City of San Ramon

Zoning Ordinance

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City of San Ramon
7000 Bollinger Canyon Road
San Ramon, California 94583
CITY OF SAN RAMON

ZONING ORDINANCE

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Zoning Ordinance Applicability

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D1-2 - Authority for the Zoning Ordinance  
D1-3 - Applicability of the Zoning Ordinance  
D1-4 - Responsibility for Administration  
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D1-1 - Purposes of the Zoning Ordinance

The City of San Ramon Zoning Ordinance carries out the policies of the San Ramon General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. This Zoning Ordinance is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the City. More specifically, this Zoning Ordinance is intended to:

A. Guide the physical development of the City to:
   1. Preserve and enhance the character and quality of residential neighborhoods;
   2. Foster convenient, harmonious, and workable relationships among land uses;
   3. Achieve the arrangement and diversity of land uses envisioned by the General Plan;

B. Promote the economic stability of existing land uses that are consistent with the General Plan and protect them from intrusion by inharmonious or harmful land uses;

C. Ensure that development includes open space for light, air, and fire safety;

D. Promote the development of non-residential land uses consistent with the General Plan to strengthen the City's economic base;

E. Encourage pedestrian-oriented development to the extent feasible, to assist in reducing unnecessary vehicle trips;

F. Conserve and enhance the City's architectural and cultural resources;

G. Conserve and enhance key visual features of San Ramon's setting, including creeks, undeveloped hillsides and ridgelines;

H. Require development to provide adequate off-street parking and loading facilities, and promote a safe, effective traffic circulation system; and

I. Establish standards for proposed development to maintain acceptable capacities of existing streets, utilities, or public services.
D1-2 - Authority for the Zoning Ordinance

This Zoning Ordinance is enacted based on the authority vested in the City of San Ramon by the Charter of the City of San Ramon and by the State of California, including the California Constitution, the Planning and Zoning Law (Government Code Section 65000 et seq.), and the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

D1-3 - Applicability of the Zoning Ordinance

This Zoning Ordinance applies to all land uses, subdivisions, and development within the City of San Ramon as follows.

A. Application to property. The requirements of this Zoning Ordinance apply to all land within the City of San Ramon, including land owned by the City. The requirements of this Zoning Ordinance shall apply to property owned by and/or under the jurisdiction of any other local, state, or federal agency to the maximum extent allowed by law. The Zoning Map shall govern the application of regulations to specific lots.

B. New land uses or structures, changes to land uses or structures. It shall be unlawful, and a violation of this Zoning Ordinance for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section D2-2 (General Requirements for Development and New Land Uses), and Chapter D7-I (Nonconforming Uses, Structures, and Parcels). Issuance of a Building Permit or Grading Permit by the City shall require that the plans for proposed construction comply with all applicable requirements of this Zoning Ordinance.

C. Subdivisions. Each proposed subdivision shall be consistent with the minimum lot size requirements of Division D2 (Allowable Land Uses and Zoning Standards), the City's Subdivision Ordinance, and all applicable requirements of this Zoning Ordinance.

D. Continuation of an existing land use. An existing land use is lawful and not in violation of the this Zoning Ordinance only when operated and maintained in compliance with all applicable requirements of this Zoning Ordinance, including Chapter D7-I (Nonconforming Uses, Structures, and Parcels). However, these requirements do not retroactively apply to a land use that was lawfully established before the effective date of this Zoning Ordinance or an applicable amendment, except as otherwise provided by Chapter D7-I.

E. Effect of Zoning Ordinance changes on a project in progress.

1. Application in process. A planning permit application (see Division D6 - Planning Permit Procedures) that has been accepted by the Department as complete prior to the effective date of a Zoning Ordinance amendment is subject to the Zoning Ordinance requirements in effect as of the date that the application is deemed complete. Any project revisions or amendment to a permit application, that has been previously deemed complete, shall be subject to the Zoning Ordinance requirements in effect as of the date that the proposed project revisions are deemed complete. Each planning permit application shall be processed in compliance with the requirements of the California Permit Streamlining Act (PSA).

2. Project under construction. A project that is under construction on the effective date of this Zoning Ordinance, or any amendment, need not be changed to satisfy a new or different requirement of this Zoning Ordinance, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.
F. Minimum requirements. The requirements of this Zoning Ordinance are minimum requirements for the promotion of the public health, safety, and general welfare. When this Zoning Ordinance provides for discretion on the part of a City official or body, discretion may be exercised to impose more stringent requirements than those in this Zoning Ordinance as may be determined by the review authority to be necessary to promote appropriate land use and development, environmental resource protection, and the other purposes of this Zoning Ordinance.

G. Conflicting requirements.

1. Zoning Ordinance and Municipal Code or Building Code provisions. If a conflict occurs between requirements of this Zoning Ordinance, or between this Zoning Ordinance and requirements of the San Ramon Municipal Code, the Building Code, or other regulations of the City, the most restrictive shall apply.

2. Development agreements or specific plans. If a conflict occurs between the requirements of this Zoning Ordinance and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.

3. Private agreements. This Zoning Ordinance applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs), without affecting the applicability of any agreement or restriction. The City shall not enforce a private covenant or agreement unless it is a party to the covenant or agreement, or a portion of it.

H. Relationship to prior Zoning Ordinance. The requirements of this Zoning Ordinance supersede all prior zoning ordinances, as amended, of the City of San Ramon. No requirement of this Zoning Ordinance shall validate or legalize a land use or structure that was established, constructed, or maintained in violation of the prior zoning ordinance, as amended, unless it is specifically authorized by this Zoning Ordinance and is in compliance with all other applicable City ordinances and regulations.

I. Application during local emergency. The City Council may authorize deviations from any requirement of this Zoning Ordinance during a local emergency. These deviations shall be authorized by City Council resolution, without notice or public hearing.

J. Other requirements may apply. Nothing in this Zoning Ordinance eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State or Federal agency.

K. Partial invalidation. If any division, article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase or portion of this Zoning Ordinance is for any reason held to be invalid, unconstitutional or unenforceable, that determination shall not affect the validity of the remaining portions of this Zoning Ordinance. The Council hereby declares that this Zoning Ordinance, and every part thereof, would have been adopted irrespective of the fact that one or more portions of this Zoning Ordinance may be declared invalid, unconstitutional or unenforceable.
D1-4 - Responsibility for Administration

The Zoning Ordinance shall be administered by: the San Ramon City Council, referred to in this Zoning Ordinance as the “Council;” the Planning Commission, referred to as the “Commission;” the Planning Services Director, referred to as the "Director;" the Zoning Administrator; and the San Ramon Community Development Department, hereafter referred to as the “Department.” The Zoning Administrator shall be designated by the City Manager.

D1-5 - Rules of Interpretation

A. Authority. The Director has the authority to interpret any provision of this Zoning Ordinance. Whenever the Director determines that the meaning or applicability of a Zoning Ordinance requirement is subject to interpretation, the Director may issue an official interpretation. The Director shall keep a record of any official interpretations made in compliance with this Section and provide the Planning Commission notification of said interpretations. The Director may also refer any issue of interpretation directly to the Commission for its determination. Any official interpretation by the Director or Planning Commission shall be available for public review upon request and may be appealed pursuant to Division D7, Chapter 2.

B. Language. When used in this Zoning Ordinance, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to . . . ."

C. Time limits. Whenever a number of days is specified in this Zoning Ordinance, or in any permit, condition of approval, or notice provided in compliance with this Zoning Ordinance, the number of days shall be construed as consecutive calendar days. A time limit shall extend to 5 p.m. on the following working day where the last of the specified number of days falls on a weekend or holiday.

D. Zoning Map boundaries. See Section D1-7 (Zoning Map and Zones).

E. Allowable uses of land. See Section D2-3 (Allowable Land Uses and Permit Requirements).

F. State law requirements. Where this Zoning Ordinance references a State law requirement (for example, the California Government Code, Subdivision Map Act, or Public Resources Code), the reference shall be construed to be to the applicable State law as it may be amended from time-to-time.

G. Conflicting requirements. See Section D1-3.G (Conflicting requirements).
Chapter II - Zoning Map

Sections:
D1-6 - Purpose
D1-7 - Zoning Map and Zones

D1-6 - Purpose
This Chapter establishes the zones applied to property within the City and adopts the City's Zoning Map.

D1-7 - Zoning Map and Zones
The Council hereby adopts the City of San Ramon Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department and the City Clerk. The Zoning Map is hereby incorporated into this Zoning Ordinance by reference as though it were fully included here.

A. Zones established. The City of San Ramon shall be divided into zones that implement the San Ramon General Plan, as follows.

1. Zoning designation system. The zones established by this Section are shown as symbols on the Zoning Map that consist of letters and numbers, organized as follows.

   a. General land use indicator. Each zone symbol includes a letter that indicates the primary purpose of the zone in terms of land use types. For example, "RS" means that the primary land use type is single-family residential, though certain non-residential uses may also be allowed.

   b. Residential density or dwelling type indicator. The land use symbol for a particular zone may include a number that identifies a sub-district with a specific range of dwelling unit densities or a type of dwelling. For example, "RS-12" identifies an area within the single-family residential zone where the minimum lot size is 12,000 square feet.

   c. Overlay zone indicator. One or more overlay zone indicators may be appended to the primary zone indicator to identify any overlay zones that apply to a site. For example, "RS-12-L" would identify a residentially zoned site that is subject to a "Landmark" designation.

2. Zones. The zones shown in Table 1-1 are hereby established, and shall be shown on the Zoning Map.

B. Interpretation of zone boundaries. If there is uncertainty about the location of any zone boundary shown on the official Zoning Map, the location of the boundary shall be determined by the Zoning Administrator as follows.

