonious with the character of the site and the surrounding environmental setting to the maximum extent feasible. This includes minimizing the area used for vehicle access, providing setbacks from non-disturbance buffers established for habitat protection, providing maximum feasible public access to the shoreline, where appropriate, and completing the San Francisco Bay Trail.
- b. No use, development or alteration shall create uniform and/or terraced building sites that substantially change existing watercourses and mature trees, native shrub or coastal shrub, marshes or primary wildlife habitats.

2. *Structure Design.* Buildings, structures, parking lots, and landscaping in shoreline areas shall be oriented and located such that they preserve public views of the Bay from public rights of way, parks and other public spaces.

- a. Through design review, building heights may be limited to maintain a low profile. The maximum height of buildings in shoreline areas within 100 feet of the San Francisco Bay and San Pablo Bay shoreline, where the Bay Conservation and Development Commission has permit authority, may be reduced from the maximum set in the base zoning district if the Planning Commission determines that a different maximum height will protect public views from public rights of way, parks, and other public space while also allowing for reasonable use of the land.
- b. Visual access to the Bay and scenic vistas of water and distinct shorelines shall be protected, and the Planning Commission may

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Article 15.04.601 General Site Regulations

Sections:

- 15.04.601.010 Accessory Uses and Structures
- 15.04.601.020 Building Projections into Yards
- 15.04.601.030 Development on Lots Divided by District Boundaries
- 15.04.601.040 Development on Substandard Lots
- 15.04.601.050 Exceptions to Height Limits
- 15.04.601.060 Fences and Walls
- 15.04.601.070 Outdoor Storage
- 15.04.601.080 Property Maintenance
- 15.04.601.090 Refuse, Recycling, and Green Waste Storage Areas
- 15.04.601.100 Screening and Buffering of Common Lot Lines
- 15.04.601.110 Screening of Equipment
- 15.04.601.120 Solar Installations
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15.04.601.010 Accessory Uses and Structures

- A. **Applicability.** The following standards shall apply to all detached buildings and structures that are clearly incidental or subordinate to the main building on the same lot. Typical structures include garages, garden sheds, gazebos, greenhouses, ~~guest quarters~~, pergolas, storage shelters, dish antennas, pay telephone, and covered patios. ~~Secondary-Accessory~~ dwelling units and junior accessory dwelling units are regulated by Section ~~15.04.610.370~~15.04.610.020; solar installations are regulated by Section 15.04.601.120. Accessory uses are regulated by Section ~~15.04.610.030~~15.04.610.040.
- B. **Height.** In residential districts, the maximum allowable height for accessory structures shall be 14 feet. In mixed use, commercial and industrial districts, the maximum allowable height for accessory structures shall not exceed the building height allowed in the base district unless a lower height is set in the base district regulations for such structures.
- C. **Location and Setbacks.**
 - 1. The accessory structure may be located anywhere on a lot except within a required front or street side setback with the following exceptions:

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- a. Accessory structures not occupied by ~~a secondary~~ an accessory dwelling unit may ~~also~~ be built to the side or rear lot line provided that no portion of such ~~a~~ structure exceeds 9 ½ feet in height within the required yard setback for the property.

~~2.~~ An accessory structure shall be no closer than five feet to a main building or less than five feet from any public right-of-way and property line. The width of accessory structures shall not exceed 80 percent of the average width of the rear yard. Accessory structures, such as covered patios, gazebos, or pergolas, that are open on three sides, may encroach into a required ~~interior rear~~ yard as long as such encroachment does not exceed 50 percent of the area of the required ~~interior rear~~ yard setback.

~~3.~~ ~~On lots less than 30 feet in width or with less than 3,000 square feet of area, an accessory structure of not more than 60 square feet in area and 9 ½ feet in height is allowed to encroach into the required interior yard, provided that it is no more than three feet from a rear corner of the lot.~~

D. **Operational Limits.** In Residential districts, accessory structures:

1. Shall, where the rear yard abuts the side yard on an adjacent parcel, observe a rear yard setback equal to the side yard setback required on the adjacent lot;
2. When located on a corner lot, shall not project into the required street side yard or its extension to the rear lot line.
3. When located on a lot having a slope of 25 percent or more, an accessory structure may be located in the required front yard, provided every portion is located at least five feet from the front line, and the distance between it and the main building may be reduced to zero; if such lot slopes upward from the street, the accessory structure may encroach upon one side yard if the rear of its roof is at or below the natural ground level.
4. Shall not exceed 75 percent of the floor area of the main building, including an accessory dwelling unit.

E. **Discontinuance of Use – Pay Telephones.** All equipment and improvements associated with an abandoned pay telephone communications facility located on an exterior wall visible from a public right-of-way shall be removed within 90 days of the discontinuation of the use and the building wall to which it was attached shall be restored to its original, pre-installation condition, or as approved by the Zoning Administrator. Written verification of the removal of a pay telephone on private property shall be provided to the Zoning Administrator within 90 days of the discontinuation of the use.

1. If the provider fails to remove the pay telephone from the site as required herein, the property owner shall be responsible for removal. If such facilities are not removed and are visible from a public right-of-way, the pay telephone shall be deemed to be a public nuisance and the City may take such action as

it deems appropriate to abate the public nuisance in accordance with this Code and any other applicable provision of law.

2. Failure to inform the Zoning Administrator of cessation of operations of any existing pay telephone shall constitute a violation of the Zoning Ordinance.

15.04.601.020 Building Projections into Yards

Building projections may extend into required yards, according to the standards of Table 15.04.601.020, Allowed Building Projections into Yards. The “Limitations” column states any dimensional, area, or other limitations that apply to such structures when they project into required yards.

In addition, in R districts, the main residential building may project into a required rear yard up to, but not within, 10 feet of the rear lot line, provided that the maximum lot coverage and minimum required open space standards are met. This building projection shall not encroach into a required side yard, nor shall it be wider than 50 percent of the average lot width in the rear half of the lot.

TABLE 15.04.601.020: ALLOWED BUILDING PROJECTIONS INTO YARDS				
<i>Projection</i>	<i>Front or Street Side Yard (ft.)</i>	<i>Interior Side Yard (ft.)</i>	<i>Rear Yard (ft.)</i>	<i>Limitations</i>
All projections	Notwithstanding any other Subsection of this Section, no projection may extend closer than three feet to an interior lot line or into a public utility easement.			
Bay windows; balconies	3	2	2	Shall not occupy more than 1/3 of the length of the building wall on which they are located or 1/2 of the length of a single room.
Cornices, canopies, eaves, belt courses, and similar architectural features; chimneys.	2	2	2	Must not occupy more than 1/3 of the length of the building wall on which they are located.
Fire escapes required by law or public agency regulation	4	4	4	
Uncovered stairs, ramps, stoops, or landings that service above first floor of building	3	2	3	
Depressed ramps or stairways and supporting structures designed to permit access to parts of buildings that are below average ground level	3.5	3.5	3.5	

15.04.601.030 Development on Lots Divided by District Boundaries

- A. **General.** Where a lot is divided by a zoning district boundary, the regulations applicable to each district shall be applied to the area within the district, and no use, other than parking serving a principal use on the site, can be located in a district in which it is not a permitted or conditionally permitted use.
- B. **Access.** All access to parking serving a use must be from a street abutting that portion of the lot where the use is allowed. Pedestrian or vehicular access from a street to a non-residential use cannot traverse an R District in which the non-residential use is not permitted or conditionally permitted.
- C. **Minimum Lot Area and Width.** The minimum lot area and width requirements of the zoning district that covers the greatest portion of the lot area will apply to the entire lot. If the lot area is divided equally between two or more zones, the requirements of the district with greater minimum lot area, width, or frontage shall apply to the entire lot.
- D. **Exceptions.** If more than 60 percent of a lot is located in one zoning district, modifications to the provisions of this Section may be granted through Planning Commission approval of a conditional use permit.

15.04.601.040 Development on Substandard Lots

Any lot or parcel of land that was legally created through a recorded deed may be used as a building site even when consisting of less area, width, or depth than that required by the regulations for the zoning district in which it is located. However, no substandard lot can be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement. ~~A substandard lot will be subject to the same yard and density requirements as a standard lot.~~

15.04.601.050 Exceptions to Height Limits

The standards of this Section apply to all new development and to all existing structures. The structures listed in Table 15.04.601.050 below may exceed the maximum permitted building height for the zoning district in which they are located, subject to the limitations stated in the Table and further provided that no portion of a structure in excess of the building height limit may be used for sleeping quarters or advertising. Projections not listed in Table 15.04.601.050 and projections in excess of those listed in Table 15.04.601.050 may be allowed with a conditional use permit.

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TABLE 15.04.601.060-D: ALLOWABLE FENCE HEIGHTS			
<i>Location of Fence</i>	<i>Maximum Basic Height</i>	<i>Maximum Height Exceptions</i>	<i>Notes</i>
Front yard	4 feet	6 feet if non-view-obscuring (not in excess of 50% opacity) above 4 feet)	Front yard fences above 4 feet in height require the approval of the Zoning Administrator.
Side yard	6 feet	8 feet	8 feet is <u>The maximum height exception may be</u> allowed only if both abutting residential structures have at least 10-foot side yard setbacks, or if a residential lot abuts a mixed use, commercial or industrial use, <u>subject to approval by the Zoning Administrator-</u>
Rear yard	6 feet	8 feet	The maximum height exception may be 8 feet is allowed only when a rear yard abuts an interior side yard, <u>subject to approval by the Zoning Administrator-</u>
Within the sight triangle	42 inches	None	

E. **Fence Design in Residential Zoning Districts.** Fences in Residential zoning districts shall be constructed, designed and maintained as follows:

1. ***Permitted Materials.*** Fences shall be constructed of wood, metal, polyvinyl chloride (PVC), masonry or other permanent materials designed for permanent fencing. No more than two types of related fencing materials shall be used in any fence or wall. Fences constructed of wood shall have posts in contact with ground of preservative-treated wood conforming to ASTM D1760 treated with waterborne preservatives to a minimum retention of 6.4 kilograms per cubic meter (0.40 pounds per cubic feet) and components not in contact with the ground treated with waterborne preservatives to a minimum retention of 4.0 kilograms per cubic meter (0.25 pounds per cubic feet) or shall be of heartwood of a decay-resistant species such as redwood or cedar. For non-residential uses in residential zoning districts, a chain-link (nonmetallic finish) fence with vinyl slats may be used if deemed acceptable and appropriate through design review.
2. ***Hazardous and Prohibited Materials.*** Fences shall not incorporate electrically charged wire, barbed wire and razor wire, chain link (with or without slats or vinyl or other coatings), unfinished plywood or similar unfinished materials, woven wire mesh ("chicken wire"), welded wire mesh, woven wire ("hog wire") rope, cable, railroad ties, landscape timbers, utility poles or any other similar materials or materials not specifically manufactured for permanent fencing.

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lattice work resulting from an open brick pattern or use of open masonry blocks.

- c. *Wire Fence with Planting.* Wire fences with dark colored, durable, matte finishes (both wire and posts) and vinyl slats are permitted if fast growing trees, hedge plants, upright shrubs or evergreen vines are planted alongside and used in combination with green growing ground cover or low hedge landscaping.
- d. *Solid Wall.* A wall 6 to 8 feet high and fully sight-obscuring is permitted. The wall may be masonry, brick, concrete or exposed aggregate; it must be designed and constructed to withstand a 15 pound-per-square foot wind load and deterioration resulting from contact with soil, vermin and weathering. Masonry walls shall include split-face or other decorative treatment.

2. ***Open or Semi-Open Fencing.*** A chain-link (nonmetallic finish) fence with or without vinyl slats may be used if a solid fence is not required. No fence or wall that adjoins a residential lot or residential zoning district or fronts on a public street or highway shall incorporate barbed wire or other sharp, protruding objects.

G. **Exceptions to Residential Fence Height Regulations.** The Zoning Administrator may grant an exception to the front yard fence height requirements imposed by this Section. Such exception shall be made only after public noticing of the proposed fence adjustment to side yard abutting property owners, the completion of a site visit, and administrative design review pursuant to Article 15.04.805 if he/she makes all of the following findings:

1. The proposed fence will not create or exacerbate a public safety hazard;
2. The proposed fence is of design, materials, scale and color that are compatible and harmonious with the subject site, site improvements and other properties within the immediate vicinity; and
3. Front yard fencing that prohibits access to the home shall be equipped with a doorbell device.

H. **Exceptions to Mixed Use, Commercial and Industrial Fence Height Regulations.** The Design Review Board or Planning Commission may grant an exception to the fence height requirements imposed by this Section. Such exception shall be made only after a public hearing, and subject to major design review or a conditional use permit pursuant to Article 15.04.805 or Article 15.04.806 making all of the following findings:

1. The proposed fence will not create or exacerbate a public safety hazard; and
2. The proposed fence is of design, materials, scale and color that are compatible and harmonious with the subject site, site improvements and other properties within the immediate vicinity.

H.I. Nonconforming Fences.

1. ***Existing Nonconforming Fences Deemed Approved.*** Existing nonconforming fences existing prior to the date of adoption of the ordinance codified in this section shall be deemed approved unless they are one of the types of fences listed in Subsection 2, below. The deemed approved status shall continue until the property owner requests approval of new construction, of a structural alteration, of an addition that requires discretionary review, or the property is sold, at which point, the fence shall be modified to conform to the standards for fences in this section or be removed.
2. ***Other Nonconforming Fences.*** The following fences do not qualify as deemed approved and must be modified or removed.
 - a. Front yard fencing over 6 feet in height;
 - b. Front yard fencing which is solid (in excess of 50 percent opacity) over 4' in height;
 - c. Any portion of fencing in the sight triangle established by Section 15.04.601.170 that is over 3' 6" high with an opacity of more than 20 percent; and
 - d. Any dilapidated fencing or fencing constructed of materials or components not allowed by this Section.

15.04.601.070 Outdoor Storage

Open storage of goods, materials, machines, equipment, and vehicles or parts outside of a building for more than ~~72~~24 hours must conform to the standards of this Section. The regulations of this Section do not apply to processing equipment, tanks, or other equipment fixed to the ground, to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit, and to agricultural/farming equipment used for agriculture or farming on the property.

- A. **Permitted Locations.** Table 15.04.601.070-A states where outdoor storage is permitted.

TABLE 15.04.601.070-A: OPEN STORAGE REGULATIONS BY DISTRICT AND LOCATION	
<i>Districts</i>	<i>Permissibility of Open Storage</i>
Residential, Mixed Use, and Commercial	All storage must be within an enclosed building, except as allowed for Outdoor Sales or otherwise specifically permitted.
Industrial and Public, Cultural and Institutional	Not permitted in front or street side yards. Permitted in interior side and rear yards, or outside of required yards, subject to the standards of this Article.
Parks and Recreation	Permitted if screened, subject to the standards of this Article.

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G. Vehicular Parking Ratio.

1. ***Maximum Parking Ratio.*** Upon the request of the developer, the City shall not require a vehicular parking ratio, inclusive of parking for disabled persons and guest parking, of a development meeting the criteria of subsection 15.04.613.020B) that exceeds the following ratios:
 - a. *Zero to one bedrooms:* one on-site parking space;
 - b. *Two to three bedrooms:* two on-site parking spaces; and
 - c. *Four or more bedrooms:* two and one-half parking spaces.
2. ***Maximum Parking Ratio for Projects Near Transit.*** If a development includes the maximum percentage of extremely low, low or very low income units provided for in subsection 15.04.613.020B) and is located within one-half mile of the Richmond BART/Intermodal Terminal, El Cerrito Plaza BART and the El Cerrito Del Norte BART Station, measured from the station platform, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, the vehicular parking ratio, inclusive of handicapped and guest parking, shall not exceed 0.25 spaces per bedroom or the ratios set below, whichever are lower. For purposes of this paragraph, a development is considered to have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.
 - a. If a development consists solely of rental units, exclusive of a manager's unit(s), with an affordable housing cost to lower income families, then, upon the request of the developer, the number of required parking spaces, inclusive of parking for disabled persons and guest parking, shall not exceed the following ratios:
 - i. If the development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development: 0.25 spaces per unit.
 - ii. If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code: 0.25 spaces per unit, provided the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
 - iii. If the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code: no parking is required, provided the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

15.04.603.050 Inclusionary Requirements for Ownership Residential Development

- A. In ownership residential projects of ten or more new dwelling units, applicants shall be required to provide inclusionary housing as follows:
1. At least 17 percent of the new total housing units shall be available to moderate-income households at an affordable housing cost; or
 2. At least 15 percent of the new total housing units shall be available to low income households at an affordable housing cost; or
 3. At least 10 percent of the new total housing units shall be available to very low income households at an affordable housing cost; or
 4. At least 12.5 percent of the new total housing units shall be available to a combination of very low and low income households at an affordable housing cost; including at least two units affordable to very low income households; or
 5. In the case of a senior citizen housing ~~development~~ project, at least 25 percent of the new total housing units shall be available to very low or low income senior citizen households at an affordable housing cost;
 6. The applicant shall pay an in-lieu fee to be used for the City's low- and very-low income affordable housing program. The in-lieu fee shall be as stipulated in Section 15.04603.070 (In-Lieu Fee).
- B. The applicant shall be required to offer to the Housing Authority all such inclusionary units as are required by this section for sale to eligible purchasers for a period of not less than 90 days from the date of the City's permission to occupy. Sale restrictions are removed in the event the Housing Authority does not complete the sale to an eligible purchaser (purchase contingent on a one percent of sales price refundable cash deposit and initiation of escrow within 30 days of submission of cash deposit) within 90 days from the date of project completion. The Housing Authority shall advise all prospective purchasers of the resale restriction applicable to ownership inclusionary units.
- C. The Housing Authority shall review the assets and household income of prospective purchasers of the ownership inclusionary units on a project-by-project basis. The Housing Authority shall advertise the inclusionary units to the general public. Upon notification of the availability of ownership units by the developer, the Housing Authority shall seek and screen qualified purchasers through a process involving applications and interviews. Where necessary, the Housing Authority shall hold a lottery to select purchasers. In general, the selection process shall be designed to give preference first to employees of the City of Richmond and the West Contra Costa Unified School District, then to current residents of the City, and then to people employed in the City.
- D. The Housing Authority shall be given the responsibility to monitor the occupancy of each inclusionary unit in a discrete fashion to guard against potential program abuses

- c. Duration of time for requested exemption;
- d. Type of lamp and calculated lumens;
- e. Total wattage of lamp or lamps;
- f. Proposed location of exterior light;
- g. Previous temporary exemptions, if any; and
- h. Physical size of exterior light and type of shielding provided.

15.04.604.040 Prohibitions

The following are prohibited:

- A. **Searchlights.** The operation of searchlights for advertising purposes.
- B. **Laser Source Light.** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
- C. **Advertising Sign or Landscape Illumination.** The unshielded outdoor illumination of any outdoor advertising sign or landscaping. However, low voltage accent landscape lighting is allowed.
- D. **Mercury Vapor.** The installation of new mercury vapor fixtures. Existing mercury vapor fixtures must be removed and replaced with compliant lighting fixtures wherever substantial alterations and additions are undertaken, exclusive of ordinary maintenance and repair.
- E. **Other Light Types.** Blinking, flashing, revolving, flickering, changing intensity of illumination, and changing color lights. This prohibition does not apply to holiday lights or digital displays that are regulated by Article 15.04.609 (Signs).

15.04.604.050 General Requirements

- A. **Design of Fixtures.** Fixtures must be appropriate to the style and scale of the architecture and be shielded as required by paragraph (D) below. The top of the fixture must not exceed the height of the parapet or roof or eave of roof.
- B. **Efficient Use.** All outdoor lighting in non-residential development must be turned off during daylight hours and during any hours when the building is not in use and the lighting is not required for security. Time clocks or photo-sensor systems may be required as a condition of approval of a discretionary permit.
- C. **Entrances in Multi-Unit Dwelling Development.** All entrances to multi-unit residential buildings containing more than 4 units shall be lighted with low intensity fixtures to ensure the safety of persons and the security of the building.
- D. **Shielding.** All nonexempt outdoor lighting fixtures shall have shielding as shown in Table 15.04.604.050-D.

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- E. **Nuisance Prevention.** All outdoor lighting shall be designed, located, installed, directed downward or toward structures, be shielded or fully shielded, and well-maintained in order to prevent glare, light trespass (unwanted light on adjacent lots and public rights of way), and light pollution to the maximum extent feasible.

Use Codes:

A = all types of fixtures allowed; shielding not required but highly recommended, except that any spot or flood-light must be aimed no higher than 45 degrees above straight down

F = only fully shielded fixtures allowed

X = not allowed

TABLE 15.04.604.050-D: LAMP TYPE AND SHIELDING STANDARDS			
<i>Use Class and Lamp Type</i>	<i>Lighting Zone</i>		
	<i>LZ3</i>	<i>LZ2</i>	<i>LZ1</i>
Class 1 Lighting (Color Rendition)			
Initial output greater than or equal to 2000 lumens	F	F	F
Initial output below 2000 lumens	A	A	A
Class 2 Lighting (General Illumination)			
Initial output greater than or equal to 2000 lumens	F	F	F
Initial output below 2000 lumens	A	A	A
Class 3 Lighting (Decorative)			
Initial output greater than or equal to 2000 lumens	F	F	X
Initial output below 2000 lumens	A	A ²	F
Residential Lighting (all Classes)¹			
Initial output greater than or equal to 3000 lumens	F	F	F
Initial output below 3000 lumens ³	A	A	A ²
Notes: 1. Residential refers to all RR, RL1 and RL2 zoning districts and single-unit dwellings in RM zoning districts. Multi-family residential uses must use standards for Class 1, 2, and 3 lighting. 2. Any lamp installed on a residential lot must be fully shielded such that the lamp itself is not directly visible from any abutting residential lot			

- F. **Total Outdoor Light Output Standards.** Total non-exempt outdoor light output shall not exceed the limits in Table 15.04.604.050-E. Lighting used for external illumination of signs is counted, while lighting used for internal illumination of signs is not counted.

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- H. **Maximum Height.** The maximum height of freestanding light fixtures in parking lots serving multi-family or non-residential uses shall be 20 feet or 15 feet if within 20 feet of an RL1 or RL 2 zoning district, but within industrial zoning districts, the maximum height of freestanding light fixtures, including security light, is 25 feet.
- I. **Maintenance.** Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.
 - 1. Burnt out and broken light bulbs shall be replaced.
 - 2. Lighting fixtures shall be periodically cleaned and refinished or repainted so as to be free of graffiti and rust, with surfaces free of chipping and peeling.

15.04.604.060 Supplemental Requirements

- A. **Outdoor Recreational Facilities.** Light fixtures in outdoor recreational facilities such as ball fields, and other outdoor nighttime facilities may exceed the height limits of the zoning district.
 - 1. All lighting for outdoor recreations facilities shall require an administrative use permit.
 - 2. Lighting for outdoor athletic fields, courts or tracks shall be considered Class 1 (Color Rendition), and shall be exempt from the lumens per acre limits of subsection 15.04.604.050F.
 - 3. **Shielding.** Fully shielded lighting is required for all fields, unless another type of luminaire will not cause light trespass in adjacent residential neighborhoods.
 - 4. **Illuminance.** All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA), with adjustments allowed, as appropriate, for the level of play, the most light-demanding sport in a multi-sport venue, and the maximum number of attendees.
 - 5. **Off-Site Spill.** The installation shall also limit off-site spill (off the site containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design.
 - 6. **Certification.** Every such lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Article.
- B. **Exterior Display/Sales Areas.** Lighting levels on exterior display/sales areas must be adequate to facilitate the activities taking place in such locations and cannot be used to attract attention to the business.

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5. The noise exposure limits specified in Table 15.04.605.040 do not apply to noise generated by automobile traffic or other mobile noise sources in the public right-of-way.
6. In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the applicable standards shall be adjusted so as to equal the ambient noise level (see Section 15.04.605.080C).
7. New development must incorporate noise-attenuation measures to achieve the applicable interior noise levels. See subsection 15.04.605.080C.

15.04.605.050 Noise Exposure – Land Use Requirements and Limitations

Table 15.04.605.050, Noise Exposure–Land Requirements and Limitations, describes the requirements and limitations of various land uses within the listed Day/Night Average Sound Level (Ldn) ranges.

TABLE 15.04.605.050: NOISE EXPOSURE–LAND USE REQUIREMENTS AND LIMITATIONS		
<i>Land Use</i>	<i>Day/Night Average Sound Level (Ldn)</i>	<i>Requirements and Limitations</i>
Residential (1): Low Density Single Family, Duplexes and Manufactured Housing	Less than 65	Normally acceptable
	65 to 75	Conditionally acceptable; acoustic study and noise attenuation measures required
	Over 75	Unacceptable; acoustic study and noise attenuation measures required
Residential Multi-family and Transient Lodging	Less than 70	Normally acceptable
	Over 70	Conditionally acceptable; acoustic study and noise attenuation measures required
Schools, Libraries, Churches, Hospitals, Residential Care Facility, Playgrounds, Neighborhood Parks, Commercial and Office	Less than 70	Normally acceptable
	70 to Over	Conditionally acceptable; acoustic study and noise attenuation measures required
Industrial, Manufacturing and Utilities; golf courses, riding stables, water sports, and cemeteries	Less than 75	Normally acceptable
	75 and Over	Conditionally acceptable; acoustic study and noise attenuation measures required; avoid uses involving concentrations of people

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screening, standards for projections above the top of buildings, or restrictions on features allowed in required yards, or because of other deviations from the requirements of Article XV or any applicable specific plan that are determined to be minor by the Zoning Administrator.

- D. **For Specific Repairs and Improvements.** Nothing in this Article prevents repairs, improvements, or maintenance, including in replacement of building features, that are necessary to comply with the Municipal Code or to strengthen or restore to a safe condition any building, structure, or part thereof declared to be unsafe by the Building Official. More specifically, this Article does not prohibit the following solely because a use, lot or structure is nonconforming: internal improvements, safety improvements to address earthquake, flood, fire, criminal activity or other hazards; improvements to mitigate nuisance characteristics either from or to other properties or the environment, including but not limited to noise and vibration, light and glare, air emissions, stormwater flows, and aesthetic appearance and visual impacts; or improvements related to conservation of resources, including but not limited to reduction of water, gas and electricity use, improvement of indoor air quality, reduction of waste, or similar safety, environmental and conservation measures.

15.04.606.040 Nonconforming Uses

- A. **Changes of Use.** A nonconforming use can be changed to a different use based on the future use as follows:
1. ***New Use Permitted by Right.*** Any nonconforming use may be changed to a use that is allowed by right in the zoning district in which it is located (or subarea of a specific plan) and complies with all applicable standards for such use.
 2. ***New Use Requires a Use Permit.*** No nonconforming use can be changed to a use not allowed by right without approval of a conditional use permit. This requirement does not apply to a change of ownership, tenancy, or management where the new use is in the same use type as the previous use, as defined in Article XV, and the facility(s) housing the use is/are not expanded.
 3. ***New Use Not Permitted.*** No nonconforming use shall be changed to a different nonconforming use.
- B. **Absence of a Use Permit.** Any use that is nonconforming solely by reason of the absence of a Use Permit may become a conforming use by obtaining a Use Permit.
- C. **Expansion of Nonconforming Uses.** No lawful nonconforming use may expand the floor area of the use by more than 10 percent. ~~without~~ For any expansions of a use that expands the floor area by 10 percent or less, the approval of an administrative use permit is required, subject to the following requirements:
1. ***Expansions to Other Structures or Lots.*** A nonconforming use may not be expanded to occupy all or a part of another structure or another lot in

City Zoning & Subdivision Regulations

15.04.606.060 Abandonment of Nonconforming Use

No nonconforming use may be resumed, reestablished, reopened, or replaced by any other nonconforming use after it has been abandoned or vacated for a period of one year, except as provided for in this section.

A. **Abandonment.** The one-year period commences when the use ceases and any one of the following occurs:

1. The site is vacated;
2. The business license lapses;
3. Utilities are terminated and facilities have been permanently removed or disabled; ~~or~~
4. The lease is terminated; ~~or~~
5. The use ceases.

A nonconforming use is not abandoned following damage from an act of God or casualty event provided that the business owner is actively engaged in restoring the use. Moreover, the one year period does not include the period between the date the city notifies the owner that the application for reconstruction of the use has been found to be complete and the date the City's action on the application becomes final or the date the building permit issued by the City for the reconstruction expires, whichever is later.

B. **Reestablishment.** The nonconforming use of a legally established structure may be reestablished after abandonment if the Planning Commission approves a conditional use permit after making all the following findings in addition to the findings required in Article 15.04.806 (Use Permits). As a condition of approving the resumption of such nonconforming use, the Commission may impose a time limit on its duration if necessary in order to make the required findings.

1. The structure cannot practically or economically be used for any conforming use because of its original design or because of lawful structural changes made for a previous nonconforming use;
2. The structure can be reasonably expected to remain in active use for a period of 20 years without requiring repairs or maintenance in excess of 50 percent of the replacement cost of the structure, as determined by the Building Official, within any five-year period; and
3. The continuation of the use or structure will not be incompatible with or detrimental to surrounding conforming uses.

C. **Vehicle Service Stations.** Where the nonconforming use is a vehicle service station, this use must be reestablished within a six-month period of the use being abandoned, rather than within the one-year period allowed by subparagraph (A) above, in order to continue to be considered a nonconforming use.

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- construction of an additional structure or structures requires the provision of on-site parking to serve the new dwelling units in compliance with the provisions of this Article. This requirement does not apply when sufficient on-site parking exists to provide the number of spaces required for the existing and new dwelling units in compliance with all applicable requirements.
- E. **Conversion of Existing Parking Facilities for Shared Use.** An existing parking facility is not required to be maintained for the exclusive private use of the land use for which it was constructed as accessory parking. A property owner may submit to the Zoning Administrator a parking inventory and occupancy study of off-street parking and on-street parking in the vicinity of the project, conducted by an independent transportation planning and/or engineering consultant, to demonstrate that a certain share of the existing parking spaces on his/her property are infrequently utilized. On the basis of this study, the Zoning Administrator may grant the property owner authorization to dedicate the underutilized portion of his/her off-street parking to other, non-accessory uses, including leasing such spaces to other individuals, or to other property owners or developers of projects within a one-quarter mile walking distance of the facility to provide some or all of their required off-street parking obligations.
- F. **Construction Timing.** On-site parking facilities required by this Article shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.
- G. **Damage or Destruction.** When a use that has been involuntarily damaged or destroyed is re-established, off-street parking and loading facilities must also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities in excess of those required by this Article.
- H. **Exceptions.**
1. **Neighborhood Retail.** Commercial uses having a gross floor area of 5,000 square feet or less are exempt from the off-street parking and loading requirements of this Article.
 2. **BART Station Area.** Within one-half mile of the Richmond BART/Intermodal Terminal, ~~and~~ the El Cerrito Del Norte ~~and El Cerrito Plaza~~ BART Stations measured from the station platform and within one-quarter mile of an AC Transit bus stop, the minimum and maximum parking requirements shall be reduced to 50 percent of the requirements set forth in this Article, and minimum parking requirements may be further reduced or eliminated upon the granting of a conditional use permit.
 3. **Alternative Access and Parking Plans.** If an alternative access and parking plan is approved pursuant to Section ~~15.04.607.070~~, the off-street parking requirements shall be subject to the provisions of that plan.

15.04.607.030 General Regulations and Standards

- A. **No Reduction in Off-Street Parking and Loading Spaces.** Off-street parking and loading spaces established as of the effective date of the ordinance codified in this Article shall not be reduced in number during the life of such building or land use below that which would be required for a new building or use of a similar type under the requirements of this Article. All such off-street parking and loading spaces shall remain permanently available and accessible for the parking or loading of vehicles by occupants of the property, except that any surplus spaces may be rented out to non-occupants, or otherwise made publicly accessible with the provision that such spaces must be vacated on 30 days' notice if they become needed by occupants of the property..