   1. A zone boundary shown as approximately following a property line shall be construed to follow the property line.

   2. On unsubdivided land, or where a zone boundary divides a lot, the location of the boundary shall be determined by using the scale on the Zoning Map, unless dimensions printed on the map indicate the boundary location.
3. A zone boundary shown as approximately following the right-of-way line of a freeway, street, railroad, or other identifiable boundary line shall be construed to follow the right-of-way or other boundary line.

4. A zone boundary shown as located within the right-of-way line of a freeway, street, railroad, or other identifiable boundary line shall be construed to follow the centerline of the right-of-way or boundary line.

5. If any uncertainty remains about the location of a zone boundary or other feature shown on the zoning map, the location shall be determined by the Zoning Administrator.

C. Development on a lot divided by zone boundaries. If a lot is divided by a zone boundary, the regulations of this Zoning Ordinance that apply to each zone shall be applied to the area within each district, and no use other than parking serving a principal use on the site shall be located in a district in which it is not a permitted or conditional use in Division D2 (Allowable Land Uses and Zoning Standards).
### TABLE 1-1 - ZONES

<table>
<thead>
<tr>
<th>Zone Symbol</th>
<th>Name of Zone</th>
<th>General Plan Classification Implemented by Zone</th>
<th>See Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>RC</td>
<td>Rural Conservation</td>
<td>Rural Conservation - 1 unit/5 acres</td>
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</tr>
<tr>
<td>HR</td>
<td>Hillside Residential</td>
<td>Hillside Residential - 2 units/acre</td>
<td>D2-II</td>
</tr>
<tr>
<td>RE</td>
<td>Residential Estate</td>
<td>Single Family Low Density - 0.2 to 3 units/acre</td>
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<tr>
<td>RS</td>
<td>Single-Family Residential</td>
<td>Single Family Low Density - 0.2 to 3 units/acre, Single Family Low-Medium Density - 3 to 6 units/acre, Single Family Medium Density - 6 to 14 units/acre</td>
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</tr>
<tr>
<td>RM</td>
<td>Medium Density Residential</td>
<td>Multiple Family-High Density - 14 to 30 units/acre</td>
<td></td>
</tr>
<tr>
<td>RMH</td>
<td>Medium-High Density Residential</td>
<td>Multiple Family-High Density - 14 to 30 units/acre</td>
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</tr>
<tr>
<td>RH</td>
<td>High Density Residential</td>
<td>Multiple Family-Very High Density - 30 to 50 units/acre</td>
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<td>RVH</td>
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<td>Multiple Family-Very High Density - 30 to 50 units/acre</td>
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<td>Mixed Use</td>
<td>D2-III</td>
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<td>CCMU</td>
<td>City Center Mixed Use</td>
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<td>Administrative Office</td>
<td>Office</td>
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<td>OL</td>
<td>Limited Office</td>
<td>Office</td>
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<td>CC</td>
<td>Community Commercial</td>
<td>Retail Shopping Mixed Use</td>
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<td>Thoroughfare Commercial</td>
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<td>Commercial Services</td>
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<td>Commercial Recreation</td>
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<td>MW</td>
<td>Manufacturing/Warehousing</td>
<td>Manufacturing/Warehousing</td>
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# TABLE 1-1 - ZONES

<table>
<thead>
<tr>
<th>Zone Symbol</th>
<th>Name of Zone</th>
<th>General Plan Classification Implemented by Zone</th>
<th>See Chapter</th>
</tr>
</thead>
<tbody>
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<td>Special Purpose Zones</td>
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<td>AG</td>
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<td>OS-2</td>
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<td>P</td>
<td>Parks and Recreation</td>
<td>Parks</td>
<td>D2-V</td>
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<td>GC</td>
<td>Golf Course</td>
<td>Golf Course</td>
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<tr>
<td>PS</td>
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<td>Public and Semipublic</td>
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<td>Office</td>
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<td>M-2</td>
<td>Health Facility</td>
<td>Office</td>
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<td>Overlay Zones</td>
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<tr>
<td>H</td>
<td>Height</td>
<td>All</td>
<td>D2-VI</td>
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</tr>
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<td>L</td>
<td>Landmark</td>
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<td></td>
</tr>
<tr>
<td>SH</td>
<td>Senior Housing</td>
<td>All</td>
<td></td>
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</tbody>
</table>
Division D2

Allowable Land Uses and Zoning Standards

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Chapter I - Development and Land Use Approval Requirements

Sections:

D2-1 - Purpose
D2-2 - General Requirements for Development and New Land Uses
D2-3 - Allowable Land Uses and Permit Requirements
D2-4 - Exemptions from Land Use Permit Requirements
D2-5 - Temporary Uses

D2-1 - Purpose

This Chapter describes the City’s general requirements for the approval of proposed development and new land uses. The permit requirements established by this Zoning Ordinance for specific land uses are in Chapters D2-III through D2-V.

D2-2 - General Requirements for Development and New Land Uses

Each land use and/or structure shall be established, constructed, reconstructed, altered, moved or replaced in compliance with the following requirements.

A. **Allowable use.** The land use shall be allowed by this Zoning Ordinance in the zone applied to the site. The basis for determining whether a use is allowable is described in Section D2-3 (Allowable Land Uses and Permit Requirements).

B. **Permit and approval requirements.** Any land use permit or other approval required by Section D2-3 (Allowable Land Uses and Permit Requirements) shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section D2-4 (Exemptions from Land Use Permit Requirements).

C. **Development standards, conditions of approval.** Each land use and structure shall comply with the development standards of this Chapter, the provisions of Division D3 (Site Planning and Project Design Standards), and any applicable conditions imposed by a previously granted land use permit.

D. **Legal parcel.** The site of a proposed development or new land use shall be a parcel that was legally created in compliance with the Subdivision Map Act and the City’s Subdivision Ordinance.

D2-3 - Allowable Land Uses and Permit Requirements

A. **Allowable land uses.** The uses of land allowed by this Zoning Ordinance in each zone are listed in Chapters D2-II, D2-III, D2-IV, and D2-V (Tables 2-1, 2-6, 2-8, 2-11, 2-12, 2-14, and 2-15, respectively), together with the type of land use permit required for each use. Each land use listed in Tables 2-1, 2-6, 2-8, 2-11, 2-12, 2-14, and 2-15 is defined in Division D8 (Glossary).
1. **Establishment of an allowable use.**
   
a. Any one or more land uses identified by Tables 2-1, 2-6, 2-8, 2-11, 2-12, 2-14, and 2-15 as being allowable within a specific zone may be established on any parcel within that zone, subject to the land use permit requirements of Subsection B, and compliance with all applicable requirements of this Zoning Ordinance.

b. Where a single parcel is proposed for development with two or more of the land uses listed in the tables, the overall project shall be subject to the highest permit level required by Subsection B for any individual use. For example, a new building proposed in the OA zone with a bank on the ground floor and professional offices on the second floor would require Minor Use Permit (MUP) approval because Table 2-8 requires Minor Use Permit approval for “banks and financial services,” even though an “Office - Professional” is listed in the OA zone as a permitted use, requiring only a Zoning Clearance.

2. **Use not listed.** A land use that is not listed in Tables 2-1, 2-6, 2-8, 2-11, 2-12, 2-14, and 2-15, and is determined by the Zoning Administrator to not be included in Division D8 (Glossary) under the definition of a listed land use, is not allowed within the City, except as otherwise provided in Subsection A.3, or Section D2-4 (Exemptions from Land Use Permit Requirements).

3. **Similar and compatible use may be allowed.** The Zoning Administrator may determine that a proposed use not listed in this Division is allowable as follows:

   a. **Required findings.** The Zoning Administrator may determine that a proposed use is similar to and compatible with a listed use and may be allowed, only after first making all of the following findings:

      (1) The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the zone;

      (2) The use will be consistent with the purposes of the applicable zone;

      (3) The use will be consistent with the General Plan and any applicable Specific Plan;

      (4) The use will be compatible with the other uses allowed in the zone; and

      (5) The use is not listed as allowable in another zone.

      A determination that a use qualifies as a “similar use” and the findings supporting the determination shall be in writing.

   b. **Applicable standards and permit requirements.** When the Zoning Administrator determines that a proposed, but unlisted, use is similar to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Zoning Ordinance apply.

   c. **Referral for determination.** The Zoning Administrator may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the Commission for a determination at a public meeting.

   d. **Appeal.** A determination of similar and compatible use may be appealed in compliance with Chapter D7-II (Appeals and Calls for Review).
B. **Permit requirements.** Tables 2-1, 2-6, 2-8, 2-11, 2-12, 2-14, and 2-15 within Chapters D2-III, D2-IV, and D2-V provide for land uses that are:

1. Permitted subject to compliance with all applicable provisions of this Zoning Ordinance. As determined by the Zoning Administrator, a Zoning Clearance may be required prior to operation, (Section D6-30). These are shown as "P" uses in the tables;

2. Allowed subject to the approval of a Minor Use Permit (Section D6-28), and shown as "MUP" uses in the tables;

3. Allowed subject to the approval of a Use Permit (Section D6-28), and shown as "UP" uses in the tables;

4. Allowed subject to the type of City approval required by a specific provision of Chapter D4-III (Standards for Specific Land Uses), and shown as "S" uses in the tables; and

5. Allowed subject to compliance with all applicable provisions of this Zoning Ordinance, subject first obtaining a Zoning Clearance (Section D6-30). These are shown as “ZC” uses in the tables;

6. Not allowed in particular zones, and shown as "—" in the tables.

**Note:** A land use authorized through the approval of a Zoning Clearance, Minor Use Permit, or Use Permit may also require Architectural Review (Section D6-22), Preliminary Plan Review (Section D6-26), a Building Permit, or other permit required by the Municipal Code.