1. **Exception for Garage Conversions.** In the RL1 and RL2 districts, conversion of a garage for residential use, may eliminate covered parking. This change shall be permitted with an Administrative Use Permit if replacement surface parking, which may include tandem parking, is provided within a front setback area that is at least 18 feet in depth, within a side setback area that is at least 10 feet in width, or in the rear of the lot.

- B. **Separate Parking and Loading Spaces.** No area may be utilized and counted both as a required parking space and a required loading space. However, maneuvering aisles and driveways may serve both required parking spaces and loading spaces if they meet the requirements specified in this Article for both parking and loading facilities.

C. **Location of Parking.**

1. Off-street parking spaces for nonresidential uses shall be located on the same site or within a distance not to exceed 1,500 feet from the lot line of the property where the use for which the parking spaces are required. The applicant shall be required to show evidence that the off-site parking is reserved for the applicant's use, if such parking is on private property.
2. In Industrial zoning districts, surface parking lots shall be paved and set back from public streets as follows:
 - a. For lots 20,000 square feet or larger the minimum setbacks required are as follows:

	<i>Minor Streets</i>	<i>Collector Streets</i>
IB, ILL and IL	15 ft.	25 ft.
IG and IW	5 ft.	25 ft.
Setback may be reduced to 10 ft. in conjunction with a landscaped berm.		

- b. For lots under 20,000 square feet, a minimum 10 feet setback is required from both minor and collector streets.

2. In cases where there are fewer parking spaces than dwelling units, the parking spaces shall be offered first to the potential buyers or renters of three bedroom or more units, second to potential buyers or renters of two bedroom units, and then to potential buyers and renters of other units.
3. Potential buyers and renters of affordable units shall have an equal opportunity to buy or rent a parking space on the same terms and conditions as offered to potential buyers and renters of market-rate units, at a price proportional to the sale or rental price of their units as compared to comparable market-rate units. This stipulation shall be included in any agreement recorded between the City and developer pertaining to the affordable housing units pursuant to Article 15.04.603 (Inclusionary Housing).
4. Parking spaces shall be offered only to residents of the dwelling units served by the off-street parking, except that any surplus spaces may be rented out to non-residents, or otherwise made available for public use, with the provision that such spaces must be vacated on 30 days' notice if they are needed by residents. Required visitor spaces shall not be rented out, but may be made available for public use

The Zoning Administrator may grant an exception from the requirements of this subsection for affordable units that include financing for affordable housing that requires that costs for parking and housing be bundled together.

G. **Garages/Carports/Uncovered Residential Parking.** For residential uses, required off-street parking located in the front half of a lot or within 25 feet of the side street on a corner lot shall be covered with carport, garage or roofed structure except as allowed below or for secondary dwelling units, for which one uncovered parking space may be provided in the required front yard if the parking pad and driveways are decoratively paved with aggregate, brick, pavers or similar material.

1. For single-family residences, the interior dimension of a garage for each required parking space (if provided) shall not be less than 10 feet by 20 feet. Such private parking areas shall be located as part of the main building or in accordance with the requirements for accessory buildings.
2. Uncovered off-street parking may be located in the rear half of the lot ~~when more than 25 feet from a side street or in the front half of the lot if provided as replacement parking for a garage conversion to habitable space or in the front half of the lot if provided as replacement parking for a garage conversion, subject to the approval of an administrative use permit.~~

H. **Surface Parking Lots.** Surface parking lots shall be subject to the following restrictions and standards. The area of a surface parking lot shall include all features within the lot's outer edges, including all parking spaces, maneuvering aisles, access driveways, and perimeter and interior landscaping, walkways, and other features.

Series 600: General Standards

TABLE 15.04.607.040: ESTIMATED PARKING DEMAND BY USE TYPE		
Use Type	Number of Spaces	Per
General	2.0	1,000 gross square feet
Walk-in Clientele	2.25	1,000 gross square feet
Personal Services		
General Personal Services; Massage; Tattoo	2.0	1,000 gross square feet
Health/Fitness Facility	5	1,000 gross square feet
Printing and Publishing	1	1,000 gross square feet
Repair Services	3	1,000 gross square feet
Retail less than 60,000 square feet	3	1,000 gross square feet
Retail 60,000 square feet or more	4	1,000 gross square feet
Transitional Lodging	0.5	
Bed and Breakfast	TBD ¹	
Hotel and Motel	0.5	room
Institutional and Community Facilities		
Colleges and Trade Schools	0.2	population on site at any one time, including students, teachers, and staff
Community Assembly		
Small	none	<u>2,000 square feet or less in floor area</u>
Large		
-With fixed seats	0.2	
-Without fixed seats	10	1,000 gross square feet of indoor assembly area
<u>-Youth or Senior Centers</u>	<u>0.2</u>	<u>youth or senior</u>
Community Garden	TBD ¹	
Cultural Facility	1	1,000 gross square feet
Day Care Centers	3	1,000 gross square feet
Emergency Shelters	TBD ¹	
Hospitals and Clinics	3	1,000 gross square feet
Clinic	5	1,000 gross square feet
Hospital	3	bed
Schools		
Nursery School; Elementary School	0.17	student
Middle School; Jr. High; High School	0.09	student

TABLE 15.04.607.040: ESTIMATED PARKING DEMAND BY USE TYPE		
<i>Use Type</i>	<i>Number of Spaces</i>	<i>Per</i>
		site at any one time
<i>plus</i>	0.5	maximum number of employees on site at any one time
Utility Services	TBD ¹	
Notes:		
1. TBD = To be determined by the Zoning Administrator <u>or Planning Commission</u> .		
2. Senior housing means housing that is restricted to older adults in which at least one resident of each unit must be a “senior citizen” as defined in the Civil Code Section 51.3.		

15.04.607.050 Shared Parking

Shared parking represents an arrangement in which drivers seeking access to two or more nonresidential uses on the same lot with different peak parking demand periods use the same off-street parking spaces. Where shared parking is proposed, or planned for, off-street parking requirements must be adjusted.

- A. **Calculation of Parking Requirement for Shared Parking.** Within a shared parking environment, peak period parking demand shall be calculated by estimating the parking demand for all uses at the combined peak period of demand for the site. The estimated parking demand for each use shall be calculated for each hour of a 24-hour period, based on the percent of peak demand for each hour. The hourly demand for all uses shall be totaled for each hour, and the greatest resulting hourly demand shall be the required number of parking spaces. This required number may be reduced or increased. The hourly demand for each use shall be based on the most recent edition of Parking Generation published by the Institute of Transportation Engineers, Shared Parking, published by the Urban Land Institute, or other equivalent information. See Table 15.04.607.060 for an example.

15.04.607.060 Design Standards for Parking Lots and Structures

The parking area design standards of this section apply to all off-street parking areas. All required parking spaces and associated maneuvering aisles, driveways, and other related features shall be designed and arranged so as to provide motor vehicles with adequate ingress to and egress from all required parking spaces, and to provide pedestrians with adequate access to parked vehicles.

- A. **Parking Layout and Dimensions.** The layout and dimensions of off-street parking facilities shall be as set forth in Figure 15.04.607.060 and Table 15.04.607.060, as further provided below.

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ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Zoning Administrator.

- b. *Fences.* An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.
- c. *Planting.* Plant materials consisting of compact evergreen plants that form an opaque screen. Such plant materials must achieve a minimum height of two feet within 18 months after initial installation.
- d. *Berms.* Berms planted with grass, ground cover, or other low-growing plant materials.

P. **Lighting.** Except for those facilities serving four or fewer residential units, all open parking areas shall be provided with exterior lighting meeting the following minimums:

- 1. The lighting system shall provide not less than one footcandle and not more than five footcandles overall average illumination with a minimum of one-fourth footcandles on the parking surface.
- 2. All lighting shall be on a time clock or photo-sensor system so as to be turned off during daylight hours and during any hours when the parking area is not in use. This requirement does not apply to security lighting.
- 3. All parking area lighting shall meet applicable energy efficiency requirements of the Building Code.
- 4. All lighting shall be designed to confine direct rays to the premises. No light fixture shall emit any direct light above a horizontal plane through the fixture. No spillover beyond the lot line shall be permitted, except onto public thoroughfares.

Q. **Electric Vehicle Charging Stations.** ~~In parking facilities containing 20 or more spaces serving Multi-Unit Residential and Hotels and Motels, at least three 10 percent of parking spaces shall be electric vehicle (EV) charging stations. Electric vehicle (EV) parking shall be provided for residential and commercial projects as shown in Table 15.04.607.060.~~ Such spaces may be counted towards the parking requirements of this Article

- 1. **Size.** Electric vehicle charging stations shall be the same size as other spaces, and electric vehicle charging equipment shall not reduce the size of the space.
- 2. **Signage.** Each electrical vehicle charging station shall be clearly marked with a sign reading “Electrical Vehicle Charging Station” and the associated California Vehicle Code restrictions, and only a vehicle that is connected for electric charging shall be allowed to park in the stalls or spaces so designated.

3. **Location.** EV spaces shall be easily accessible, and charging equipment, cables and connectors shall not interfere with minimum pedestrian clearance widths nor extend across paths of travel on walkways or sidewalks.
 - 3-4. **Protection.** Protective guard posts shall be installed if required by the California Fire Code Part 9, Title 24.
 - 4-5. **Controls and Equipment.** Electrical vehicle charging stations shall be equipped with electrical outlets, and may also be equipped with card readers, controls, connector devices and other equipment, as necessary for public use. Such controls and equipment shall be no lower than 36 inches or higher than 48 inches above the parking space. Retracting devices or a place to hang permanent cords and connectors shall be provided.
 - 5-6. **Contact Information.** A phone number or other contact information shall be provided to enable reporting of malfunctioning equipment or other problems or to seek information on charging procedures and towing of unauthorized vehicles.
- R. **Parking in Underground Garages in Residential Zoning Districts.** Parking may be located in underground garages and such garages shall not be deemed as obstructions in the required yards in which they are located provided that these garages meet the following requirements:
1. **Driveway and Curb Cut Limitation.** No single curb cut may be more than 20 feet wide and there shall be a minimum of 20 feet between curb cuts on the same lot.
 2. **Substantial Roofs.** Substantial roofs suitable for pedestrian use are provided.
 3. **Excavations.** The structural extensions into required yards shall be as follows:
 - a. *Front yard:* not more than five feet;
 - b. *Side yard:* interior, up to full width; street side, not allowed; and
 - c. *Rear yard and/or useable open space:* up to a full depth of the yard, but not less than six feet.
 4. **Height.** The height of such structures above the natural grade in the areas noted below shall not exceed the following dimensions:
 - a. *Front and interior side yard:* three feet; and
 - b. *Rear yard:* five feet.
 5. **Structural Limitations.** No structure, other than a fence no more than six feet in height, shall be erected or maintained on the roof of an underground garage located in a required interior yard or required useable open space. The

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garage shall be paved and include bumper guards, drainage facilities, and similar design features.

TABLE 15.04.607.060: ELECTRIC VEHICLE PARKING REQUIREMENTS BY PROJECT TYPE	
<u>Project Type</u>	<u>EV Parking Required</u>
<u>Single Family New Construction</u>	<u>Comply with CALGreen Measure A4.106.8.1¹</u>
<u>Single Family Additions and Alterations</u>	<u>If the project is modifying the main electrical service panel, comply with CALGreen Measure A4.106.8.1¹</u>
<u>Multifamily New Construction</u>	<u>For projects with 2-10 required parking spaces, build 2 parking spaces to be EV Ready and build the remaining spaces to be EV Capable.</u> <u>For greater than 10 required spaces, either 2 spaces or 10% of the spaces shall be EV Ready, whichever is greater, and the balance of spaces shall be EV Capable.</u>
<u>Multifamily Additions and Alterations</u>	<u>If the alteration or addition adds floor area and is subject to discretionary review (e.g. minor or major design review under Article 15.04.805), at least 20% of the parking spaces shall be made EV Capable.</u> <u>If more than 25% of the parking lot surface is reconstructed as part of the proposed alteration or additions, all of the parking spaces shall be made EV capable.</u> <u>Where existing electrical service will not be upgraded as part of the alteration or addition, EV charging capacity, meaning 208.240 volt, 40-amp charging capability, shall be provided to the maximum extent that does not require an upgrade to existing electrical service.</u>
<u>Commercial New Construction</u>	<u>For 2-10 required spaces, 2 shall be EV Ready and remaining spaces shall be EV Capable.</u> <u>For greater than 10 required spaces, either 2 spaces or 10% of the spaces shall be EV Ready, whichever is greater, and the balance of spaces shall be EV Capable.</u>
<u>Commercial Additions and Alterations</u>	<u>If the main electrical service panel is modified, EV charging capacity shall be provided for 20% of the spaces.</u> <u>If more than 25% of the parking lot surface is modified, conduit for EV Ready or EV Capable spaces must be provided to all parking spaces.</u> <u>Where existing electrical service will not be upgraded, EV charging capacity shall be provided to the maximum extent that does not require an upgrade to existing electrical service.</u>
<u>1. See California Green Building Standards Code in the California Code of Regulations, Title 24, Part 11.</u>	

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Freestanding sign. A sign standing directly on the ground or attached to any support other than a building. Freestanding signs include A-board signs, monument signs, and pylon signs.

Freeway oriented sign. A permanent pylon sign larger than 20 square feet and located within 500 feet of and/or are visible from the outside travel lane of a freeway. For shopping centers with at least 500,000 square-feet of commercial space, such signs may be located on and/or off-site.

Flag. A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol, which is capable of movement, or fluttering in moving air or wind.

General advertising for hire. The advertising or promoting of other businesses, establishments or causes using methods of advertising, typically for a fee or other consideration, in contrast to self-promotion or on-site advertising.

Hand-held sign. A sign that is designed to be held or carried by a person, rather than placed on or in the ground or other support.

Illuminated sign. An internally or externally illuminated business sign, which uses a source of light in order to make the message readable and the illumination is maintained at constant intensity, color or pattern during all times the sign is illuminated.

Inflatable sign. A form of inflatable device that includes a commercial or noncommercial message displayed, printed, or painted on the surface of an inflatable background, and is primarily installed outside a building. This sign type includes balloon signs.

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

Lot equivalent. Either an area within a site of 5,000 square feet or a lot that is smaller than 5,000 square feet.

Mansard sign. A sign attached below the deck line or principal roofline of a mansard roof or similar roof-like façade.

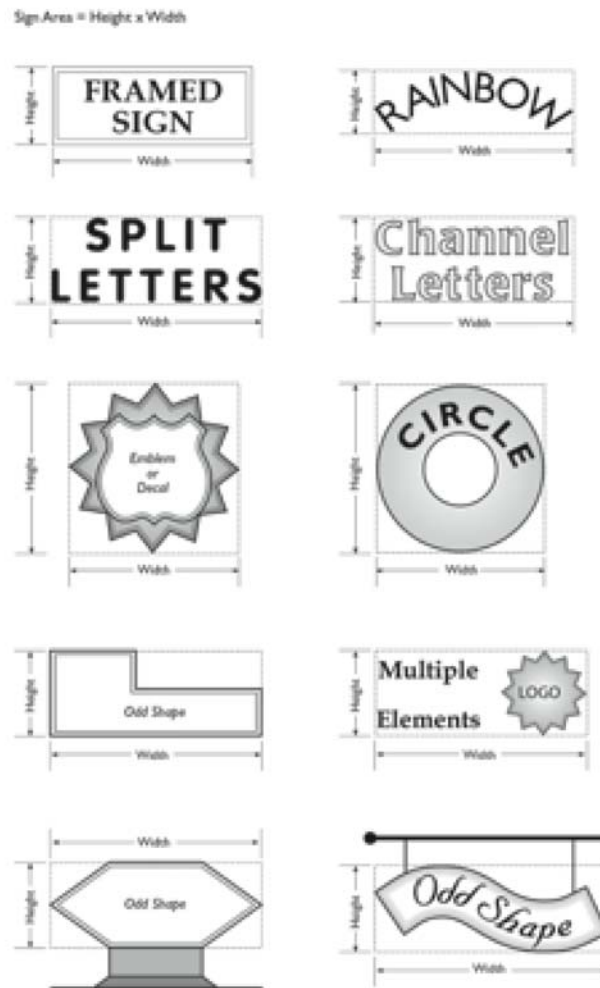
Marquee sign. A sign attached in any manner to, made part of, or painted on a hood or permanent construction that projects more than 18 inches from the wall of the building to which it is attached, usually above the entrance.

Master sign program. Signage included as part of new building construction or as part of building modifications subject to design review by the ~~Zoning Administrator or~~ Design Review Board.

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for various types of single-faced signs is illustrated in Figure 15.04.609.050-A(1).

FIGURE 15.04.609.050-A(1): CALCULATION OF SINGLE-FACED SIGN AREA



2. ***Double-Faced Signs.*** Where two faces of a double-faced sign are located two feet or less from one another at all points, or located at an interior angle of 45 degrees or less from one another, the area of only one face will be used to determine the sign area. Where the two faces are not equal in size, the larger sign face will be used. Where two faces of a double-faced sign are located more than two feet or 45 degrees from one another, both sign faces will be counted toward sign area. See Figure 15.04.609.050-A(2). For freeway oriented signs, the distance between double faced signs shall be six feet or less.

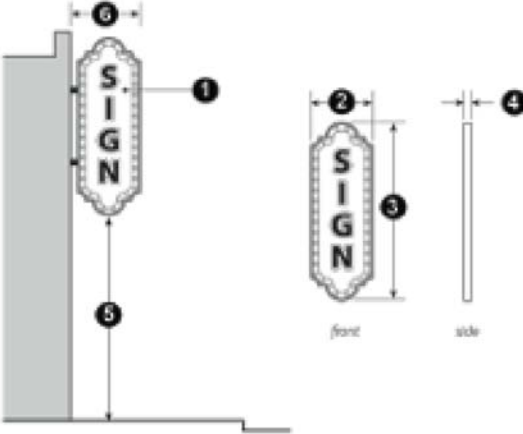
15.04.609.090 General Standards for All Signs

- A. **Signs Must Comply with This Article.** In all zones, only such signs as are specifically permitted in this Article may be placed, erected, maintained, displayed or used, and the placement, erection, maintenance, display or use of signs shall be subject to all restrictions, limitations and regulations contained in this Article. The placement, erection, maintenance, display or use of all other signs is prohibited.
- B. **Message Neutrality.** It is the City's policy to regulate signs in a constitutional manner that is content neutral as to noncommercial messages that are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.
- C. **Maximum Sign Area.** The maximum allowable, permittable sign area on a lot for permanent signs, exclusive of area of exempt signs, is based on the Zoning District in which the sign is located and the type of sign to be installed. The signs allowed and the dimensional standards for individual sign types are established in subsequent sections of this Article.
1. **Residential Zoning Districts:** 1 ~~ground-freestanding~~ sign and 1 building sign per lot
 2. **Commercial and Mixed Use-P-C Zoning Districts:** 1 square foot of sign area per linear foot of building frontage per frontage, which may be increased to 1.5 square feet per linear foot of building frontage for shopping centers with at least 500,000 square feet of commercial space with an approved master sign program.
 3. **Industrial Zoning Districts:** 0.5 square foot of sign area per linear foot of building frontage per frontage.
 4. **Other Zoning Districts:** as established in the Zoning Ordinance.
- D. **Changes to Copy of Approved Signs.** Changes to the copy of approved signs that were legally established and have not been modified so as to become illegal are exempt from permitting pursuant to this Article. Changes to copy do not include changes to the type or level of illumination of an approved sign.
- E. **Message Substitution.** A noncommercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, and any noncommercial message may be substituted, in whole or in part, for any other noncommercial message.
1. **No Additional Approval.** Such substitution of message may be made without any additional approvals. The purpose of this Section is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.
 2. **Limitations.** This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the

2. ***Signs Allowed with a Permit.*** The following signs may be erected, maintained and/or displayed in any residential district with a sign permit or as part of a master sign program:
 - a. On residential lots where there are no more than two residential units, permanent, non-illuminated, freestanding signs, provided that the total sign area for all freestanding signs shall not exceed six square feet per lot or lot equivalent; and no freestanding sign shall exceed six feet in height. An illuminated sign is allowed along arterial streets.
 - b. On residential lots where there are three or more residential units, permanent, non-illuminated, freestanding signs, provided that the total sign area for all freestanding signs shall not exceed 12 square feet per lot or lot equivalent; and no freestanding sign shall exceed 6 feet in height. An illuminated sign is allowed along arterial streets.
 - c. At the entrance to a subdivision, permanent, freestanding signs, provided that the total sign area for all freestanding signs shall not exceed 20 square feet per subdivision; and no freestanding sign shall exceed 6 feet in height.
 - d. On commercial or public buildings, wall signs, provided that the total sign area for all signs allowed pursuant to this paragraph shall not exceed 0.5 times the lineal feet of building frontage; and no individual wall sign may exceed 16 square feet in area.
 - e. On lots containing commercial, public, or assembly uses, permanent, non-illuminated signs, provided that the total sign area for all signs shall not exceed 16 square feet; and no sign shall exceed 6 feet in height.
- C. **Signs Allowed in Commercial, Industrial, Mixed Use~~PCI~~ Districts.**
 1. ***Signs Allowed Without a Permit.*** The following signs are allowed without a permit on a lot in commercial districts:
 - a. One permanent, freestanding non-illuminated sign not exceeding 16 square feet in area and 6 feet in height.
 - b. One wall sign per building, not exceeding 6 square feet in area and not projecting more than 6 inches from the building wall.
 - c. Window signs not exceeding 25 percent of the window area.
 2. ***Signs Allowed with a Permit.*** The following signs may be erected, maintained and/or displayed in ~~the neighborhood commercial district~~any Commercial, Industrial, or Mixed Use district with a sign permit or as part of a master sign program: awning signs, blade signs, freestanding signs, marquee signs, projecting signs, wall signs, and wall mural signs. Dimensional standards for all of these signs are in Tables 15.04.609.100-C(1) to C(6) on the following pages.

Series 600: General Standards

TABLE 15.04.609.100-C(3): FREESTANDING SIGN					
				Districts Allowed	
				<i>CM-1</i> <i>CM-2</i> <i>CM-3</i> <i>CM-4</i> <i>CM-5</i> <i>CR</i> <i>CG</i> <i>CC</i>	<i>ILL</i> <i>IL</i> <i>IB</i> <i>IG</i> <i>IW</i> <i>PA</i>
Dimension			Landscape planter required around the sign base:		
Area	20 sq. ft. max.	①	Border	6 in. min.	③
Height	10 ft. max.	②	Height	4 in. min.	④
<u>Freeway-oriented signs associated with shopping centers with at least 500,000 square feet of commercial space may be allowed up to 1,000 square feet of sign area and 60 feet in height with a conditional use permit and a master sign program.</u>					

TABLE 15.04.609.100-C(4): MARQUEE SIGN					
				Districts Allowed	
				<i>CM-1</i> <i>CM-2</i> <i>CM-3</i> <i>CM-4</i> <i>CM-5</i> <i>CR</i> <i>CC</i> <i>CG</i>	
Dimension			Location and other requirements		
Area	6 sq. ft. max.	①	Clearance above sidewalk or walkway	9 ft. min.	⑤
Width	24 in. max.	②	Projection	2 ft. max.	⑥

- B. **Applicability.** A closed business sign is any sign located on a building, in the window of a building, or on the same lot as a building that advertises or identifies either (1) the owner or lessor of a building that has been vacated, or (2) a use, activity, business, service or product no longer offered or conducted in a building, and that continues to be displayed more than thirty days after the owner or lessor has vacated the building or more than thirty days after the use, activity, business, service or product has ceased to be offered or conducted in the building.
- C. **Removal or Covering Required.** All closed business signs shall be removed or completely obscured from public view. A sign is “completely obscured from public view” when it has been completely covered with a solid material, such as plywood or lumber, that is securely fastened to the sign or its supporting structure and painted to match the color of the building in which or on which the sign is located. Plastic or fiber sheets shall not constitute a solid material that adequately obscures a closed business sign.

15.04.609.150 Permits Required; Application Contents and Review Process

- A. A permit issued by the Zoning Administrator is required to erect, construct, install, structurally alter or relocate any non-exempt sign. Signs that project over or extend into a public street or sidewalk more than 8 inches require an encroachment permit issued by the City.
- B. All applications for sign permits are subject to review under the provisions of Section 15.04.803.040 (Review of Applications) and must be determined to be complete before review of the applicant begins. To be considered complete, an application for a sign permit shall include:
 - 1. A completed sign permit application form accompanied by the required fee.
 - 2. A letter or other written evidence of the property owner or business owners to have the proposed sign(s) displayed on the property owned.
 - 3. A site plan and/or building elevation plans drawn to scale and dimension showing the following (as applicable):
 - a. Existing structures; lot frontage and building frontage (dimensioned);
 - b. Driveways and public rights-of-way
 - c. Existing and proposed signs
 - d. Vision clearance; vertical clearance over public rights-of-way
 - 4. A proposed sign plan drawn to scale and dimension showing the following (as applicable):
 - a. Sign height, width, area, and thickness.
 - b. Color of lettering and background
 - c. Type of illumination

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- d. Materials
- C. Within 10 business days after receipt of an application for a sign permit, the Zoning Administrator shall inform the applicant in writing if the application is incomplete and will list the submittals required to complete the application. If the Zoning Administrator does not notify the applicant within 10 days after receipt that the application is incomplete, then the application will be deemed complete.
- D. The Zoning Administrator shall either grant or deny a sign permit within 15 business days after receipt of a complete application. A denial shall be accompanied by written findings stating the reasons for the denial and may be appealed to the Design Review Board.

15.04.609.160 Permits for Multiple Temporary Signs

- A. Any person seeking to erect on one or more sites or to distribute 25 or more temporary signs at one time, either personally or by supervising others, must provide:
 - 1. The name and address of the person(s) responsible for erecting or distributing, maintaining and removing the multiple temporary signs;
 - 2. A description of the method of installation and support for each sign (if signs are to be freestanding and supported by a method other than wire no greater than 3 millimeters in diameter, the applicant must include a scaled drawing of the supporting structure);
 - 3. A copy, drawing, or photograph of the proposed temporary sign; and
 - 4. The fee specified in the master fee schedule adopted by the City Council.
- B. One day after submittal of all of the items required in subparagraph (A), the Zoning Administrator shall issue or deny a permit for multiple temporary signs, subject to the following terms and conditions:
 - 1. The Zoning Administrator shall assign an identification number (ID#) to the sign plan, and such number shall be referred to in the permit;
 - 2. The permittee shall provide the Zoning Administrator with a prototype of the sign marked with the ID#.
 - 3. All temporary signs and structures are to be removed within 90 days from the date the permit is issued.
 - 4. Any denial of a permit for multiple temporary signs shall be accompanied by written findings stating the reasons for the denial and may be appealed to the Design Review Board.
- C. No temporary sign shall be posted in a City right-of-way, landscaped area, parkland or any road median before the Superintendent of Parks has confirmed that a permit has been issued and that the proposed posting will not interfere with the ordinary use and enjoyment of the area, underground irrigation or utilities, or line of sight for motor vehicle, bicycle and pedestrian traffic. Placement of signs shall not harm

landscape plantings or structures. The Superintendent may require the sign permittee to call for a USA marking confirmation of utilities prior to posting.

15.04.609.170 Master Sign Program

A. Purpose. The purpose of a Master Sign Program (MSP) is to integrate all signs into a project's design to achieve a unified architectural statement. A MSP provides a means for flexible application of sign regulations for properties with multiple signs, multi-tenant properties, and other properties with unified development, in order to encourage creativity and provide incentives to achieve, not circumvent, the intent of this Section. ~~is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall design of the development to achieve a more unified appearance. Master Sign Programs may also be used for subdivision projects with a phased development and/or sales plan. Minor~~

~~variations in dimensional standards and other limitations of this Section may be approved, provided they achieve a result that is superior to what would otherwise be allowed. The Sign Program must demonstrate how it:~~

- ~~1. Improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement;~~
- ~~2. Provides for sign design or placement appropriate for the area;~~
- ~~3. Incorporates sign design and placement related to architectural and landscape features on site; and~~
- ~~4. Incorporates sign design, scale, and placement oriented to pedestrian traffic.~~

B. Applicability and Approval Required.

1. **Master Sign Program Required.** A Master Sign Program approved by the Design Review Board is required for:
 - a. ~~Multi-tenant centers, buildings, or developments with six or more separate tenant spaces that share the same parcel, building or structure, or use common access and parking facilities, public spaces, and landscaping, such as multitenant commercial and office buildings, shopping centers, office parks, and mixed use developments;~~
 - b. ~~Major rehabilitation or additions to existing nonresidential projects with five or more tenants, that involve construction or renovation of more than 25,000 square feet or 50 percent or more of the exterior of the building, or 25 percent of the existing signs on the site within a 12 month period, whichever is less. For the purposes of this Section, major rehabilitation means adding or remodeling 50 percent of the gross floor area of the structures, or exterior redesign of more than 25 percent of any façade within the project;~~
 - c. ~~When the Planning Division determines that a Master Sign Program shall be required for a project due to special circumstances (e.g., the~~

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number or size of signs proposed, size or location of the project, or constrained visibility of the site relative to freeways, etc.); and

d. An applicant that seeks approval of a master sign program that includes any freeway oriented sign(s) shall obtain approval of a design review permit and conditional use permit for said master sign program. Freeway oriented sign(s) may only be permitted if all of the following findings are made:

1. The required findings pursuant to Article 15.04.805.050 (Design Review) and Article 15.04.806.040(Use Permits).

2. The sign(s) must be part of a master sign program under subsection (1)(a) of this section.

3. The sign(s) must serve a multi-tenant regional retail center development (with three or more separate tenant spaces) that consists of a minimum of 500,000 square feet of retail and similar commercial uses.

4. The sign(s) are of appropriate size, scale, and design for the area in which it will be located.

5. The sign(s) are of high quality in appearance, design, and construction, and will be subject to conditions, as appropriate, governing its design and operation.

6. The sign(s) will not contribute to significant visual blight or clutter, and will not significantly degrade the visual quality of the area in which it will be located.

7. No sign(s) shall significantly impair public safety.

8. Any freestanding sign may only be used to advertise the name of the business, type of business, or product manufactured, presented or sold on the premises by such person, firm, or corporation occupying the multi-tenant regional retail center development where the sign(s) are located, and, upon advance written demand of the city, and to the extent allowed by law, to publicize city-run or city-sponsored events (or certain designated partners) and/or disseminate city of Richmond news, traffic/safety/security announcements, and similar civic information and public service announcements.

9. The sign(s) shall satisfy applicable requirements of the Outdoor Advertising Act (Business and Professions Code Sections 5200 through 5486, inclusive), as amended from time to time.

10. The sign(s) shall satisfy applicable California Department of Transportation standards for freeway-oriented signs, as amended from time to time.

11. The sign(s) approved as part of the master sign program shall be built in a perpendicular manner (as is feasible based on site constraints in order to best maximize sign visibility) to the freeway and shall not be required to face any other public streets.

- ~~a. New or remodeled non-residential projects on sites of two acres or more;~~
- ~~b. Shopping centers;~~
- ~~c. Multiple tenant commercial or mixed use buildings where the entire façade is being remodeled; and~~
- ~~d. Any development in a Planned Area Development.~~

- 2. **Optional Sign Program.** A Master Sign Program may be substituted for specific sign designs and individual applications if requested by an applicant and approved by the Design Review Board.

C. **Required Submittals.** Applications for a Master Sign Program must include the following plans and text:

- 1. A site plan showing the location of buildings, parking lots, driveways and landscaped areas;
- 2. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed, if proposed;
- 3. An accurate indication on the site plan of the proposed location of each proposed sign and existing sign which is to remain;
- 4. Color schemes, lettering and graphic style (if tenants are not known, generic styles may be presented);
- 5. Lighting and sign construction materials; and
- 6. Sign dimensions (if tenants are not known, generic dimensions may be presented); and
- 7. A written program of standards for all sign types to be distributed to future tenants, including color, size, illumination, construction details, and sign placement.