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**D2-4 - Exemptions from Land Use Permit Requirements**

The planning permit requirements of this Zoning Ordinance do not apply to the land uses, structures, and activities identified by this Section. These are allowed in all zones subject to compliance with this Section.

A. **General requirements for exemption.** The land uses, structures, and activities identified by Subsection B below are exempt from the land use permit requirements of this Zoning Ordinance only when:

1. The use, activity or structure is established and operated in compliance with the setback requirements, height limits, parking requirements, and all other applicable standards of this Division (Allowable Land Uses and Zone Standards), Division D3 (Site Planning and Project Design Standards), and, where applicable, Chapter D7-I (Nonconforming Uses, Structures, and Parcels); and

2. Any permit or approval required by regulations other than this Zoning Ordinance is obtained (for example, a Building Permit).

B. **Exempt activities and land uses.** The following are exempt from the land use permit requirements of this Zoning Ordinance when in compliance with Subsection A above.

1. **Decks, paths and driveways.** Decks, platforms, on-site paths, and driveways that are not required to have a Building Permit, Grading Permit, or Encroachment Permit.

2. **Fences and walls.** See Section D3-4 (Fences, Walls, and Screening).

3. **Interior remodeling.** Interior alterations that do not: (a) increase the gross floor area of the structure; (b) increase the number of dwelling units; (c) increase the number of bedrooms to

Division D2 – Allowable Land Uses and Zone Standards – Effective March 28, 2018 2-5
the extent that additional parking would be required; or (d) change the permitted use of the structure.

4. **Repairs and maintenance.**
   
a. **Single-family dwellings.** Ordinary repairs to, and maintenance of, single-family dwellings, that are also exempt from Architectural Review (Section D6-22).

b. **Multi-family, and non-residential structures.** Ordinary repairs to, and maintenance of, multi-family residential and non residential structures, if:

   (1) The work does not change the approved land use of the site or structure, or add to, enlarge or expand the land use and/or structure;

   (2) Any exterior repairs employ the same materials and design as the original construction; and

   (3) The work is exempt from Architectural Review (Section D6-22).

5. **Small, portable residential accessory structures.** A single portable structure per lot or unit, limited to pre-manufactured storage sheds and similar small structures in residential zones that are exempt from Building Permit requirements in compliance with the Municipal Code and the Uniform Building Code. Additional structures may be approved in compliance with Section D4-26 (Accessory Structures), where allowed by the applicable zone.

6. **Solar Energy System.** The installation of a solar energy system to the roof or side of a building, provided that the system complies with applicable height limit requirements; and ground-mounted systems comply with the setback requirements and height limitations of the applicable zone and accessory structure requirements and are not visible from off the site to the maximum extent feasible.

7. **Utilities.** The erection, construction, alteration, or maintenance by a public utility or public agency of utilities intended to service existing or nearby approved developments shall be permitted in any zone. These include: water; gas; electric; supply or disposal systems; including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc., but not including new transmission lines and structures. See Section D3-12 for utility undergrounding requirements. Satellite and wireless communications antennas are not exempt, and are instead subject to Chapter D4-IV (Wireless Telecommunications Facilities).

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**D2-5 - Temporary Uses**

Requirements for establishing a temporary use (for example, a construction yard, seasonal sales lot, special event, temporary office trailer, etc.) are in Section D6-27 (Temporary Use Permits).
Chapter II – Residential Zones

Sections:

D2-6 - Purpose
D2-7 - Purposes of the Residential Zones
D2-8 - Residential Zone Land Uses and Permit Requirements
D2-9 - Residential Zone General Development Standards
D2-10 - RC and HR Zone Clustering Requirements

D2-6 - Purpose

This Chapter lists the land uses that may be allowed within the residential zones established by Section D1-7 (Zoning Map and Zones), determines the type of land use permit/approval required for each use, and provides basic standards for site layout and building size.

D2-7 - Purposes of the Residential Zones

The purposes of the residential zones and the manner in which they are applied are as follows.

A. **RC (Rural Conservation) zone (0.0 to 0.2 du/ac).** The RC zone is applied to areas of the City without urban services, with open space and habitat value, where rural single-family residential development may occur at densities of up to one unit per five gross developable acres. Clustering is encouraged to permit suitable development sites with less than 20 percent slope, where the overall project preserves 90 percent of its site in open space. Minimum lot size for new parcels is at least five acres. The RC zone is consistent with and implements the Rural Conservation land use classification of the General Plan.

B. **HR (Hillside Residential) zone (0.0 to 2.0 du/ac).** The HR zone is applied to hillside areas of the City appropriate for single-family dwellings, where proposed development requires special standards to ensure resource preservation and limited visual impacts. Single-family residential development may occur at densities of up to two units per acre. Clustering is required to permit suitable development sites on less than 20 percent slope, and to preserve 70 percent of an overall development site in open space. Minimum lot size for new parcels is at least five acres. The HR zone is consistent with and implements the Hillside Residential land use classification of the General Plan.

C. **RE (Residential Estate) zone (0.2 to 3.0 du/ac).** The RE zone is applied to areas of the City appropriate for very low density residential land uses, at densities of 0.2 to 3.0 units per acre, compatible with the topography and public service capacities. The specific allowable density for each parcel is shown on the Zoning Map by a numerical suffix residential density designator (see Section D2-8). Minimum lot size for new parcels ranges from 15,000 to 20,000 square feet. The RE zone is consistent with and implements the Single Family Low Density land use classification of the General Plan.

D. **RS (Single-Family Residential) zone (3.0 to 12.0 du/ac).** The RS zone is applied to areas of the City appropriate for single-family residential land uses in neighborhoods at a density of three to six units per net acre, subject to appropriate standards. The specific allowable density for each parcel is shown on the Zoning Map by a numerical suffix residential density designator (see Section D2-8). Minimum lot size for new parcels ranges from 3,500 to 12,000 square feet. Depending upon the applicable residential density designator, the RS zone is consistent with and implements the Single

E. **RM (Medium-Density Residential) zone (6.0 to 14.0 du/ac).** The RM zone is applied to areas of the City appropriate for multiple residential uses, including duplexes, townhouses, or cluster housing with landscaped open space for residents’ use at a density of 6 to 14 units per net acre. Single-family dwellings are also permitted. Minimum lot size for new parcels is 3,500 square feet or larger. The RM zone is consistent with and implements the Multiple Family High Density land use classification of the General Plan.

F. **RMH (Medium-High Density Residential) zone (14.0 to 22.0 du/ac).** The RMH zone is applied to areas of the City appropriate for townhouses or apartments at a density of 14 to 22 units per net acre. Minimum lot size for new multifamily parcels is 10,000 square feet or larger. Single-family dwellings are also permitted with a minimum lot size for new parcels of 2,000 square feet with a maximum of 3,100 based on the per acre RMH density range. The RMH zone is consistent with and implements the Multiple Family High Density land use classification of the General Plan.

G. **RH (High-Density Residential) zone (22.0 to 30.0 du/ac).** The RH zone is applied to areas of the City appropriate for compact, high density, well-designed residential development, including apartments and town houses with a density range of 22 to 30 units per net acre. Proposed development will reflect high quality design with integrated open space and recreational and/or cultural amenities, as well as providing workforce housing, structured parking, and units of various number of bedrooms, with specific attention to three and more bedroom units to achieve the overall goal of providing diverse types of dwelling units. Minimum lot size for new parcels is 10,000 square feet or larger. The RH zone is consistent with and implements the Multiple Family Very High Density land use classification of the General Plan.

H. **RVH (Multiple Family-Very High Density) zone (30.0 to 50.0 du/ac).** The RVH zone is applied to areas appropriate for the highest density multiple-family residential development within the City, at densities between 30 and 50 units per net acre. Proposed development will reflect high quality design with integrated open space and recreational and/or cultural amenities, as well as providing workforce housing, structured parking, and units of various number of bedrooms, with specific attention to three and more bedroom units to achieve the overall goal of providing diverse types of dwelling units. Minimum lot size for new parcels is 10,000 square feet or larger. The RVH zone is consistent with and implements the Multiple Family Very High Density land use classification of the General Plan.

---

**D2-8 - Residential Zone Land Uses and Permit Requirements**

A. **Applicability.** Table 2-1 identifies the uses of land allowed by this Zoning Ordinance in each residential zone, and the land use permit required to establish each use, in compliance with Section D2-3 (Allowable Land Uses and Permit Requirements).

**Note:** Where the last column in the table ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

B. **Additional City review requirements.** A land use that is authorized by the planning permit required by Table 2-1 may also require Architectural Review (Section D6-22), and/or Preliminary Plan Review (Section D6-26).