D. **Findings Required.** The Design Review Board may approve variations in dimensional standards such as height, sign area, number of signs and other limitations of this Chapter, provided they are necessary for the visibility of signage and can achieve a result that is superior to what would otherwise be allowed. The Design Review Board shall make the following findings in order to approve or conditionally approve a Master Sign Program:

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1. That the proposed Master Sign Program improves the safety and welfare of the general public by minimizing distractions, hazards, and obstructions from sign design or placement;
 2. Provides for sign design or placement appropriate for the area;
 3. Incorporates sign design and placement related to architectural and landscape features on site; and
 4. The approval of a master sign program does not adversely affect surrounding land uses or obscure adjacent conforming signs.
- ~~D. **Findings Required.** The Design Review Board approve a Master Sign Program if the following findings are made:~~
- ~~1. That the proposed signs are in harmony and visually related to:~~
 - ~~a. *Other Signs.* included in the Master Sign Program. This may be accomplished by incorporating several common design elements such as materials, letter style, colors, illumination, sign type or sign shape.~~
 - ~~b. *The Buildings They Identify.* This may be accomplished by utilizing materials, colors or design motifs included in the building being identified.~~
 - ~~c.a. *The Surrounding Development.* Approval of a planned sign program must not adversely affect surrounding land uses or obscure adjacent conforming signs.~~
 - ~~2. That the proposed signs will comply with all the provision of this Article, except with regard to:~~
 - ~~a. Number of signs allowed; and~~
 - ~~b. Location and height of signs.~~
- E. **Conditions.** Reasonable conditions of approval may be imposed by the Design Review Board to achieve the purposes of this Section and ensure compatibility with adjacent land uses and signage.
- F. **Post-Approval Procedures.** After approval of a Master Sign Program, no signs shall be erected, placed, painted, or maintained, except in conformance with such Program, and such Program may be enforced in the same way as any provision in this Section.
1. ***Lease Agreements.*** The Master Sign Program and all conditions of approval shall be attached to the lease agreements for all leasable space within a project.
 2. ***Individual Signs.*** Any sign that conforms to an approved Master Sign Program may be approved by the Zoning Administrator or designee; however, approval of a Master Sign Program does not waive the permit requirements for individual signs.

Article 15.04.610 Standards for Specific Uses and Activities

Sections:

- 15.04.610.010 Purpose
- 15.04.610.020 Accessory Dwelling Units
- 15.04.610.030 Accessory Short-Term Rentals (“Home-shares”)
- 15.04.610.040 Accessory Uses
- 15.04.610.050 Adult Businesses
- 15.04.610.060 Alcoholic Beverage Sales
- 15.04.610.070 Animal Keeping
- 15.04.610.080 Automobile/Vehicle Sales and Leasing
- 15.04.610.090 Automobile/Vehicle Repair, Major
- 15.04.610.100 Automobile/Vehicle Washing
- 15.04.610.110 Bed and Breakfast Lodging
- 15.04.610.120 Breweries and Wineries
- 15.04.610.130 Commercial/Recreation and Entertainment
- 15.04.610.140 Community Assembly
- 15.04.610.150 Convenience Markets
- 15.04.610.160 Domestic Violence Shelters
- 15.04.610.170 Drive-In and Drive-Through Facilities
- 15.04.610.180 Emergency Shelters
- 15.04.610.190 ~~Family~~ Day Care Center, Large
- 15.04.610.200 Farmers Markets
- 15.04.610.210 Group Residential
- 15.04.610.220 Hazardous Waste Facilities
- 15.04.610.230 Home Occupations
- 15.04.610.240 Hospitals and Clinics
- 15.04.610.250 Live-Work Units
- 15.04.610.260 Manufactured Homes
- 15.04.610.270 Medical Marijuana Uses
- 15.04.610.280 Nontraditional Financial Institutions (“Check-cashing”)
- 15.04.610.290 Nurseries and Garden Centers
- 15.04.610.300 Outdoor Dining and Seating
- 15.04.610.310 Outdoor Sales
- 15.04.610.320 Outdoor Vendors (Mobile Food Vendors)
- 15.04.610.330 Pawn Shops; Secondhand Dealers
- 15.04.610.340 Personal Services
- 15.04.610.350 Recycling Facilities
- 15.04.610.360 Residential Facility ~~Care, General~~
- 15.04.610.370 Schools
- 15.04.610.380 Service Stations

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- 15.04.610.390 Single Room Occupancy Housing
- 15.04.610.400 Storage Containers
- 15.04.610.410 Temporary Uses
- 15.04.610.420 Transient Lodging
- 15.04.610.430 Urban Agriculture
- 15.04.610.440 Wind Energy Conversion Systems

15.04.610.010 Purpose

The purpose of this Article is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all zoning districts. These provisions are intended to minimize the impacts of these uses and activities on surrounding properties and the City at large and to protect the health, safety, and welfare of their occupants and of the general public.

15.04.610.020 Accessory Dwelling Units

Accessory dwelling units (ADUs), ~~also known as “second dwelling units”~~, must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts within a “R” Residential Zoning District:

- A. **Zoning Compliance Review.** An applicant must submit the following information to the Zoning Administrator for ministerial approval. There shall be no discretionary review unless the application includes other work, such as an interior or exterior renovation, second story addition, enlargement of the primary structure or an accessory structure, which shall be subject to the regulations and review procedures required for such work.
 - 1. A floor plan drawn to scale of the principal dwelling and the proposed second dwelling unit.
 - 2. Prior to ~~issuance of a zoning compliance certificate~~ the approval of a zoning compliance review, the property owner must enter into a restrictive covenant with the City, which must be recorded against the property. Such covenant must provide that the ~~second-accessory~~ dwelling unit must not be sold, or title thereto transferred separate from that of the property.
- B. **Relation to Main Dwelling Unit.** The accessory dwelling unit shall be clearly subordinate to the main dwelling unit on the lot with regard to size, location and appearance. The accessory dwelling unit shall be either attached to the existing dwelling, located within the living area of the existing dwelling, or detached from the existing dwelling and located on the same lot as the existing dwelling. Detached or attached accessory dwelling units shall have exterior designs that are consistent with the main dwelling unit and incorporate the same or similar building materials, colors, and exterior surfaces and finishes as those on the main dwelling unit.
- C. **Time Limit to Act.** All accessory dwelling unit applications shall be approved or disapproved within 90 days of being accepted as complete (120 days of receipt).

D. **Development Standards.**

1. ***All Accessory Dwelling Units.***

- a. No more than one accessory dwelling unit is permitted on any one lot.
- b. An accessory dwelling unit must comply with all development standards for the applicable zoning districts, including setbacks, maximum floor area, and building height, provided that the interior side and rear setbacks may be reduced to five feet for a detached unit and coverage standards may be waived. This five-foot setback is not required for an accessory dwelling unit constructed above an existing garage.
- c. An accessory dwelling unit must contain its own kitchen and bathroom facilities.
- d. An accessory dwelling unit can have no more than two bedrooms, one bathroom and one kitchen.
- e. The minimum parking requirements for an accessory dwelling unit shall be as prescribed in Article 15.04.607 (Parking and Loading Standards), subject to the following additional provisions. Parking for an accessory dwelling unit may be provided as tandem parking on an existing driveway or in a setback area. No additional parking shall be required if the accessory unit is located: (1) within one-half mile of public transit; (2) in an historic district; (3) in part of an existing primary residence or an existing accessory structure; (4) in an area requiring on-street parking permits but they are not offered to the occupant of the second unit; or (5) within one block of a car-share pick up/drop-off location.
- f. The maximum floor area for an accessory dwelling unit attached or detached to a dwelling shall not exceed 4,200800 square feet or 50-75 percent of the floor area of the principal dwelling, whichever is less. An second-accessory dwelling unit in a detached building shall not exceed 4,200800 square feet or 75 percent of the floor area of the existing single-family dwelling, whichever is less. Additional limitations apply to junior accessory dwelling units; see paragraph (3) below.

2. ***Supplemental Standards for Attached Accessory Dwelling Units.***

- a. An attached accessory dwelling unit must share at least one common wall or roofline with the living area of the principal dwelling.
- b. If the attached accessory dwelling unit is ~~not~~ located above any portion of the existing principal dwelling, the maximum height of such unit must not exceed ~~22 feet~~ the maximum height in the zoning

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district of the principal dwelling unit, provided that additions over 15 feet in height are subject to a Design Review Board approval.

- c. An attached accessory dwelling unit shall have a separate entrance, located on the side or the rear of the principal dwelling; provided, however, that in no event shall any external stairwell be placed within the side yard setback.

3. ***Supplemental Standards for Junior Accessory Dwelling Units.*** Junior accessory dwelling units shall comply with the following standards:

- a. *Number of Units Allowed:* Only one accessory dwelling unit or one junior accessory dwelling unit may be located on any ~~R_M- or RL-~~ zoned lot. An accessory dwelling second unit and a junior accessory dwelling unit shall be allowed if the lot is more than 2,500 square feet or more in size above the minimum lot size required for the zoning district where the units are located.
- b. *Unit Size:* No junior accessory dwelling unit shall contain more than 500 square feet of floor space and shall be contained entirely within an existing single-family or duplex dwelling. An efficiency unit (a single room that includes sleeping and kitchen function) shall not contain less than 150 square feet of floor space, exclusive of a bathroom.
- c. *Setbacks:* All requirements and regulation of the zoning district in which the primary dwelling is situated shall apply.
- d. *Owner Occupancy:* The owner of a lot proposed for a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the accessory dwelling.
- e. *Sale Prohibited:* A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
- f. *Deed Restriction:* A deed restriction shall be completed and recorded, in compliance with paragraph (n) below.
- g. *Location of Junior Accessory Dwelling Unit:* A junior accessory dwelling unit must be created within the existing walls of an existing primary dwelling, which may be a single family dwelling or a duplex, and must include conversion of an existing bedroom or other space within the dwelling to habitable space.
- h. *Separate Entry Required:* A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
- i. *Kitchen Required:* The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:

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- iii. Kitchen Plan. A dimensioned plan drawn to scale indicating proposed kitchen improvements, including a kitchen sink, cooking appliance(s), food preparation counter, and food storage cabinets.
- iv. Deed Restriction. A draft deed restriction completed as required (in paragraph (n), below).
- n. *Deed Restriction.* Prior to obtaining building permits for a junior accessory dwelling unit, a property owner shall file with the Contra Costa County Recorder a deed restriction, in a form approved by the City Attorney, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this section. This deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Zoning Administrator stating that:
 - i. The junior accessory dwelling unit shall not be sold separately from the primary dwelling unit;
 - ii. The junior accessory dwelling unit is restricted to the size and attributes approved by the Zoning Administrator in its Zoning Compliance review per Article 15.04.804;
 - iii. The junior accessory dwelling unit shall be considered legal only so long as either the primary residence or the junior accessory dwelling unit is occupied by the owner of record of the property; and
 - iv. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with any provisions of the Municipal Code, may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.
- 4. ***Supplemental Standards for Detached Accessory Dwelling Units.***
 - a. The distance between the principal dwelling and a detached accessory dwelling unit (ADU) must be at least 10 feet. This separation requirement does not apply when a garage is converted. The ADU can be constructed wholly or partly above the garage and may extend beyond the garage walls.
 - b. A detached accessory structure legally in existence prior to the effective date of this amended Code Section and located outside of the front yard setback, may be converted into an accessory dwelling unit, regardless of any existing nonconformity as to side setback, rear setback, or height if:

- i. The existing structure is not modified or added to in any way that increases the level of nonconformity with all applicable zoning regulations;
 - ii. The floor area of the resulting accessory unit does not exceed ~~4,200~~800 square feet or 75 percent of the existing primary dwelling, whichever is less; and
 - ~~iii.~~ The minimum parking requirements are met on site, unless waived by paragraph (D)(1)(e) above or as a result of a garage conversion.
- c. A new detached two-story accessory dwelling, or addition above 15-feet in height, requires Design Review Board approval.

15.04.610.030 Accessory Short-Term Rentals (“Home-shares”)

Accessory Short-Term Rentals must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Where Allowed.** Accessory short-term rentals of one or two bedrooms in a dwelling unit are allowed in Residential and Commercial Mixed-Use zoning districts, subject to the standards of this section and applicable license requirements of the Municipal Code, provided they do not detract from neighborhood character and the primary use of the dwelling remains residential.
- B. **Resident Occupancy Required.** A resident must occupy the dwelling unit for at least 200 days during each calendar year, and at least one of the unit’s primary residents, acting as the host must be on-site, meaning the host is living in one of the bedrooms in the primary structure or in an accessory dwelling unit on the site.
- C. **No Limitation on Number of Short-term Rentals.** There are no limitations on the annual number of home shares permitted by this section, provided all of standards of this Code are met.
- D. **Habitable Space Required.** A home-share may only offer space for short-term rentals that qualifies as habitable space, as defined by the Building Code. This means that a host may not rent space in an accessory structure, such as a storage shed or a garage, as a “home-share” space.
- E. **Business License Required and Transient Occupancy Tax Required.** A valid business license is required to conduct a home-share business, and the applicable transient occupancy tax, as established by the Chapter 7.88 of the Municipal Code, must be paid by the guest when paying the rental. The collected transient occupancy tax must then be remitted to the City within 30 days of receipt.
- F. **Hired Services.** Hired services for normal maintenance, repair and care of the residence or the site, such as yard maintenance and house cleaning, are allowed.

2. **Landscaping.** The site must comply with all landscaping requirements of Article 15.04.613 (Water-Efficient Landscaping) in effect at the time of application.
3. **Litter.** The exterior of an Adult business, including all signs and accessory buildings and structures, must be maintained free of litter and graffiti at all times. The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. The owner or operator also must remove graffiti within 72 hours. One permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building.

15.04.610.060 Alcoholic Beverage Sales

Retail establishments that sell alcoholic beverages, including liquor stores, must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Applicability.** These standards apply ~~only~~ to alcohol sales for off-site sale and on-sale consumption ~~and do not apply to eating and drinking establishments.~~
- B. **~~Conditional~~ Use Permit Required.** Alcoholic beverage sales shall be allowed only in Industrial, Commercial and Mixed-Use zoning districts and with a ~~conditional~~ use permit or an administrative use permit only for on-sale beer and wine as part of a restaurant. In addition to the findings required for use permits by Section 15.04.806.040, the Planning Commission or Zoning Administrator must find that all of the following criteria have been met:
 1. That the proposed use will not aggravate existing problems in the neighborhood created by the sale of alcohol; and
 2. That the proposed use will not adversely affect adjacent or nearby uses, including churches and other places for religious assembly, schools, hospitals, parks, recreation centers, and residences; and
 3. That the proposed use will not interfere with vehicular or pedestrian circulation along a public street or sidewalk; and
 4. That the proposed will be compatible with or enhance, where appropriate, the visual quality of the surrounding area; and
 5. That there is not an undue concentration of alcoholic beverage establishments in the surrounding area, as defined in Business and Professions Code Section 23958.4, and that the number of alcoholic beverage sales licenses in the census tract where the use will be located does not exceed the limit set by the California Department of Alcoholic Beverage Control; or
 6. If the criteria set forth in subparagraph 5, above, are not met, then the Planning Commission or Zoning Administrator, as the case may be, must

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find that the public convenience or necessity would be served by approving retail alcoholic beverage sales at the proposed location for any two or more of the following reasons:

- a. The sale of alcoholic beverages will enhance recreational or entertainment opportunities in the area.
- b. The sale of alcoholic beverages will promote the economic viability of the area in which it is proposed.
- c. The sale of alcoholic beverages complements the sale of other goods and merchandise at the location.
- d. The issuance of a license at the proposed location will improve the safety and convenience of area residents who purchase alcoholic beverages.

C. **Location.**

1. Minimum distance from other liquor stores: 600 feet.
2. Minimum distance from ~~educational schools, religious, or cultural institutions~~ recreational centers and public parks: 600 feet.
3. *Exception.* These distance restrictions do not apply to new alcoholic beverage retail establishments that have 25 or more, full-time equivalent employees with a floor area of 20,000 square feet or more and sell from the premises food and other groceries for home consumption or commercial use.

D. **Hours of Operation.** Days and hours of operation shall be between 8:00 a.m. and 8:00 p.m., seven days a week. Additional hours may be allowed by the Planning Commission or Zoning Administrator with appropriate conditions of approval to ensure that there will be no adverse effects to adjacent residential neighborhoods. subject to the following findings:

E. **Litter.** The site must be maintained free of litter and graffiti at all times. The owner or operator must provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. The owner or operator must also remove graffiti within 72 hours. One permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building.

F. **Lighting.** All off-street parking areas and building entries serving an ~~Adult~~-business selling alcoholic beverages must be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkway.

G. **Signs.** The following signs must be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:

1. "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age";
2. "No Loitering or Public Drinking"; and

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- B. **Household Pets.** The keeping of four or fewer small domestic household pets, such as cats, dogs, chickens, and birds for noncommercial purposes, is permitted. The keeping of more than four small domestic, household pets is subject to administrative use permit approval.
- C. **Other Animals Allowed in Residential Districts.** In Residential Districts, the following animals are allowed, subject to the specified standards.
1. ***Large Animals.*** ~~See RMC Section 9.24.060. One horse, mule, goat, cow, swine, or other similar size animal is permitted for each 20,000 square feet of lot area, provided that no more than three swine or five such other animals are kept on any lot.~~
 - a. *Horse Stables.*
 - i. Proximity. No horse stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling on the site, or closer than 100 feet to any other dwelling.
 - ii. Maximum Equine Boarding. A maximum of two equines not owned by the resident of the involved property may be boarded or kept as an accessory use without such boarding or keeping being regarded as a commercial equine keeping operation; provided, however, that the total number of equines being boarded or kept does not exceed one for each 4,000 square feet of lot area.
 2. ***Small Animals.*** The keeping of four or fewer small animals (e.g., chickens, birds, ducks, and rabbits) are permitted, provided that:
 - a. Such small animals are for the domestic use of the residents of the lot only and are not kept for commercial purposes.
 - b. The keeping of such small animals is not injurious to the health, safety, or welfare of the neighborhood and does not create offensive noise or odor as determined by the Zoning Administrator after advice from the County Health Department or County Animal Services Officer.
 - c. Such animals shall be kept in coops or enclosures that are no closer than 15 feet to any dwelling.
- D. **Offspring.** The offspring of any permitted animal may be kept until weaned, unless they do not exceed the total number of animals allowed.
- E. **Prohibited Animals.** No predatory wild animals, roosters, endangered animals, or protected animals are allowed to be kept within the City.
- F. **Slaughtering of Animals Prohibited.** No slaughter of animals is allowed anywhere in the City.

- G. **Odor and Vector Control.** Animal structures and exercise areas, including pens, coops, cages, and feed areas, must be maintained free from litter, garbage, and the accumulation of manure so as to discourage the proliferation of flies, other disease vectors and offensive odors. Manure and feces must not be allowed to accumulate within setback areas.
- H. **Containment.** Animals must be effectively contained on the site and not be allowed to run free on any lot in a separate ownership or in a public right-of-way.
- I. **Unlawful Acts.** It is unlawful for a person owning an animal to do any of the following. A violation of this section is also a public nuisance and may be prosecuted as such.
1. Abandon the animal, except to surrender it to an animal shelter or Contra Costa Animal Services;
 2. Fail to license a dog over the age of four months, or allow a dog to leave its premises when the dog does not have a current license affixed to its collar;
 3. Allow an animal to be at large (or to be at a public park, playground or school unless under leash restraint);
 4. Allow a dog to enter on private property without the consent of the person in possession of the property or to damage or destroy a lawn, tree, shrub, or other planting or any other improvement or thing of value on the property;
 5. Allow an animal to defecate on public property or private property of another without immediately cleaning up. The owner of each animal is responsible for the immediate removal of any excreta deposited by the animal anywhere but the owner's own property, and the sanitary disposal of the removal;
 6. Fail to clean up excreta on one's own property within a reasonable period of time;
 7. Allow a barking dog or another animal-related noise that continues for 30 minutes or more in any 24-hour period or intermittently for 60 minutes or more during any 24-hour period causing disturbance to any person regardless of whether the animal is physically situated on private property;
 8. Allow a female dog to roam at large or remain accessible to other roaming dogs while the dog is in heat or breeding condition;
 9. Allow an animal to be tethered or leashed on any street or other public place unattended, except temporary tethering or leashing (or tying in an appropriate and safe place) as the owner enters a store or public place for a specific purpose. In no case shall the temporary tethering exceed 15 minutes;
 10. Tether, fasten, chain, tie or restrain a dog to a dog house, tree, fence or other stationary object for any longer than three hours in a 24-hour period, except:

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a. To a running line, pulley, or trolley system (without a choke or pinch collar); or

b. As required by a camping or recreational area.

11. Harbor or feed a feral cat except on one's own property;

12. Beat, cruelly ill-treat, torment, tease, overload, overwork, or otherwise abuse an animal, nor cause, instigate, or permit any dogfight, cockfight, or combat between animals or animals and humans, excluding police canines;

13. Own, keep or train a dog with the intent that the dog engage in an exhibition of fighting; or cause a dog to fight with or injure another dog, for amusement or gain; or permit either of those actions on premises under his or her control; and

4-14. Expose any known poisonous substance, whether mixed with food or not, so that the substance is liable to be eaten by an animal (except for a person to expose on his or her own property common rat poison mixed only with vegetable substances for the sole purpose of combating rat infestation).

~~H.J.~~ **Compliance with Contra Costa County Code.** All animal keeping shall be in compliance with the Contra Costa County Code, Title IV Article 416 (Animals). With an administrative use permit, the number of animals allowed may be increased by one from the maximum number set in the County Code.

15.04.610.080 Automobile/Vehicle Sales and Leasing

Automobile/vehicle sales and leasing facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

A. **Location.** Automobile/Vehicle Sales and Leasing are permitted on a site with at least one frontage on an arterial street.

B. **Landscaping and Screening.** In addition to complying with the landscaping standards in Article 15.04.613 (Water-Efficient Landscaping), additional screening and landscaping may be required where necessary to screen adjacent Residential districts.

C. **Vehicle Loading and Unloading.** All vehicle loading and unloading must occur on site in the rear half of the site. If the lot abuts a Residential District, the loading and unloading may be located where it will have a lesser impact on the adjacent lot. All loading and unloading must occur during weekday business hours.

D. **Vehicle Storage.** All vehicles ~~having service done on them~~ displayed for sale or lease shall be ~~started~~ stored on site; no overnight storage on public streets is allowed.

15.04.610.120 **Breweries and Wineries**

Industrial and commercial establishments that manufacture and sell beer, wine and similar beverages, including production breweries, wineries, brew-on-premises breweries, and micro-breweries, must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Accessory Retail Sales.** Breweries and Wineries that sell alcoholic beverages for off-site consumption must conform to the regulations in Section 15.04.610.060 Alcoholic Beverage Sales.
 - 1. Accessory retail sales within the Industrial Buffer Zone, as shown on the Zoning Map, are not allowed.
 - 2. In all other zones where breweries and wineries are allowed, the gross floor area devoted to accessory retail sales shall not exceed 10 percent of the total floor area and the sales are limited to beverages manufactured on-site.
- B. **On-site Sales or Tasting.** On-site sale or tasting, for a fee or no fee, of alcoholic beverages is allowed as an accessory use with an administrative use permit and a license from the California Department of Alcoholic Beverage Control, if required. Only the beverages manufactured on-site shall be offered for sale or tasting, and the total floor area for on-site sales and tasting/ shall not exceed 10 percent of the gross floor area of the brewery. Beer brewed by a customer in a brew-on-premises brewer shall not be sold and must be used by the customer for personal or family use.

15.04.610.130 **Commercial/Recreation and Entertainment**

Commercial/Recreation and Entertainment must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Entrance.** Lobby entrance areas should be designed so as to minimize obstruction of sidewalks during operation hours.
- B. **Location.**
 - 1. Minimum distance from nearest school: 1,000 feet.
 - 2. Minimum distance from nearest religious assembly use, residential ~~care~~-facility, rest home or public library: 300 feet.
 - 3. The distance requirements imposed by this subsection may be waived by the Planning Commission pursuant to Article 15.04.809 (Waivers).

15.04.610.140 **Community Assembly**

Community assembly facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Minimum Site Area.**

- F. **Bicycle Parking.** At least one bicycle space for every five beds.

15.04.610.190 ~~Family Day Care~~ Center, Large

~~Large family day care homes~~ A day care center must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Licensing.** ~~Large Family Day Care Centers homes~~ shall be licensed or certified by the State of California and shall be operated according to all applicable state and local regulations.
- ~~B. **Residency.** The operator of a Large Family Day Care Home must be a full-time resident of the dwelling unit in which the facility is located.~~
- ~~C.~~ B. **Screening.** A periphery fence or wall, constructed of wood or masonry, must be provided to screen and secure outdoor areas. Barbed wire is prohibited.
- ~~D.~~ C. **Outdoor Space.** A minimum of 50 square feet of outdoor recreational space must be provided for each child over two years old. Swimming pools and adjacent pool decking shall not count towards meeting this space. The outdoor area cannot be located in any required front or street side yard, nor can it be shared with other property owners.
- ~~E.~~ D. **Passenger Loading.** Curbside loading is presumed adequate for drop-off and pick-up of children; however, where the Zoning Administrator determines that curbside loading is not adequate, a passenger loading plan will be required.
- ~~F.~~ E. **Notification of Changes in Operation.** The operator of the ~~Large Family Day Care~~ Center shall notify the Zoning Administrator in writing of any modifications to hours of operation and drop off and pick up locations.

15.04.610.200 Farmers Markets

Farmers markets must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Qualified Operator.** Farmers markets must be operated by one or more producers, a nonprofit organization, or a local government agency.
- B. **Permits Required.** The market operator and vendors must obtain an administrative use permit and secure all necessary licenses, certificates and health permits, including permits for street closure, if applicable. All permits (or copies of them) must be in the possession of the farmers market manager during all hours of operation.
- C. **Management Plan.** A management plan must be prepared and provided to the Zoning Administrator. The management plan must include the following:
1. Identification of a market manager or managers, who must be present during all hours of operation.

1. **Fire and Building Codes.** All storage or use of hazardous materials must be approved by the Fire Chief and be in conformance with all applicable fire and building codes.
2. **Safety and Security.** The operator shall provide a 24-hour surveillance system that continuously monitors and controls entry onto the facility. Perimeter fencing shall be constructed and security measures taken to prevent climbing and scaling of fences. Masonry walls shall be used when the facility is adjacent to non-industrial uses. The Zoning Administrator shall determine compliance with this standard.
3. **Monitoring.**
 - a. Upon reasonable notice, and for the purpose of ensuring compliance with all standards, conditions, and other requirements that the City is authorized to enforce, City officials may enter the premises on which a hazardous waste facility permit has been granted.
 - b. The owner or operator of a facility shall report quarterly to the Zoning Administrator the amount, type and disposition of all wastes processed by the facility. The report shall include copies of all manifests showing the delivery and types of hazardous wastes, a map showing the exact location (coordinates and elevation), and the quantities and types of materials placed in repositories, stored or disposed of onsite.
 - c. The owner or operator of a hazardous waste facility shall immediately send copies of all complaints regarding facility operations and copies of all inspection reports made by other local, state or federal agencies to the Zoning Administrator.

15.04.610.230 Home Occupations

Home occupations must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Applicability.** The standards of this Section apply to an occupation conducted in a dwelling unit, garage or accessory building in a residential or mixed use district that is incidental to the principal residential use ~~on an appointment basis.~~
- ~~B.~~ **Zoning Compliance Review.** An application for zoning compliance review must be filed in accordance with the provisions of Article 15.04.804.
- ~~B-C.~~ **Exterior Residential Appearance.** The exterior residential appearance of the unit within which the home occupation is conducted must be maintained. No exterior indication of a home occupation is permitted. There shall be no visible signs, except as required by law.
- ~~C-D.~~ **Outdoor Equipment.** No outdoor storage or display of vehicles, equipment, materials or supplies related to the home occupation shall be permitted, with a single

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- | exception: one business vehicle, up to one-ton payload capacity, with signage, used for the home occupation is permitted.
- | ~~D.E.~~ **Employees.** No more than one person other than resident(s) of the dwelling shall be employed on-site or report to work at the site of the home occupation, except for other employees of licensed child care facilities. This prohibition also applies to independent contractors.
- | ~~E.F.~~ **On-Site Client Contact.** Customer and client visits are permitted, provided the home occupation does not generate pedestrian or vehicular traffic in excess of that customarily associated with the zoning district in which the use is located.
- | ~~F.G.~~ **Nuisances.** A home occupation must be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of wireless telecommunications, interference with radio or television reception, or other hazard or nuisance is perceptible on adjacent lots or in neighboring units in a multiple-unit building.
- | ~~G.H.~~ **Sale.** There shall be no sale or display of a commodity on the premises of a home occupation. This prohibition does not apply to cottage food operations meeting the requirements of the California Department of Public Health.
- | ~~H.I.~~ **Prohibited Occupations and Activities.** The business of distributing, transporting, or delivery of medical cannabis or medical cannabis products from the home is not an allowable home occupation. For the regulations and standards for medical marijuana uses, see Section 15.04.610.270.

15.04.610.240 Hospitals and Clinics

Hospitals and clinics must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Location.** Hospitals are only allowed on sites with at least one frontage on an arterial street.
- B. **Minimum Street Frontage.** 100 feet for hospitals; 50 feet for clinics.

15.04.610.250 Live-Work Units

Live-work units must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Establishment.** Live-work units may be established through new construction or through the conversion of existing residential, commercial, and industrial buildings.
- B. **Allowable Uses.** Work activities in live-work units are limited to uses that are permitted outright, or allowed with an administrative use permit or conditional use permit in the zoning district in which the live-work units are located. The owner of an existing or proposed live-work building or unit, or an authorized agent of the owner may apply for the use permit. Live-work units are not permitted to contain

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2. **County Health Department.** If food and/or beverages are being sold, a valid permit from the County Health Department is required for the commissary as well as for the mobile vending unit.
3. **State Certified Vehicle.** Any mobile food vending unit owner shall provide proof that the vehicle is State-certified for operation as a mobile food preparation truck, including compliance with plumbing and electrical standards.
4. **Vehicle Insurance and Registration.** Proof of current insurance and registration of the vehicle must be present with the administrative use permit application.

All permits and licenses shall be displayed at the place of business at all times.

B. **Exemptions.** The following activities shall be excluded from the requirements of this outdoor vendors ordinance:

1. Outdoor activities that take place within the public right-of-way (e.g. peddler businesses);
2. Pumpkin sales from October 1 to October 31, inclusive;
3. Holiday tree sales from November 1 to December 25, inclusive;
4. Residential yard sales activities up to three days within any three-month period;
5. Nonprofit activities related to religious establishments, community events, and fundraisers up to three days within any three-month period; and
6. Special events that take place on land within the PCI zoning district for no more than a maximum of 30 calendar days within any twelve-month period.

C. **Site Criteria/Operational Characteristics.** The following criteria shall apply to the siting and operational characteristics of outdoor vendors:

1. Outdoor vending activities shall be allowed only in Mixed-Use, Commercial and Industrial zoning districts with an administrative use permit as identified in the land use tables for the applicable zoning district.
2. The minimum distance between outdoor vendors is 300 feet.
3. Outdoor vendors located on the premises of an already established business shall be allowed to operate their business on that location only if it can be shown that there is adequate parking for both the established business and for customers of the outdoor vendor business.
4. The off-site location where the mobile vending unit is to be stored overnight must be identified in the application. Mobile vending units shall not be parked in Residential zoning districts.

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15.04.610.360 Residential ~~Care~~General Facility

General residential ~~care~~ facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Location.** Minimum distance from any other residential ~~care~~ facility: 300 feet.
- B. **Common Open Space.** At least 20 square feet of common open space must be provided for each person who resides in the facility.