C. **Temporary uses.** Section D6-27 (Temporary Use Permits) establishes permit requirements and standards for all allowable temporary uses.
### TABLE 2-1

#### Allowed Land Uses and Permit Requirements for Residential Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY DISTRICT</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RC</td>
<td>HR</td>
</tr>
<tr>
<td>AGRICULTURAL &amp; OPEN SPACE USES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural accessory structure</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Farm animal keeping - less than 1 acre</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Farm animal keeping - max. 2 heads on 1 acre or greater</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Farm animal keeping - 3 heads or more on 1 acre or greater</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Crop production, horticulture, orchard, vineyard</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf course, country club</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Equestrian facilities</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Library, museum, gallery</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Meeting facility, public or private</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Park and recreation facilities, noncommercial</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Private residential recreation facility (in project)</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Schools, public or private</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

#### Key to Zoning District Symbols

<table>
<thead>
<tr>
<th>RC</th>
<th>Rural Conservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>HR</td>
<td>Hillside Residential</td>
</tr>
<tr>
<td>RE</td>
<td>Residential Estate</td>
</tr>
<tr>
<td>RS</td>
<td>Single-Family Residential</td>
</tr>
<tr>
<td>RM</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>RMH</td>
<td>Medium-High Density Residential</td>
</tr>
<tr>
<td>RH</td>
<td>High Density Residential</td>
</tr>
<tr>
<td>RVH</td>
<td>Multi-Family Very High Density</td>
</tr>
</tbody>
</table>

#### Notes:

1. See Division D8 for land use definitions.
### TABLE 2-1
Allowed Land Uses and Permit Requirements for Residential Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY DISTRICT</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RC</td>
<td>HR</td>
</tr>
<tr>
<td>Animal - Wild or Exotic</td>
<td>S(2)</td>
<td>S(2)</td>
</tr>
<tr>
<td>Animal – Domestic</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Chickens, raising of</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Cottage Food Operation</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Emergency shelter</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Home occupation</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Mobile home park</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Multi-family housing</td>
<td>_</td>
<td>_</td>
</tr>
<tr>
<td>Organizational house (sorority, monastery, etc.)</td>
<td>_</td>
<td>_</td>
</tr>
<tr>
<td>Residential accessory use or structure</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Residential care facility for the elderly (RCFE)</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Residential care, with RCFE, 6 or fewer clients</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Residential care, 7 or more clients 18 and older</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Residential care, 7 or more clients under 18 years</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Rooming or boarding house</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Accessory Dwelling Unit (ADU)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Single-family dwelling</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Single-room occupancy unit</td>
<td>_</td>
<td>_</td>
</tr>
<tr>
<td>Supportive housing, 6 or fewer persons</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Supportive housing, 7 or more persons</td>
<td>UP</td>
<td>_</td>
</tr>
<tr>
<td>Transitional housing, 6 or fewer persons</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Transitional housing, 7 or more persons</td>
<td>UP</td>
<td>_</td>
</tr>
</tbody>
</table>

**Key to Zoning District Symbols**

<table>
<thead>
<tr>
<th>RC</th>
<th>Rural Conservation</th>
<th>RM</th>
<th>Medium Density Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>HR</td>
<td>Hillside Residential</td>
<td>RMH</td>
<td>Medium-High Density Residential</td>
</tr>
<tr>
<td>RE</td>
<td>Residential Estate</td>
<td>RH</td>
<td>High Density Residential</td>
</tr>
<tr>
<td>RS</td>
<td>Single-Family Residential</td>
<td>RVH</td>
<td>Multi-Family Very High Density</td>
</tr>
</tbody>
</table>

**Notes:**

(1) See Division D8 for land use definitions.
(2) See San Ramon Municipal Code Division B2 for wild or exotic animal regulations.
TABLE 2-1
Allowed Land Uses and Permit Requirements for Residential Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY DISTRICT</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RC</td>
<td>HR</td>
</tr>
<tr>
<td>SERVICES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child day care - Large family day care home</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Child day care - Small family day care home</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Day care center - Child or adult</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Lodging - Bed &amp; breakfast inn (B&amp;B)</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Public safety facility</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>TRANSPORTATION, COMMUNICATIONS &amp; INFRASTRUCTURE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility facility</td>
<td>UP(2)</td>
<td>UP(2)</td>
</tr>
<tr>
<td>Utility infrastructure</td>
<td>P(2)</td>
<td>P(2)</td>
</tr>
<tr>
<td>Windmill for electricity generation</td>
<td>UP(2)</td>
<td>UP(2)</td>
</tr>
<tr>
<td>Wireless telecommunications facility</td>
<td>S(2)</td>
<td>S(2)</td>
</tr>
</tbody>
</table>

Key to Zoning District Symbols

<table>
<thead>
<tr>
<th>RC</th>
<th>RM</th>
<th>RMH</th>
<th>RH</th>
<th>RVH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Conservation</td>
<td>Medium Density Residential</td>
<td>Medium-High Density Residential</td>
<td>High Density Residential</td>
<td>Multi-Family Very High Density</td>
</tr>
<tr>
<td>Hillside Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Estate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. See Division D8 for land use definitions.
2. Architectural Review may also be required; see Section D6-22.
[Page intentionally left blank]
D2-9 - Residential Zone General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Tables 2-2, 2-3, and 2-4 in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Division D3 of this Zoning Ordinance.

**TABLE 2-2 - RC, HR, AND RE DEVELOPMENT STANDARDS**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RC</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td></td>
</tr>
<tr>
<td>Area (net)</td>
<td>5 ac (1)</td>
</tr>
<tr>
<td>Width</td>
<td>300 ft (1)</td>
</tr>
<tr>
<td>Depth</td>
<td>300 ft (1)</td>
</tr>
<tr>
<td>Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>30 ft</td>
</tr>
<tr>
<td>Side - Interior (each)</td>
<td>20 ft</td>
</tr>
<tr>
<td>Side - Corner</td>
<td>25 ft</td>
</tr>
<tr>
<td>Sides – Non-Corner Lot Aggregate</td>
<td>40 ft</td>
</tr>
<tr>
<td>Sides – Corner Lot Aggregate</td>
<td>45 ft</td>
</tr>
<tr>
<td>Rear</td>
<td>35 ft</td>
</tr>
<tr>
<td>Accessory structures</td>
<td></td>
</tr>
<tr>
<td>Lot coverage, FAR</td>
<td></td>
</tr>
<tr>
<td>Lot coverage</td>
<td>N.A</td>
</tr>
<tr>
<td>FAR</td>
<td>N.A</td>
</tr>
<tr>
<td>Height limit</td>
<td></td>
</tr>
<tr>
<td>Maximum height</td>
<td>35 ft</td>
</tr>
<tr>
<td>Development Feature</td>
<td>Requirement by Zone</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Exterior finish materials</td>
<td>The exterior walls of all primary structures shall have a nonmetallic finish</td>
</tr>
<tr>
<td>Landscaping</td>
<td>See Section D3-II (Landscape Design Standards)</td>
</tr>
<tr>
<td>Driveways and Paved Area</td>
<td>See Section D3-37 (Driveways and Site Access)</td>
</tr>
<tr>
<td>Parking</td>
<td>See Chapter D3-III (Parking and Loading)</td>
</tr>
<tr>
<td>Signs</td>
<td>See Chapter D3-IV (Signs)</td>
</tr>
</tbody>
</table>

Notes: (1) Clustering is encouraged in the RC zone and required in HR. See Section D2-10.
## TABLE 2-3 - RS DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RS-12</td>
</tr>
</tbody>
</table>

### Minimum lot size
- **Area (net)**
  - RS-12: 12,000 sf
  - RS-10: 10,000 sf
  - RS-7: 7,000 sf
  - RS-6: 6,000 sf
  - RS-D: 3,500 sf
- **Width**
  - RS-12: 100 ft
  - RS-10: 70 ft
  - RS-7: 65 ft
  - RS-6: 60 ft
  - RS-D: 40 ft
- **Depth**
  - RS-12: 100 ft
  - RS-10: 100 ft
  - RS-7: 95 ft
  - RS-6: 90 ft
  - RS-D: 80 ft

### Setbacks
- **Front**
  - RS-12: 20 ft
  - RS-10: 20 ft
  - RS-7: 20 ft
  - RS-6: 20 ft
  - RS-D: 15 ft (1)
- **Side - Interior (each)**
  - RS-12: 10 ft
  - RS-10: 10 ft
  - RS-7: 5 ft
  - RS-6: 5 ft
  - RS-D: 0 ft
- **Side - Corner**
  - RS-12: 15 ft
  - RS-10: 15 ft
  - RS-7: 15 ft
  - RS-6: 15 ft
  - RS-D: 10 ft
- **Sides – Non-Corner Lot Aggregate**
  - RS-12: 25 ft
  - RS-10: 20 ft
  - RS-7: 15 ft
  - RS-6: 15 ft
  - RS-D: 10 ft
- **Sides – Corner Lot Aggregate**
  - RS-12: 25 ft
  - RS-10: 25 ft
  - RS-7: 20 ft
  - RS-6: 20 ft
  - RS-D: 10 ft
- **Rear**
  - RS-12: 15 ft
  - RS-10: 15 ft
  - RS-7: 15 ft
  - RS-6: 15 ft
  - RS-D: 15 ft
- **Accessory structures**
  - See Section D4-26 (Accessory Structures)

### Lot coverage, FAR
- **Lot coverage**
  - N.A
- **FAR**
  - N.A

### Height limit
- **Maximum height**
  - 35 ft

### Exterior finish materials
- The exterior walls of all primary structures shall have a nonmetallic finish.

### Landscaping
- See Chapter D3-II (Landscape Design Standards)

### Driveways and Paved Area
- See Section D3-37 (Driveways and Site Access)

### Parking
- See Chapter D3-III (Parking and Loading)

### Signs
- See Chapter D3-IV (Signs)

**Notes:**
- (1) Driveway aprons require a minimum garage façade setback of 18 feet.
### TABLE 2-4 - RM, RMH, RH, AND RVH DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RM</td>
</tr>
<tr>
<td><strong>Minimum lot size</strong></td>
<td></td>
</tr>
<tr>
<td>Area (net)</td>
<td>3,500 sf</td>
</tr>
<tr>
<td>Width</td>
<td>40 ft</td>
</tr>
<tr>
<td>Depth</td>
<td>80 ft</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>15 ft (1)</td>
</tr>
<tr>
<td>Side - Interior (each)</td>
<td>6 ft</td>
</tr>
<tr>
<td>Side - Corner</td>
<td>10 ft</td>
</tr>
<tr>
<td>Sides - Aggregate</td>
<td>16 ft</td>
</tr>
<tr>
<td>Rear</td>
<td>15 ft</td>
</tr>
<tr>
<td>Accessory structures</td>
<td></td>
</tr>
<tr>
<td><strong>Non-Residential Lot coverage, FAR</strong></td>
<td></td>
</tr>
<tr>
<td>Lot coverage (non-residential)</td>
<td>25%</td>
</tr>
<tr>
<td>FAR (max non-residential)</td>
<td>0.50</td>
</tr>
<tr>
<td><strong>Height limit</strong></td>
<td></td>
</tr>
<tr>
<td>Maximum height</td>
<td>35 ft</td>
</tr>
</tbody>
</table>

**Notes:**
1. Driveway aprons require a minimum garage façade setback of 18 feet.
2. Five feet is allowed for a Row-house façade with stoop, where the first floor is elevated a minimum of three feet above the sidewalk.