15.04.610.370 Schools

Non-exempt schools must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zones:

- A. **Use Permit Required.**
 - 1. An administrative use permit is required if a new school will be located in an existing building, and any new space added to the building will not exceed 20 percent of existing floor area, excluding space if portable classrooms.
 - 2. A conditional use permit is required for all new construction of schools and for additions to existing building that exceed 20 percent of existing floor area.
 - 3. To grant the use permit, the Zoning Administrator or the Planning Commission as the case may be, must determine, based on the information presented by the applicant and the standards of this section, that the school location is appropriate for the use, and that adjacent uses will not be adversely affected; that adequate access, student drop-off areas and required off-street parking is provided; and that outdoor play areas are appropriately-sized, furnished with facilities and equipment, safe, and secure.
- B. **Site Plan Required.** The applicant shall provide a site plan with the use permit application that includes all of the following information:
 - 1. The proposed enrollment and student capacity of the school;
 - 2. The number and size of all classrooms;
 - 3. The size and location of all indoor and outdoor areas for physical education;
 - 4. The pedestrian and traffic circulation systems proposed for the site, include student drop-off areas;
 - 5. The proposed parking, both on-site and off-site; and
 - 6. A development phasing schedule, if the school will be developed in phases.
- C. **Locational Standards.**
 - 1. If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be submitted with the use permit application, prepared by a competent professional trained in assessing the frequency, speed, and

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- ii. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.
 - b. A permit for temporary work trailers may be granted for up to 12 months.
8. ***Similar Temporary Uses.*** Similar temporary uses which, in the opinion of the Zoning Administrator, are compatible with the district and surrounding land uses, and are necessary because of unusual or unique circumstances beyond the control of the applicant.
9. ***Temporary Eating and Drinking Establishments.*** A temporary eating and drinking establishment, such as a beer garden, including containers and other temporary structures, may be approved for a maximum period of two years, as a temporary use on an arterial street in a Mixed Use District upon finding that it would not affect long-term implementation of the General Plan land use vision for the corridor. Conditions of approval may be imposed to ensure land use compatibility. Up to three successive one-year extensions may be approved upon finding that the use is compatible with surrounding uses.

15.04.610.420 Transient Lodging

Transient lodging must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Limitation on Long-term Stays.** All hotels and motels, including hotels that are operated as hotel condominiums, time-shares, or under a fractional ownership model, are limited to occupancy of up to 30 consecutive days at any one time and must be available for overnight stays by the general public.
- B. **Residential Use Prohibition.** Residential uses are prohibited.
- C. **When located on the Shoreline.** Any hotel or motel located on the shoreline of San Francisco Bay and San Pablo Bay will be required to provide and maintain public access facilities and expand existing access, including parking for visitors, as required by the Bay Conservation and Development Commission, if feasible, unless expansion would adversely affect natural resources or natural processes.

15.04.610.430 Urban Agriculture

Urban Agriculture facilities must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Maintenance.** Urban agriculture uses shall be maintained in an orderly manner, including litter removal, irrigation, weeding, pruning, pest control and removal of dead or diseased plant materials.
- B. **Equipment.** Use of mechanized farm equipment is prohibited in residential districts.

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approved improvement plans and specifications and at the expense of the subdivider. Construction of improvements shall not begin until the final map or parcel map has been filed with the County Recorder; however, work under grading permits or watercourse permits may be initiated prior to such filing at the discretion of the Director of Engineering and Capital Improvement Projects.

- B. **Frontage Improvements.** The frontage of each lot shall be improved to its ultimate adopted geometric section, including street structural section, curbs, sidewalks, driveway approaches and transitions.

C. **Pedestrian Ways.**

1. Pedestrian ways 10 feet or more in width may be required:
 - a. Through the middle of blocks that are more than 1,000 feet in length;
 - b. To connect culs-de-sac;
 - c. To provide access to playgrounds, parks, schools, shopping centers, or similar community facilities; and/or
 - d. To provide access to bikeways or trails shown on the General Plan, the City of Richmond Bicycle Master Plan, any adopted specific plan, and City of Richmond Pedestrian Plan.
2. The subdivider shall install paving, landscaping, and fences as, approved by the Planning Commission unless otherwise waived.

D. **Bikeways.**

1. Bikeways shall be required as may be required by the Director of Engineering and Capital Improvement Projects and Zoning Administrator in all locations shown on the General Plan and any adopted specific plan and the City of Richmond Bicycle Master Plan, or as approved by the Planning Commission and City Council.
2. Widths shall be as established by the City of Richmond Bicycle Master Plan and are subject to approval by the Director of Engineering and Capital Improvement Projects and Zoning Administrator.
3. Appropriate signs as may be required by the Director of Engineering and Capital Improvement Projects shall be furnished and installed by the subdivider.

E. **Trails.**

1. Trail improvements shall be provided and graded out as may be required by the Director of Engineering and Capital Improvement Projects and Zoning Administrator in all locations shown in the General Plan and any adopted specific plan, or as approved by the Planning Commission and City Council.

3. Administer environmental review requirements pursuant to the California Environmental Quality Act (“CEQA”); determine whether a project is exempt from environmental review under CEQA and, if so, make a record of that determination, pursuant to Section 15.04.803.060 (Environmental Review); propose project revisions and conditions to mitigate environmental impacts; determine whether applications will require preparation of an environmental impact report; and approve Negative Declarations and Mitigated Negative.
4. Provide public notice, as required pursuant to Section 15.04.803.070 (Public Notice).
5. Make decisions on minor design review applications, pursuant to Section 15.04.805.020 (Major and Minor Design Review).
6. Hear and decide applications for Administrative Use Permits pursuant to Article 15.04.806 (Use Permits).
7. Hear and decide requests for minor modifications to approved permits, pursuant to Section 15.04.803.120 (Modification of Approved Plans).
8. Make decisions on requests for waivers of dimensional requirements, pursuant to Article 15.04.809 (Waivers).
- ~~9.~~ Review and make decisions on minor alterations, pursuant to Article 15.04.303.120 (Certificates of Appropriateness).
- ~~9.10.~~ Review and make decisions on applications for signs under Article 15.04.609 (Signs).
- ~~10.11.~~ Make recommendations to the Planning Commission and City Council on all matters on which they have decision-making authority pursuant to Sections 15.04.802.030 (Planning Commission) and 15.04.802.020 (City Council).
- ~~11.12.~~ Investigate and make reports to the Planning Commission on violations of permit terms and conditions when the City has initiated revocation procedures, pursuant to Section 15.04.803.130 (Revocation).
- ~~12.13.~~ Review applications for permits and licenses for conformance with Article XV, pursuant to Article 15.04.804 (Zoning Compliance Review).
- ~~13.14.~~ Enforcing the provisions of Article XV and investigating all violations and suspected violations of Article XV pursuant to Article 15.04.815 (Enforcement Provisions).
- ~~14.15.~~ Refer items to the Planning Commission where, in his/her opinion, the public interest would be better served by a Planning Commission public hearing and action.
- ~~15.16.~~ Refer an application for investigation and a report to one or more expert consultant(s) qualified to advise as to whether the proposal will conform to

time limit specified by the Zoning Administrator, which must not be sooner than 30 days. The Zoning Administrator may grant one extension of up to 90 days.

4. **Expiration of Application.** If an applicant fails to correct any specified deficiency within the specified time limit, the application will be deemed expired. After the expiration of an application, the submittal of a new, complete application is required.
5. **Appeal of Determination.** The decision that an application is incomplete may be appealed to the Planning Commission in accordance with Section 15.04.803.140, except that there must be a final written determination on the appeal no later than 60 days after the Planning Commission's receipt of the appeal.

C. **Complete Application.**

1. **Complete Application Required.** An application must be complete before review of the application begins.
2. **Determination of Complete Application.** An application is complete when the Zoning Administrator determines that it is submitted on the required form, includes all the necessary information to decide whether the application will comply with the requirements of Article XV, and is accompanied by the applicable fee(s). The Zoning Administrator's decision is final and not subject to review by a decision-making body.
3. **Recording Date and Scheduling Hearing.** When an application is determined to be complete, the Zoning Administrator must make a record of that date. If the application requires a public hearing, the Zoning Administrator must schedule it and notify the applicant of the date and time.

15.04.803.050 Multiple Applications

When multiple applications that require public hearings are filed for the same projects, all issues shall be heard together by the review authority with the most authority, and other review bodies shall provide recommendations to that review authority unless more specific procedures for a specific application or procedure are prescribed elsewhere in Article XV.

~~In other words, If a project requires design review, a tentative subdivision map approval, and a conditional use permit, the Design Review Board shall make a recommendation to the Planning Commission. If a rezoning is also required, then the Planning Commission and Design Review Board shall make recommendations to the City Council. However, if a legislative decision is required, the Zoning Administrator shall have the authority to require that the legislative decision be considered first.~~

15.04.803.060 Environmental Review

Before approving any application subject to discretionary review under Article XV, the requirements of the California Environmental Quality Act ("CEQA") (California Public

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information of substantial importance that would require any further environmental review pursuant to the California Environmental Quality Act; and

4. The applicant is maintaining the property in compliance with all applicable City regulations.
- C. In granting an extension pursuant to subsection (B) above, the decision-maker may modify the conditions of approval as deemed necessary to fulfill the purposes of Article XV.

15.04.803.120 Modification of Approved Plans and Conditions of Approval

- A. **Minor Modifications.** The Zoning Administrator may approve minor modifications to approved plans or conditions of approval that are substantially consistent with the original findings and conditions of approval and that would not intensify any potentially detrimental effects of the project.
- B. **Major Modifications.** Modifications that the Zoning Administrator determines are not minor require the approval of the original decision-maker. Any person holding a permit granted under Article XV may apply for such modification by following the same procedure required for the initial application for the permit. Such modifications may be to the terms of the permit itself or to conditions of approval.

15.04.803.130 Revocation

Any permit granted under Article XV may be revoked or modified for cause if any of the conditions or terms of the permit are violated or if any law or regulation is violated. The provisions of this section are not applicable to the termination of nonconforming uses, which are governed by the provisions of Article 15.04.606 (Nonconforming Uses, Structures, and Lots).

- A. **Initiation of Proceeding.** The Zoning Administrator or the City Attorney's Office may initiate revocation proceedings.
- B. **Public Notice.** Notice of Revocation must be provided if the original permit required notice.
- C. **Required Findings.** After a duly-noticed public hearing, a permit may be revoked by the original decision-maker under any one of the following findings:
 1. The approval was obtained by means of fraud or misrepresentation of a material fact;
 2. The use, building, or structure has been substantially expanded beyond what is set forth in the original permit, thereby causing substantial adverse impacts to the surrounding neighborhood;
 3. The use in question has ceased to exist or has been suspended for one year or more; or

4. There is or has been a violation of or failure to observe the terms or conditions of the permit or approval, or the use has been conducted in violation of the provisions of Article XV or any other applicable law or regulation.
- D. **Notice of Action.** A written determination of the revocation must be mailed to the permit holder within five days of determination.

15.04.803.140 Appeals

- A. **Purpose and Applicability.** This section establishes the procedures for appeals of any action by the Zoning Administrator, Director, Design Review Board, or Planning Commission in the administration or enforcement of the provisions of this chapter, as long as the decision is not prescribed as final in the individual section that authorizes the decision.
 1. ***Appeals of Zoning Administrator Decisions.*** Decisions of the Zoning Administrator may be appealed to the Planning Commission by filing a written appeal with the Planning Division.
 2. ***Appeals of Director Decisions.*** Decisions of the Director may be appealed to the Planning Commission by filing a written appeal with the Planning Division.
 3. ***Appeals of Design Review Board.*** Decisions of the Design Review Board may be appealed to the Planning Commission by filing a written appeal with the Planning Division.
 4. ***Appeals of the Historic Preservation Commission.*** Decisions of the Historic Preservation Commission on permits and related approvals may be appealed to the City Council by filing a written appeal with the City Clerk. ~~Appeal decisions of the Historic Preservation Commission are final and not subject to appeal to the City Council.~~
 5. ***Appeals of Planning Commission Decisions.*** Decisions of the Planning Commission on permits and related approvals may be appealed to the City Council only after exhaustion of all other administrative remedies by filing a written appeal with the City Clerk. ~~Appeal decisions of the Planning Commission are final and not subject to appeal to the City Council.~~
- B. **Rights of Appeal.** Appeals may be filed by the applicant, the owner of property, or any other person aggrieved by a decision that is subject to appeal under the provisions of this chapter.
- C. **Time Limits.** Unless otherwise specified in State or Federal law, all appeals must be filed in writing within ten days of the date of the action, decision, motion, or resolution from which the action is taken. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period is extended to the close of business on the next consecutive business day.
- D. **Procedures.**

30 days of the close of the hearing. An action to grant an appeal requires a majority vote of the hearing body members. A tie vote has the effect of rejecting the appeal.

- H. **Referral Back by City Council.** The City Council may choose to refer a matter back to the Planning Commission, the Historic Preservation Commission, or Design Review Board for further consideration and a decision if significant new evidence is presented in conjunction with the appeal, which may include substantial changes to the original proposal.
- I. **Judicial Action.** The appellate body's final decision may be subject to litigation in the Superior Court. Exhaustion of the administrative remedies provided in Article XV, in accordance with Government Code Section 65009 and common law, may be required for the Court to hear the merits of the litigation.

15.04.803.150 Summary of Decision Making, Public Hearing, and Notice Requirements

Table 15.04.803.150 summarizes decision-making responsibilities for the various discretionary permits and actions under Article XV and the public notice required for them if applicable.

TABLE 15.04.803.150: SUMMARY OF DECISION MAKING, PUBLIC HEARING, AND NOTICE REQUIREMENTS								
Permit or Action Type	Reference	Decision Process			Public Hearing Required?	Type of Notice ⁴		Findings
		Advisory	Decision	Appeal ¹		Required	Optional	
Ministerial								
Zoning Compliance Review	Article 15.04.804	N/A	ZA	PC ²	No	None	N/A	None
Sign Permits	Section 15.04.609.150	N/A	ZA	DRB	No	None	N/A	None
Certificate of Appropriateness (minor)	Section 15.04.303.120	N/A	ZA	HPC	No	None	N/A	None
Minor Changes to an Approved Permit ²	Section 15.04.803.120	N/A	ZA	PC	No	None	N/A	None
Quasi-Judicial Actions								
Design Review (minor) ³	Article 15.04.805	N/A	ZA	DRB	No	None	A, B, F	Section 15.04.805.020
Design Review (major)	Article 15.04.805	N/A	DRB	PC	Yes	A, B, C, D, E	F	Section 15.04.805.020

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Permit or Action Type	Reference	Decision Process			Public Hearing Required?	Type of Notice ⁴		Findings
		Advisory	Decision	Appeal ¹		Required	Optional	
Administrative Use Permit ³	<u>Article 15.04.806</u>	N/A	ZA	PC	Yes	A, B, C	F	Section <u>15.04.806.040</u>
Conditional Use Permit	<u>Article 15.04.806</u>	N/A	PC	CC	Yes	A, B, C, D, E	F	Section <u>15.04.806.040</u>
Temporary Use Permit	<u>Subsection 15.04.806.060 C)</u>	N/A	ZA	PC	No	None		Section <u>15.04.807.070</u>
Certificate of Appropriateness (major)	<u>Section 15.04.303.100</u>	N/A	HPC	CC	No	<u>A, B, C, D, E</u> None	A, B, F	Section <u>15.04.303.100</u>
Demolition Permits for Historic Resources	<u>Section 15.04.303.110</u>	N/A	HPC	CC	No	None	A, B, F	Section <u>15.04.303.110</u>
Variance	<u>Article 15.04.808</u>	N/A	PC	CC	Yes	A, B, C, D, E	F	Section <u>15.04.808.030</u>
<u>Variances for Signs</u>	<u>Section 15.04.609.180</u>	<u>N/A</u>	<u>DRB</u>	<u>PC</u>	<u>Yes</u>	<u>A, B, C, D, E</u>	<u>F</u>	<u>Section 15.04.609.180</u>
<u>Master Sign Program</u>	<u>Section 15.04.609.170</u>	<u>N/A</u>	<u>DRB</u>	<u>PC</u>	<u>Yes</u>	<u>A, B, C, D, E</u>	<u>F</u>	<u>Section 15.04.609.170</u>
Waiver	<u>Article 15.04.809</u>	N/A	ZA	PC	No	None	A, B, F	Section <u>15.04.809.050</u>
Revocation	<u>Section 15.04.803.130</u>	N/A	PC	CC ²	Yes	B, C, D, E	A, F	<u>Subsection 15.04.803.130 C)</u>
Legislative Actions								
Development Agreements	<u>Article 15.04.811</u>	D	CC ² Ordinance	None	Yes	B, C, D, E	F	<u>Subsection 15.04.811.060 A)</u>
General Plan Amendments	<u>Article 15.04.813</u>	PC	CC ² Resolution	None	Yes	B, C, D, E	A, F	Section <u>15.04.813.050</u>
Article XV and Zoning Map Amendments	<u>Article 15.04.814</u>	PC	CC Ordinance	None	Yes	B, C, D, E	A, F	Section <u>15.04.814.050</u>

7. Temporary structures of less than 500 square feet total floor area on non-residentially-zoned property, not abutting a residential zoning district.
 8. Single-family homes consistent with the architecture and design standards of a previously approved Planned Area district.
 9. Small residential rooftop solar energy systems.
 10. Solar panels located on roofs or on the ground.
 11. Exterior alterations required by State or federal law or other public agencies.
- C. **Historical Resources.** Any exterior development of a structure or specific site feature listed on the National Register of Historic Places or the California Register, identified as a contributing structure to a historic district, identified in other state or local historic registries, or as determined by a qualified architectural historian or State or federal historic preservation organization as having significant historic contribution to an area may not be exempt from design review.