**TABLE notes:**
- Minimum setbacks required. See Section D3-10 for exceptions, and allowed projections into setbacks.
- Maximum percentage of total lot area that may be covered by structures, and maximum nonresidential floor area ratio (FAR) for non-residential uses identified in Table 2-1.
- Maximum allowable height of structures. See Section D3-6 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.
D2-10 - RC and HR Zone Clustering Requirements

A. **Applicability.** Residential development including four or more units should be clustered within the RC zone, and shall be clustered within the HR zone, in compliance with this Section.

B. **Cluster development design standards.** The design of a proposed cluster development shall comply with the following standards.

1. **Minimum lot area.** Each clustered lot shall be a minimum of 20,000 square feet.

2. **Maximum cluster size.** No more than 10 dwelling units shall be within a single cluster.

3. **Setback and buffer requirements.** Proposed structures shall be located on each parcel with minimum setbacks of 30 feet in the front, 20 feet on each side, and 35 feet in the rear. A residential cluster shall be separated from each other cluster and any roadway abutting the site by a minimum of 100 feet.

C. **Open space preservation.**

1. **RC zone.** Clustering is encouraged to permit suitable development sites with less than 20 percent slope, and so that the overall project will preserve 90 percent of its site as open space.

2. **HR zone.** Clustering is required to permit suitable development sites with less than 20 percent slope. The overall project shall preserve 70 percent of its site as open space.

3. **Preservation requirements.** The open space on the site that is preserved by clustering shall be retained as part of an unsubdivided open space parcel or in individual open space parcels, and shall not be eligible for future development; provided that open space parcels may include conservation open space, community recreation open space, public access opens space, or buffer open space.
D. **Maximum residential density.** The maximum allowed residential density on a site where the development is clustered in compliance with this Section shall be based on the percentage of total site area that is permanently preserved as open space, as follows.

### TABLE 2-5 - MAXIMUM DENSITY IN CLUSTERED DEVELOPMENT

<table>
<thead>
<tr>
<th>Percent of Site Area Permanently Preserved as Open Space</th>
<th>Maximum Allowable Density</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RC Zone</td>
</tr>
<tr>
<td>Up to 49.9%</td>
<td>1 unit per net 5 acres (0.20 units per net acre)</td>
</tr>
<tr>
<td>50 to 59.9%</td>
<td>1 unit per 4 net acres (0.25 units per net acre)</td>
</tr>
<tr>
<td>60 to 69.9%</td>
<td>1 unit per 3.33 net acres (0.30 units per net acre)</td>
</tr>
<tr>
<td>70 to 79.9%</td>
<td>1 unit per 2.85 net acres (0.35 units per net acre)</td>
</tr>
<tr>
<td>80% or more</td>
<td>1 unit per 2.50 net acres (0.40 units per net acre)</td>
</tr>
</tbody>
</table>
Chapter III – Mixed Use Zones

Sections:

D2-11 - Purpose
D2-12 - Purposes of Mixed Use Zones
D2-13 - Mixed Use Zone Land Uses and Permit Requirements
D2-14 - Mixed Use Zone General Development Standards
D2-15 - Mixed Use Zone Additional Development Standards

D2-11 - Purpose

This Chapter lists the land uses that may be allowed within the Mixed Use zones established by Section D1-7 (Zoning Map and Zones), determines the type of land use permit/approval required for each use, and provides basic standards for site layout and building size.

D2-12 - Purposes of Mixed Use Zones

The purposes of the individual Mixed Use zones and the manner in which they are applied are as follows.

A. **MU (Mixed Use) zone.** The MU zone is applied to areas of the City appropriate for an integrated mix of non-residential uses, including retail, services, and offices, together with residential uses at intensities of up to 0.70 FAR. Development should reflect high quality design with integrated open space and recreational and/or cultural amenities, and opportunities for affordable housing. Structured parking may be required. Additional FAR, up to a maximum of 1.00, may be allowed for projects that provide more than the required 25 percent of total units for workforce housing and significant public benefit. The MU zone is consistent with and implements the Mixed Use land use classification of the General Plan.

B. **CCMU (City Center Mixed Use) zone.** The CCMU zone is applied to the City Center properties in compliance with the General Plan to develop the City Center into a cultural, recreational, and compatible retail center that provides for a cohesive mix of civic, retail, office, and open space uses. Development intensities of up to 0.70 FAR will be permitted. Additional FAR, up to a maximum of 1.35, may be allowed for projects that include such elements as affordable housing and significant public benefits and/or amenities such as public art and plazas, public facilities, and/or a transit facility nearby or in close proximity to the CCMU Zone. Development should reflect high quality design, with integrated open space and recreational and/or cultural amenities, as well as opportunities for workforce housing. Structured parking may be required. The CCMU Zone is consistent with and implements the Mixed Use land use classification of the General Plan.
D2-13 - Mixed Use Zone Land Uses and Permit Requirements

Table 2-6 identifies the uses of land allowed by this Zoning Ordinance in the Mixed Use Zones, and the land use permit required to establish each use, in compliance with Section D2-3 (Allowable Land Uses and Permit Requirements).

Note: Where the last column in the table ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.
### TABLE 2-6
Allowed Land Uses and Permit Requirements for Mixed Use Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MU</td>
<td>CCMU</td>
</tr>
</tbody>
</table>

#### INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

- Media production: MUP
- Recycling facility: UP — MUP
- Research and development, general: MUP
- Research and development, limited: ZC
- Laboratory, non-medical: MUP

#### RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

- Commercial recreation facility - Indoor: UP — MUP
- Conference/convention facility: UP — UP
- Fitness/health facility: UP — UP
- Library, museum, gallery (non-retail gallery): P — P
- Meeting facility, public or private: MUP — MUP
- Night Club: — — MUP
- Park and recreation facility - Site of 2 acres or less: P — MUP
- School - Public or private: UP — UP
- School - Specialized education or training: UP — MUP
- Sports and entertainment assembly facility: UP — UP
- Studio - Art, dance, martial arts, music, etc. (ground floor): MUP(3) — MUP
- Studio - Art, dance, martial arts, music, etc. (upper floors): P — MUP
- Theater, movies or performing arts: UP — UP

#### RESIDENTIAL USES

- Animal - Wild or Exotic: S(4) — S(4)
- Animal - Domestic: P — P
- Emergency shelter: P — P
- Home occupation: S — S
- Live/work unit: MUP — MUP
- Mixed use project residential component: P — P
- Supportive housing: UP — UP
- Transitional housing: UP — UP
- Residential care: MUP —

### Key to Zoning District Symbols

<table>
<thead>
<tr>
<th>MU</th>
<th>Mixed Use</th>
<th>CCMU</th>
<th>City Center Mixed Use</th>
</tr>
</thead>
</table>

### Notes:

1. See Division D8 for land use definitions.
2. Use allowed only on second or upper floors.
3. Use allowed with a Minor Use Permit or Zoning Clearance, as identified in the table above, on ground floor if non-retail uses occupy 25% or less of the gross ground floor area. Non-retail uses exceeding 25% gross ground floor area may be authorized by a Minor Use Permit.
### TABLE 2-6
Allowed Land Uses and Permit Requirements for Mixed Use Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MU</td>
<td>CCMU</td>
</tr>
<tr>
<td>RETAIL TRADE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory retail and services</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Alcoholic Beverage Manufacturing, Micro-Brewery</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Auto and vehicle sales and rental</td>
<td>UP</td>
<td>MUP</td>
</tr>
<tr>
<td>Building/landscape materials sales - Indoor showroom</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>Convenience store</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>Drive-through retail</td>
<td>UP</td>
<td>—</td>
</tr>
<tr>
<td>Eating and drinking establishments</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>With wine and beer</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>With full alcoholic beverage service</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Alcoholic Beverage Manufacturing, Brew Pub</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>With take-out service</td>
<td>P</td>
<td>MUP</td>
</tr>
<tr>
<td>With drive-through service</td>
<td>MUP</td>
<td>—</td>
</tr>
<tr>
<td>With live entertainment</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>With up to 12 outdoor seats or stools</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>With 13 or more outdoor seats or stools</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Farmer's market – Ongoing</td>
<td>UP</td>
<td>MUP</td>
</tr>
<tr>
<td>Food and beverage sales - Chain grocery</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>Food and beverage sales - Specialty food store</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Furniture, furnishings, and appliance store</td>
<td>MUP</td>
<td>P</td>
</tr>
<tr>
<td>Mobile home, boat, or RV sales</td>
<td>UP</td>
<td>—</td>
</tr>
<tr>
<td>Outdoor retail sales and activities</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Outdoor vendor</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Pharmacy, medical supplies</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail, general - 50,000 sf or less floor area</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail, general - over 50,000 sf of floor area</td>
<td>UP</td>
<td>P</td>
</tr>
<tr>
<td>Second hand store</td>
<td>MUP</td>
<td>MUP</td>
</tr>
</tbody>
</table>

**Key to Zoning District Symbols**

<table>
<thead>
<tr>
<th>MU</th>
<th>CCMU</th>
<th>City Center Mixed Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mixed Use</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

1. See Division D8 for land use definitions.
2. Limited to an auto rental agency accessory to a hotel.
3. Use allowed with a Minor Use Permit or Zoning Clearance, as identified in the table above, on ground floor if non-retail uses occupy 25% or less of the gross ground floor area. Non-retail uses exceeding 25% gross ground floor area may be authorized by a Minor Use Permit.
4. Allowed only accessory to department store.
### TABLE 2-6
Allowed Land Uses and Permit Requirements for Mixed Use Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MU</td>
<td>CCMU</td>
</tr>
<tr>
<td>SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ATM</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Bank, financial services</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Business support service</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Medical services - Clinic, laboratory, urgent care (ground floor)</td>
<td>MUP(3)</td>
<td>MUP</td>
</tr>
<tr>
<td>Medical services - Clinic, laboratory, urgent care (upper floors)</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Medical services - Doctor office (ground floor)</td>
<td>ZC(3)</td>
<td>P(2)</td>
</tr>
<tr>
<td>Medical services - Doctor office (upper floors)</td>
<td>P</td>
<td>P(2)</td>
</tr>
<tr>
<td>Medical services - Extended care</td>
<td>—</td>
<td>UP</td>
</tr>
<tr>
<td>Office - Accessory</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Office - Business/service (ground floor)</td>
<td>ZC(3)</td>
<td>P</td>
</tr>
<tr>
<td>Office - Business/service (upper floors)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Office - Government (ground floor)</td>
<td>ZC(3)</td>
<td>P</td>
</tr>
<tr>
<td>Office - Government (upper floors)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Office - Processing (ground floor)</td>
<td>MUP(3)</td>
<td>MUP</td>
</tr>
<tr>
<td>Office - Processing (upper floors)</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Office - Professional/administrative (ground floor)</td>
<td>ZC(3)</td>
<td>P</td>
</tr>
<tr>
<td>Office - Professional/administrative (upper floors)</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

### SERVICES - GENERAL

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MU</td>
<td>CCMU</td>
</tr>
<tr>
<td>Adult day care</td>
<td>—</td>
<td>UP</td>
</tr>
<tr>
<td>Animal services - Boarding/training</td>
<td>MUP</td>
<td>—</td>
</tr>
<tr>
<td>Animal services - Grooming</td>
<td>ZC(3)</td>
<td>—</td>
</tr>
<tr>
<td>Animal services - Veterinary clinic, animal hospital</td>
<td>MUP</td>
<td>—</td>
</tr>
<tr>
<td>Catering service</td>
<td>—</td>
<td>MUP</td>
</tr>
<tr>
<td>Child day care center</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Child day care center - Accessory to on-site anchor tenant</td>
<td>MUP</td>
<td>UP</td>
</tr>
<tr>
<td>Child day care - Small family day care home</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>Lodging - Bed &amp; breakfast inn (B&amp;B)</td>
<td>—</td>
<td>UP</td>
</tr>
<tr>
<td>Lodging - Hotel or motel</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Personal services</td>
<td>P</td>
<td>MUP</td>
</tr>
<tr>
<td>Public safety facility</td>
<td>MUP</td>
<td>P</td>
</tr>
</tbody>
</table>

### Key to Zoning District Symbols

<table>
<thead>
<tr>
<th>MU</th>
<th>Mixed Use</th>
<th>CCMU</th>
<th>City Center Mixed Use</th>
</tr>
</thead>
</table>

(1) See Division D8 for land use definitions.
(2) Use allowed only if it does not exceed 10% of the total office space on the site.
(3) Use allowed with a Minor Use Permit or Zoning Clearance, as identified in the table above, on ground floor if non-retail uses occupy 25% or less of the gross ground floor area. Non-retail uses exceeding 25% gross ground floor area may be authorized by a Minor Use Permit.
# TABLE 2-6
Allowed Land Uses and Permit Requirements for Mixed Use Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MU</td>
<td>CCMU</td>
</tr>
<tr>
<td>Broadcasting studio</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Cogeneration facilities</td>
<td>—</td>
<td>UP</td>
</tr>
<tr>
<td>Heliport</td>
<td>—</td>
<td>UP</td>
</tr>
<tr>
<td>Parking facility, public or commercial</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Transit station</td>
<td>UP</td>
<td>P</td>
</tr>
<tr>
<td>Utility facility</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Utility infrastructure</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wireless telecommunications facility</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

**Key to Zoning District Symbols**

<table>
<thead>
<tr>
<th>MU</th>
<th>Mixed Use</th>
<th>CCMU</th>
<th>City Center Mixed Use</th>
</tr>
</thead>
</table>
**D2-14 - Mixed Use Zone General Development Standards**

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-7, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Division D3 of this Zoning Ordinance.

**TABLE 2-7 - MU AND CCMU DEVELOPMENT STANDARDS**

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MU</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td>Minimum area and width for parcels proposed in new subdivisions.</td>
</tr>
<tr>
<td>Area (net)</td>
<td>10,000 sf</td>
</tr>
<tr>
<td>Width</td>
<td>80 ft</td>
</tr>
<tr>
<td>Depth</td>
<td>Determined through subdivision process</td>
</tr>
<tr>
<td>Residential density</td>
<td>Minimum site area per dwelling unit. The actual number of units allowed will be determined through subdivision or land use permit approval.</td>
</tr>
<tr>
<td>Maximum density</td>
<td>Determined by General Plan</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Minimum setbacks required. See Section D3-10 for exceptions, and allowed projections into setbacks.</td>
</tr>
<tr>
<td>Front</td>
<td>15 ft</td>
</tr>
<tr>
<td>Side - Interior (each)</td>
<td>None</td>
</tr>
<tr>
<td>Side - Corner</td>
<td>10 ft</td>
</tr>
<tr>
<td>Rear</td>
<td>None</td>
</tr>
<tr>
<td>Accessory structures</td>
<td>See Section D4-26 (Accessory Structures)</td>
</tr>
</tbody>
</table>

Except that a 25-foot wide side and/or rear yard shall be required abutting a residential zone, and where a lot abuts the Interstate 680 right-of-way; and structures shall not intercept the daylight plane required by Section D2-15.
### TABLE 2-7 - MU AND CCMU DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MU</td>
</tr>
<tr>
<td>Lot coverage, FAR</td>
<td></td>
</tr>
<tr>
<td>Lot coverage</td>
<td>N.A.</td>
</tr>
<tr>
<td>FAR</td>
<td>Maximum 0.70 FAR. Additional FAR up to 1.00 may be permitted with Use Permit approval for a project that provides more than the required 25% of total units as workforce housing</td>
</tr>
<tr>
<td>Height limit</td>
<td></td>
</tr>
<tr>
<td>Maximum height</td>
<td>60 ft., and as limited by Daylight Plane Requirements (D2-15.A) and Section D3-6 (Height Limits and Exceptions)</td>
</tr>
<tr>
<td>Landscaping</td>
<td>See Chapter D3-II (Landscape Design Standards)</td>
</tr>
<tr>
<td>Parking</td>
<td>See Chapter D3-III (Parking and Loading)</td>
</tr>
<tr>
<td>Signs</td>
<td>See Chapter D3-IV (Signs)</td>
</tr>
</tbody>
</table>
D2-15 - Mixed Use Zone Additional Development Standards

A. **Daylight plane requirement.** A proposed structure shall not intercept a 30-degree daylight plane inclined inward at a residential zone property line and/or I-680 freeway property line. The 30-degree daylight plane shall be measured from:

1. A height of 6 to 8 feet above existing grade, as required by section D3-4.F, at the R zone property line and/or I-680 freeway property line for a site in a MU zone; and
2. A height of 12 feet above existing grade at the R zone boundary line and/or I-680 freeway property line for a site in the CCMU zone.

The 30-degree daylight plane shall be measured from the required height above the existing site grade regardless of the site grade on either side of the property line.

B. **Mixed use project development standards.** A mixed use project shall comply with the following requirements. A mixed use project combines a mix of nonresidential and residential uses on the same site. The residential units of mixed use projects are typically located above the nonresidential uses (vertical mixed use), but horizontal mixed use may be allowed which provides residential at ground level behind street-facing nonresidential uses.

1. **Design considerations.** A mixed use project shall be designed to achieve the following objectives.
   
   a. The design shall provide for internal compatibility between the residential and nonresidential uses on the site.
   
   b. Potential glare, noise, odors, traffic, and other potentially significant impacts on residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.
   
   c. The design shall take into consideration potential impacts on adjacent properties and shall include specific design features to minimize potential impacts.
   
   d. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.
   
   e. Site planning and building design shall provide for convenient and attractive pedestrian access from the public street into the nonresidential portions of the project, through such means as courtyards, plazas, walkways, and street furniture.
   
   f. Site planning and building design shall be compatible with and enhance the adjacent and surrounding land uses in terms of building design, color, exterior materials, landscaping, lighting, roof styles, scale, and signage.