15.04.805.020 Major and Minor Design Review

Minor and major design review is established as follows:

A. **Minor Design Review**

1. ***Projects Subject to Minor Design Review.*** Projects subject to minor design review include:
 - a. Exterior construction and/or site planning of residences and residential additions of more than 500 square feet in area but less than 1,200 square feet total floor area and less than 15 feet in height.
 - ~~b. An attached second unit.~~
 - ~~c. New non-residential development not exceeding 2,000 square feet in area and alterations and additions to existing non-residential structures not exceeding 30 percent of existing floor area.~~
2. ***Decision-maker.*** The Zoning Administrator conducts minor design review and makes a decision to approve, approve with conditions, or deny the design. The Zoning Administrator, in his or her discretion, may refer any application for design review to the Design Review Board for a decision, in which case the application will be reviewed under the major design review procedures.

- B. **Major Design Review.** The Design Review Board conducts major design review and makes a decision to approve, approve with conditions, or deny a design for any non-exempt project that is subject to design review under subsection 15.04.805.010B) and does not qualify for minor design review under Section 15.04.805.020.

15.04.805.030 Procedures

- A. **Common Procedures.** Applications for design review must be filed and processed in compliance with procedures in Article 15.04.803 (Common Procedures). The Zoning Administrator's determination of what constitute a complete application is final and not subject to review by the Board.
- B. **Concurrent Processing; Sequence of Review.** When a development project requires a Use Permit, Vvariance, or any other discretionary approval, the design review application may be submitted to the Planning Division as ~~a~~ part of the application for the Use Permit, Variance, or other discretionary approval. ~~Design review shall occur after a decision is made on a Use Permit or variance; in the case of a project requiring Major Design Review, the Planning Commission may refer the application to the Design Review Board prior to the Commission taking action. The Zoning Administrator has the authority to require consideration of the Use Permit, Variance, or other discretionary approval prior to Design Review.~~
- C. **Working with the Neighborhood Council.** All applicants for design review, including administrative design review, are strongly encouraged, but not required, to work with their neighborhood council to resolve issues and concerns prior to submitting an application for design review.

15.04.805.040 Design Review Criteria

When conducting design review, the Zoning Administrator or the Design Review Board must evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the General Plan and any applicable specific plan and adopted Design Guidelines, and are consistent with any other policies or guidelines the City Council may adopt for this purpose. Building permit details are beyond the scope of design review. To obtain design review approval, projects must satisfy these criteria to the extent they apply.

- A. The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, reflects design integrity and the relationship of form and function in a coherent manner.
- B. The project design evidences a sense of place; ~~and consideration of scale, mass, height, building siting, and privacy in a neighborhood and community context;~~ does not overwhelm or adversely impact adjoining properties; and respects prevailing setbacks and the scale ~~and heights~~ of neighboring buildings and how they relate to the street.
- C. ~~The project has integrated sun/shadow considerations into building and landscape design to provide for human comfort and not create heat islands with large expanses of unshaded paving.~~
- D. ~~The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, the surrounding neighborhood, and the Richmond community at large.~~

- | ~~E.C.~~ The project's design elements, materials, signage, and landscaping are internally consistent, fully integrated with one another, and applied in a manner that is visually consistent with the proposed architectural design.
- | ~~F.~~ ~~The project contributes to the creation of an attractive and visually interesting built environment that includes a variety of building styles and designs with well-articulated structures that present varied building façades, rooflines, and building heights within a unifying context, compatible with the surrounding neighborhood.~~
- | ~~G.~~ ~~The project design does not substantially limit public views and vistas from public parks and publicly owned open space.~~
- | ~~H.~~ ~~Parking areas are designed and developed to buffer surrounding land uses, minimize stormwater run-off, and provide shade for internal walkways.~~
- | ~~I.D.~~ Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, and avoid creating glare.
- | ~~J.E.~~ The proposed building design and landscaping supports public safety and security by allowing for surveillance of the street by people inside buildings and elsewhere on the site.
- | ~~K.F.~~ Landscaping is designed to be compatible with and enhance the architectural character of the buildings on site. Proposed planting materials avoid conflicts with views, lighting, and signage.
- | ~~L.~~ ~~The project's design supports the community's energy conservation efforts.~~

15.04.805.050 Required Findings

The Zoning Administrator or Design Review Board may only approve a design review application if he, she, or it finds that the application is consistent with:

- A. The General Plan and any applicable specific plans;
- B. Any applicable design guidelines;
- C. Any approved tentative map, Use Permit, Variance, or other planning or zoning approval that the project required; and
- D. The design review criteria in Section 15.04.805.040 (Design Review Criteria).

15.04.805.060 Conditions of Approval

When approving the design of a project, the Zoning Administrator or the Design Review Board may impose reasonable conditions related to design impacts caused by the project application in order to:

- A. Achieve the specific purposes of the zoning district in which the project is to be located, the general purposes of Article XV, requirements of any applicable specific plan, and consistency with General Plan;

15.04.806.040 Required Findings

The decision-maker must make all of the following findings in order to approve or conditionally approve a Use Permit application. Findings must be made on the basis of the application, plans, materials, and testimony submitted at the hearing. The inability to make one or more of the findings is grounds for denial of an application.

- A. The location of the proposed conditional use is in accordance with the General Plan and any applicable specific plan and the land use designations for the project site;
- B. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;
- C. The proposed use will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions;
- D. The proposed use complies with all applicable provisions of Article XV; and
- E. The site of the proposed use is adequately served by highways, streets, water, sewer, and other public facilities and services.

15.04.806.050 Conditions of Approval

The decision-maker has the authority to impose reasonable conditions that are related and proportionate to what is being requested by the applicant, as deemed necessary and appropriate to ensure that the provisions of the General Plan, any applicable specific plan adopted by the City Council, and Article XV are met. The decision-maker may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

15.04.806.060 Decisions; Appeals, Expirations and Extensions; Modifications; Revocations

- A. **Appeals.** A decision of the Zoning Administrator may be appealed to the Planning Commission, and a decision of the Planning Commission may be appealed to the City Council, in accordance with Section 15.04.803.140 (Appeals).
- B. **Expiration, Extensions and Modifications.** Use Permits are effective and may only be extended or modified as provided for in Article 15.04.803 Section 15.04.803.110 and 15.04.803.120 (Common Procedures).
- C. **Revocations.** A Use Permit may be revoked pursuant to Section 15.04.803.130 (Revocation).

- A. A performance, exhibition, dance, celebration or festival requiring a liquor license, entertainment police permit and/or other City permit when sponsored by an organized group of residents and/or business operators in the neighborhood; or
- B. A performance, dance or party requiring a liquor license, entertainment and/or other City permit, an art exhibit, or other similar exhibition in each case if sponsored by a residential or commercial tenant or group of tenants or owner-occupants of the property or structure in which the temporary use is authorized.

When multiple events are proposed within the allowable annual time limit and City permits are to be issued to a particular applicant and premises, only one permit need be granted per annual time period.

15.04.807.040 Temporary Uses: 60 Day Limit

The following uses may be authorized in a nonresidential zone for a period not to exceed 60 days:

- A. Exhibition, celebration, festival, circus, or neighborhood carnival;
- B. Booth for charitable, patriotic or welfare purposes;
- C. Open air sale of agriculturally-produced seasonal decorations including, but not necessarily limited to, holiday or evergreen trees and Halloween pumpkins;
- D. New and used auto sales;
- E. Outdoor sales in a parking lot; and
- F. Parking that is accessory to any temporary use listed above.

15.04.807.050 Temporary Uses: One to Five Year Limit

Temporary uses authorized pursuant to this section may not exceed an initial approval period of up to five years. Extensions of this approval period may be authorized by the Zoning Administrator in increments of up to five-year periods if the authorized use does not adversely affect the future use of the property is consistent with the General Plan, Zoning and applicable specific plans. More specifically, the following uses may be authorized in a nonresidential zone as temporary uses, subject to securing a building permit, if required:

- A. Temporary structures and uses incidental to the construction of a building or a group of buildings, including but not limited to construction staging of materials and equipment;
- B. Rental or sales office incidental to a new development, provided that it is located in the development project or in an adjacent temporary structure;
- C. Structures and uses incidental to environmental cleanup and staging; and
- D. Parking, including that which is accessory to any temporary use listed above.
- E. Passive storage of material and equipment.

~~D.F. Caretaker or guard living units consisting of trailers, mobile homes or relocatable structures.~~

15.04.807.060 Other Temporary Uses in Industrial Zoning Districts

Any other use that is not listed in Sections 15.04.807.030 through 15.04.807.050 but is permitted in an industrial zoning district may be permitted as a temporary use for a time period to be determined by the Zoning Administrator not to exceed 10 years, upon the determination by the Zoning Administrator that authorizing the temporary use will not have a significant adverse effect on the overall timing and phasing of future development under the General Plan and any applicable specific plan.

15.04.807.070 Required Findings

The Zoning Administrator may approve an application for a Temporary Use only upon making both of the following findings:

- A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City; and
- B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed temporary use and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing or proposed parking areas on the site of the temporary use.

15.04.807.080 Conditions of Approval; Effective Date

- A. **Conditions of Approval.** The Zoning Administrator may impose reasonable conditions deemed necessary to ensure compliance with the required findings for a Temporary Use Permit listed above, including, but not limited to: regulation of ingress and egress and traffic circulation; fire protection and access for fire vehicles; regulation of lighting; regulation of hours and/or other characteristics of operation; and removal of all trash, debris, signs, sign supports and temporary structures and electrical service. The Zoning Administrator may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.
- B. **Effective Date.**
 - 1. ***Permit Period 10 Days or Less.*** A Temporary Use Permit issued for 10 days or less becomes effective on the date the permit is approved by the Zoning Administrator, but cannot expire before the event/use that is subject to the Temporary Use Permit occurring.
 - 2. ***Permit Period More than 10 Days.*** A Temporary Use Permit for more than 10 days becomes effective 11 days from the date the permit is approved by the Zoning Administrator.

Article 15.04.810 Planned Area Districts

Sections:

15.04.810.010	Purpose
15.04.810.020	Applicability
15.04.810.030	Procedures
15.04.810.040	Required Findings
15.04.810.050	Conditions
15.04.810.060	Expiration and Renewal
15.04.810.070	Amendments of Approved Plans
15.04.810.080	Development Plan Review

15.04.810.010 Purpose

This Article provides procedures for establishing a Planned Area District to facilitate orderly development of larger sites in the City consistent with the General Plan, especially where a particular mix of uses or character is desired that can best be achieved through an integrated development plan.

15.04.810.020 Applicability

The procedures in this Article apply to all proposals to establish a Planned Area District. The minimum area for a Planned Area District is ~~five~~two acres.

15.04.810.030 Procedures

- A. **Decision-Making Body.** A Planned Area District must be adopted by the City Council as a Zoning Map amendment. A public hearing before the Planning Commission for a recommendation is required prior to City Council review.
- B. **Review Procedures.**
 1. **Rezoning.** An application for rezoning to a Planned Area District must be processed as an amendment to the Zoning Map, according to the procedures of Article 15.04.814 (Amendments to Zoning Map and Text), and must include a Planned Area Plan.
 2. **Planned Area Plan.** The Planned Area Plan will be accepted and processed concurrently, in the same manner as a Conditional Use Permit application, pursuant to Article 15.04.803 (Common Procedures) and Article 15.04.806 (Use Permits), although additional information is required to be submitted in order to determine if the intent of Article XV and the General Plan will be fulfilled. A Planned Area Plan is subject to Major Design Review under Article 15.04.805 (Design Review), which shall occur prior to Planning Commission action on a Planned Area Plan.

Article 15.04.812 Prezoning and Annexation

Sections:

- 15.04.812.010 Purpose
- 15.04.812.020 Applicability
- 15.04.812.030 Prezoning Procedure
- 15.04.812.040 Annexation Regulations
- 15.04.812.050 Effective Date of Zoning and Time Limit

15.04.812.010 Purpose

The purpose of this Article is to establish a procedure for prezoning and criteria for annexation of adjoining unincorporated territory in order to preserve, protect and enhance the character of residential neighborhoods; strengthen the City's economic resources; and manage the fiscal impacts of annexation.

15.04.812.020 Applicability

Unincorporated territory within the Local Agency Formation Commission (LAFCo) adopted Sphere of Influence for the City of Richmond that may be approved for annexation by LAFCo may be prezoned for the purpose of determining the zoning that will apply in the event of subsequent annexation.

15.04.812.030 Prezoning Procedure

- A. Parcels proposed for annexation to the City shall be prezoned consistent with the following unless an application for a different prezoning is initiated and processed according to the procedures established under Article 15.04.814 (Amendments to Zoning Map and Text).
 - 1. ***Undeveloped Residential Parcels.***
 - a. *Development Potential of Five or More Lots.* Parcels with development potential of five or more lots shall be prezoned ~~SFR-3RL2~~ or equivalent and may also be prezoned to allow for mixed use or neighborhood commercial development, consistent with the General Plan, prior to approval of a Tentative Subdivision Map.
 - b. *Development Potential of Less than Five Lots.* Parcels with development potential of less than five lots shall be prezoned ~~SFR-3RL2~~ or equivalent unless an alternate zone would be consistent with the General Plan land use designation(s) for the area to be annexed.
 - 2. ***Developed Residential Parcels and Nonresidential Parcels.*** Developed residential parcels and parcels with development potential for nonresidential use will be pre-zoned consistent with the General Plan and surrounding

Article 15.04.813 General Plan Amendments

Sections:

- 15.04.813.010 Purpose
- 15.04.813.020 Applicability
- 15.04.813.030 Initiation
- 15.04.813.040 Procedures
- 15.04.813.050 Findings
- 15.04.813.060 Planning Commission Action
- 15.04.813.070 City Council Action

15.04.813.010 Purpose

This Article establishes procedures for making changes to the General Plan as provided for in State law ~~when it is in the public interest when there are compelling reasons to do so. These circumstances include, but are not limited to, changes in State or federal law and problems and opportunities that were unanticipated at the time of General Plan adoption or the last amendment.~~

15.04.813.020 Applicability

The procedures of this Article apply to all proposals to change the text of the General Plan and the diagrams that illustrate the application of its provisions.

15.04.813.030 Initiation

An amendment to the ~~text of the~~ General Plan may be initiated by:

- A. Any qualified applicant identified in Section 15.04.803.020 (Application Forms and Fees); or
- B. An order of the City Council or Planning Commission, on its own motion or on the recommendation of the Director.

15.04.813.040 Procedures

An application for an amendment to the General Plan must be filed and processed in accordance with the provisions of Article 15.04.803 (Common Procedures) and considered by the City Council with a recommendation from the Planning Commission. It must be processed in conformance with Government Code Section 65350 *et seq.* Its approval must be by resolution, and it is subject to referendum.

- A. **Required Information.** In addition to any other application requirements, an application for a General Plan amendment must include a statement, supported by documentation, that describes how the proposed amendment conforms to the General Plan's goals and the benefit to the public that will result from approving the proposed change or changes to the General Plan.