2. **Mix of uses.** A mixed use project may combine residential uses with any other use allowed in the MU or CCMU zone; provided that where a mixed use project is proposed with a use that is required to have Use Permit approval, the entire mixed use project shall be subject to that permit requirement.

3. **Site layout and project design standards.** Each mixed use project shall comply with the property development standards of the applicable zone, and the following requirements.
a. **Location of residential units.** The location of residential units shall comply with the standards prescribed in this Section.

b. **Parking.** To encourage the development of both residential and nonresidential uses in mixed use zones, the use of shared parking provisions shall be incorporated into mixed use projects.

c. **Loading areas.** Nonresidential loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible.

d. **Refuse and recycling areas.** Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.

4. **Performance standards.**

a. **Lighting.** Lighting for nonresidential uses shall be appropriately shielded to limit impacts on the residential units.

b. **Noise.** Each residential unit shall be designed and constructed to minimize adverse impacts from nonresidential project noise, in compliance with the City's Noise Ordinance.

c. **Hours of operation.** A mixed use project proposing a nonresidential component located below or in front of a residential component that will operate outside of the hours from 7:00 a.m. to 7:00 p.m., shall require Use Permit approval to ensure that the commercial uses will not negatively impact the residential uses within the project, or any adjacent residential uses.
Chapter IV – Commercial, Office and Industrial Zones

Sections:

D2-17 - Purpose
D2-18 - Purposes of Commercial, Office and Industrial Zones
D2-19 - Commercial, Office and Industrial Land Uses and Permit Requirements
D2-20 - Commercial, Office and Industrial General Development Standards
D2-21 - Standards for Specific Commercial, Office and Industrial Zones

D2-17 - Purpose

This Chapter lists the land uses that may be allowed within the Commercial, Office and Industrial Zones established by Section D1-7 (Zoning Map and Zones), determines the type of land use permit/approval required for each use, and provides basic standards for site layout and building size.

D2-18 - Purposes of Commercial, Office and Industrial Zones

The purposes of the individual Commercial, Office and Industrial zones and the manner in which they are applied are as follows.

A. **OA (Administrative Office) zone.** The OA zone is applied to areas of the City appropriate for major office buildings, support facilities, and compatible commercial uses within landscaped environments that are protected from the more intense levels of activity associated with retail commercial development. Building intensity may be up to 0.45 FAR. The OA zone is consistent with and implements the Office land use classification of the General Plan.

B. **OL (Limited Office) zone.** The OL zone is applied to areas of the City appropriate for offices and limited retail uses, subject to development standards that prevent significant adverse effects on adjacent uses. Building intensity may be up to 0.45 FAR. The OL zone is consistent with and implements the Office land use classification of the General Plan.

C. **CC (Community Commercial) zone.** The CC zone is applied to areas of the City appropriate for retail shopping centers containing a wide variety of commercial establishments, including stores selling a wide variety of products, restaurants, commercial recreation, service stations, and business, personal and financial services. Building intensity may be up to 0.45 FAR. The CC zone is consistent with and implements the Retail Shopping land use classification of the General Plan.

D. **CT (Thoroughfare Commercial) zone.** The CT zone is applied to areas near freeways, appropriate for businesses predominately serving the needs of the community and traveling public. Appropriate land uses within this zone include lodging, automobile service stations, restaurants, and retail uses. Personal services may also be permitted to serve adjacent residential neighborhoods. Building intensity may be up to 0.50 FAR. The CT zone is consistent with and implements the Thoroughfare Commercial land use classification of the General Plan.

E. **CS (Service Commercial) zone.** The CS zone is applied to areas of the City appropriate for commercial services, including automobile sales and services, building materials, contractors' yards, warehousing, storage and similar uses. Building intensity may be up to 0.50 FAR. The CS zone is consistent with the Commercial Services land use classification of the General Plan.
F. **CR (Commercial Recreation) zone.** The CR zone is applied to areas of the City appropriate for golf courses, sports and fitness clubs, and outdoor commercial recreation facilities at intensities of up to 0.35 FAR. The CR zone is consistent with the Commercial Recreation land use classification of the General Plan.

G. **MW (Manufacturing/Warehousing) zone.** The MW zone is applied to areas of the City appropriate for general and low intensity industrial uses at up to 0.50 FAR, including manufacturing, warehousing, distribution, research and development, etc., and supportive uses. Offices may be allowed as an accessory use. The MW zone is consistent with the Manufacturing and Warehousing land use classification of the General Plan.

### D2-19 - Commercial, Office and Industrial Land Uses and Permit Requirements

Table 2-8 identifies the uses of land allowed by this Zoning Ordinance in the Commercial, Office and Industrial zones, and the land use permit required to establish each use, in compliance with Section D2-3 (Allowable Land Uses and Permit Requirements).

**Note:** Where the last column in the table (“Specific Use Regulations”) includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.
### TABLE 2-8
Allowed Land Uses and Permit Requirements for Commercial, Office & Industrial Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY ZONE</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>OA</td>
<td>OL</td>
</tr>
</tbody>
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#### INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

<table>
<thead>
<tr>
<th>Land Use Details</th>
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<th>CS</th>
<th>CR</th>
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<tbody>
<tr>
<td>Alcoholic Beverage Manufacturing, Micro-Brewery</td>
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<td>UP</td>
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<tr>
<td>Alcoholic Beverage Manufacturing, Distillery</td>
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<tr>
<td>Construction contractor base - Indoor</td>
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<tr>
<td>Construction contractor base - Outdoor storage</td>
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<td>Industry, custom</td>
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<tr>
<td>Industry, limited</td>
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<td>Industry, limited, small-scale</td>
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<td>Research and development, general</td>
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<td>Storage - Outdoor</td>
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<td>MUP</td>
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<td>D-35</td>
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<tr>
<td>Storage - Personal storage facility (mini-storage)</td>
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<tr>
<td>Storage - Warehouse, indoor storage, limited</td>
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<td>—</td>
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<tr>
<td>Wholesaling and distribution</td>
<td>—</td>
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<td>—</td>
<td>MUP</td>
<td>—</td>
<td>P</td>
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<tr>
<td>Wholesaling and distribution - Small scale</td>
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#### RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

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<th>CR</th>
<th>MW</th>
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<tr>
<td>Commercial recreation facility - Indoor</td>
<td>—</td>
<td>—</td>
<td>UP</td>
<td>UP</td>
<td>MUP</td>
<td>MUP</td>
<td>P</td>
</tr>
<tr>
<td>Commercial recreation facility - Outdoor</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>UP</td>
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<tr>
<td>Conference/convention facility</td>
<td>—</td>
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<td>UP</td>
<td>UP</td>
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<td>Equestrian facility</td>
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<tr>
<td>Fitness/Health facility</td>
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<td>—</td>
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<td>UP</td>
<td>MUP</td>
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<tr>
<td>Golf course</td>
<td>—</td>
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<td>—</td>
<td>—</td>
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<tr>
<td>Library, museum, art gallery</td>
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<td>—</td>
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<tr>
<td>Meeting facility, public or private</td>
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<td>—</td>
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<td>—</td>
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<tr>
<td>Park and recreation facility - Site of 2 acres or less</td>
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<tr>
<td>School - Public or private</td>
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<td>—</td>
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<tr>
<td>School - Specialized education or training</td>
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<tr>
<td>Sports and entertainment assembly facility</td>
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<td>—</td>
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#### Key to Zone Symbols

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<th>Zone</th>
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<tr>
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<td>Limited Office</td>
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<td>CC</td>
<td>Community Commercial</td>
</tr>
<tr>
<td>CT</td>
<td>Thoroughfare Commercial</td>
</tr>
<tr>
<td>CR</td>
<td>Commercial Recreation</td>
</tr>
<tr>
<td>MW</td>
<td>Manufacturing/Warehousing</td>
</tr>
<tr>
<td>CS</td>
<td>Service Commercial</td>
</tr>
</tbody>
</table>

#### Notes:

1. See Division D8 for land use definitions.
2. Use allowed only on second or upper floors with a Minor Use Permit.
3. Use allowed with a Minor Use Permit or Zoning Clearance, as identified in the table above, on ground floor if non-retail uses occupy gross ground floor area. Non-retail uses exceeding 25% gross ground floor area may be authorized by a Minor Use Permit.
### TABLE 2-8
Allowed Land Uses and Permit Requirements for Commercial, Office & Industrial Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY ZONE</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>OA</td>
<td>OL</td>
</tr>
<tr>
<td>P Permitted Use, Zoning Clearance may be required prior to operation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MUP Minor Use Permit required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UP Use Permit required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S Permit requirement set by Specific Use Regulations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ZC Zoning Clearance required</td>
<td></td>
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<tr>
<td>— Use not allowed</td>
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#### RECREATION, EDUCATION & PUBLIC ASSEMBLY USES - Cont.

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>PERMIT REQUIRED BY ZONE</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio - Art, dance, martial arts, music, etc. (ground floor)</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Studio - Art, dance, martial arts, music, etc. (upper floors)</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Theater, movies or performing arts</td>
<td>UP</td>
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</table>

#### RESIDENTIAL USES

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>PERMIT REQUIRED BY ZONE</th>
<th>Specific Use Regulations</th>
</tr>
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<tbody>
<tr>
<td>Caretaker Quarters</td>
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<tr>
<td>Emergency shelter</td>
<td>P</td>
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<tr>
<td>Homeless shelter</td>
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<td>—</td>
</tr>
<tr>
<td>Live/work unit</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Residential care, 7 or more clients</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Supportive housing</td>
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<td>UP</td>
</tr>
<tr>
<td>Transitional housing</td>
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#### RETAIL TRADE

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>PERMIT REQUIRED BY ZONE</th>
<th>Specific Use Regulations</th>
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<tbody>
<tr>
<td>Accessory retail and services</td>
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<tr>
<td>Alcoholic Beverage Manufacturing, Brew Pub</td>
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<tr>
<td>Auto and vehicle sales and rental</td>
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<tr>
<td>Building/landscape materials sales - Indoor showroom</td>
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<tr>
<td>Building/landscape materials sales - Outdoor</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Construction and heavy equipment sales and rental</td>
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<tr>
<td>Convenience store</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Drive-through retail</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Eating and drinking establishments</td>
<td>ZC(4)</td>
<td>ZC(4)</td>
</tr>
<tr>
<td>With wine and beer</td>
<td>ZC(4)</td>
<td>ZC(4)</td>
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<tr>
<td>With full alcoholic beverage service</td>
<td>MUP(4)</td>
<td>MUP(4)</td>
</tr>
<tr>
<td>With take-out service</td>
<td>MUP(4)</td>
<td>MUP(4)</td>
</tr>
<tr>
<td>With drive-through service</td>
<td>—</td>
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</tr>
<tr>
<td>With live entertainment</td>
<td>MUP(4)</td>
<td>MUP(4)</td>
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<tr>
<td>With up to 12 outdoor seats or stools</td>
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<tr>
<td>With 13 or more outdoor seats or stools</td>
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**Key to Zone Symbols**

<table>
<thead>
<tr>
<th>OA</th>
<th>Administrative Office</th>
<th>CS</th>
<th>Service Commercial</th>
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<tr>
<td>OL</td>
<td>Limited Office</td>
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<td>Commercial Recreation</td>
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<td>CC</td>
<td>Community Commercial</td>
<td>MW</td>
<td>Manufacturing/Warehousing</td>
</tr>
<tr>
<td>CT</td>
<td>Thoroughfare Commercial</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

1. See Division D8 for land use definitions.
2. Only allowed as ancillary use complimentary to adjacent CS uses, as determined by the Zoning Administrator.
3. Accessory use only, limited to 1,000 sf, or to 10% of the total gross floor area on site with a Minor Use Permit.
4. Use allowed on the ground floor if occupying 25% or less of the gross ground floor area. Not permitted on the upper floors.
5. Use allowed with a Minor Use Permit or Zoning Clearance, as identified in the table above, on ground floor if non-retail uses occupy gross ground floor area. Non-retail uses exceeding 25% gross ground floor area may be authorized by a Minor Use Permit.
TABLE 2-8
Allowed Land Uses and Permit Requirements for Commercial, Office & Industrial Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY ZONE</th>
<th>Specific Use Regulations</th>
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RETAIL TRADE - Cont.

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<th>UP</th>
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<tr>
<td>Farmer's market, Ongoing</td>
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<td>Farm supply and feed store</td>
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<td>Food and beverage sales - Chain grocery</td>
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<td>Fuel dealer (propane for home and farm use, etc.)</td>
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<td>MUP</td>
<td>MUP</td>
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<td>Furniture, furnishings, and appliance store</td>
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<tr>
<td>Mobile home, boat, or RV sales</td>
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<td>—</td>
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<td>P</td>
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<td>—</td>
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<tr>
<td>Retail, general - over 50,000 sf of floor area</td>
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<td>Second hand store</td>
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SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

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<td>Bank, financial services</td>
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<td>P</td>
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<tr>
<td>Medical services - Clinic, lab., urgent care (ground floor)</td>
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<td>MUP</td>
<td>MUP(3)</td>
<td>MUP</td>
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<tr>
<td>Medical services - Clinic, lab., urgent care (upper floors)</td>
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<td>MUP</td>
<td>MUP</td>
<td>MUP</td>
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<tr>
<td>Medical services - Doctor office (ground floor)</td>
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<tr>
<td>Medical services - Doctor office (upper floors)</td>
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<td>P</td>
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<td>—</td>
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<tr>
<td>Medical services - Extended care</td>
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<tr>
<td>Office - Business/service (ground floor)</td>
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<td>ZC(3)</td>
<td>MUP(2)</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Office - Business/service (upper floors)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>MUP(2)</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Office - Government (ground floor)</td>
<td>P</td>
<td>P</td>
<td>ZC(3)</td>
<td>ZC(3)</td>
<td>MUP(2)</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Office - Government (upper floors)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>MUP(2)</td>
<td>—</td>
<td>—</td>
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</table>

Key to Zone Symbols

<table>
<thead>
<tr>
<th>OA</th>
<th>OL</th>
<th>CC</th>
<th>CT</th>
<th>CS</th>
<th>CR</th>
<th>MW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Office</td>
<td>Service Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limited Office</td>
<td>Commercial Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Commercial</td>
<td>Manufacturing/Warehousing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thoroughfare Commercial</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

Notes:
(1) See Division D8 for land use definitions.
(2) Use allowed only on second or upper floors with a Minor Use Permit.
(3) Use allowed with a Minor Use Permit or Zoning Clearance, as identified in the table above, on ground floor if non-retail uses occupy gross ground floor area. Non-retail uses exceeding 25% gross ground floor area may be authorized by a Minor Use Permit.
(4) Accessory use only, limited to 1,000 sf, or to 10% of the total gross floor area on site with a Minor Use Permit.
TABLE 2-8
Allowed Land Uses and Permit Requirements for Commercial, Office & Industrial Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY ZONE</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>OA</td>
<td>OL</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office - Processing (ground floor)</td>
<td>MU</td>
<td>MU</td>
</tr>
<tr>
<td>Office - Processing (upper floors)</td>
<td>MU</td>
<td>MU</td>
</tr>
<tr>
<td>Office - Professional/administrative (ground floor)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Office - Professional/administrative (upper floors)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Adult day care</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Animal services - Boarding/training</td>
<td>—</td>
<td>MUP</td>
</tr>
<tr>
<td>Animal services – Grooming</td>
<td>—</td>
<td>MUP</td>
</tr>
<tr>
<td>Animal services - Veterinary clinic, animal hospital</td>
<td>—</td>
<td>MUP</td>
</tr>
<tr>
<td>Catering service</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Child day care center</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Child day care center - Accessory to on-site employer</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Drive-through service</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Equipment rental - Indoor only</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Equipment rental - With outdoor storage</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Laundry, dry cleaning plant</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Lodging - Bed &amp; breakfast inn (B&amp;B)</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Lodging - Hotel or motel</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Maintenance and repair service</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Maintenance and repair service - No outdoor storage</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Maintenance and service facility</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Mortuary, funeral home - Full service</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Mortuary, funeral home - Partial service</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Personal services</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Personal services – Restricted</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Public safety facility</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Printing and publishing</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Repair Service - Equipment, large appliances, etc.</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Vehicle services - Major repair/body work</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Vehicle services - Minor maintenance/repair</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Vehicle services - Service station</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Vehicle services - Towing and storage</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Vehicle services - Washing, attended</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Vehicle services - Washing, unattended</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

Key to Zone Symbols

<table>
<thead>
<tr>
<th>OA</th>
<th>OL</th>
<th>CC</th>
<th>CT</th>
<th>CS</th>
<th>CR</th>
<th>MW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Office</td>
<td>Service Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limited Office</td>
<td>Commercial Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Commercial</td>
<td>Manufacturing/Warehousing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thoroughfare Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. See Division D8 for land use definitions.
2. Use allowed with a Minor Use Permit or Zoning Clearance, as identified in the table above, on ground floor if non-retail uses occupy gross ground floor area. Non-retail uses exceeding 25% gross ground floor area may be authorized by a Minor Use Permit.
### TABLE 2-8
**Allowed Land Uses and Permit Requirements for Commercial, Office & Industrial Zones**

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY ZONE</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>OA</td>
<td>OL</td>
</tr>
<tr>
<td>Broadcasting studio</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Cogeneration facilities</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Heliport</td>
<td>UP</td>
<td>—</td>
</tr>
<tr>
<td>Parking facility, public or commercial</td>
<td>MUP</td>
<td>MUP</td>
</tr>
<tr>
<td>Solid waste transfer station</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Transit station</td>
<td>UP</td>
<td>—</td>
</tr>
<tr>
<td>Transportation service dispatch facility</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Utility facility</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Utility infrastructure</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wireless telecommunications facility</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

**Notes:**
1. See Division D8 for land use definitions.

**Key to Zone Symbols**

<table>
<thead>
<tr>
<th>OA</th>
<th>OL</th>
<th>CC</th>
<th>CT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Office</td>
<td>Limited Office</td>
<td>Community Commercial</td>
<td>Thoroughfare Commercial</td>
</tr>
</tbody>
</table>

**PERMITTED USES**

- **OA:** Administrative Office
- **OL:** Limited Office
- **CC:** Community Commercial
- **CT:** Thoroughfare Commercial

**Permits Required by Zone**

- **P:** Permitted Use, Zoning Clearance may be required prior to operation
- **MUP:** Minor Use Permit required
- **UP:** Use Permit required
- **S:** Permit requirement set by Specific Use Regulations
- **ZC:** Zoning Clearance required
- **—:** Use not allowed

**Transportation, Communications & Infrastructure**

- Broadcasting studio: MUP (P), MUP (P), P (—), P (—), P (—)
- Cogeneration facilities: UP (UP), UP (UP), UP (UP), UP (UP), UP (UP)
- Heliport: UM (—), UM (—), UM (—), UM (—), UM (UP)
- Parking facility, public or commercial: MUP (MUP), MUP (MUP), MUP (MUP), MUP (MUP), MUP (—), MUP (—)
- Solid waste transfer station: — (—), — (—), — (—), — (—), — (UP)
- Transit station: UP (—), UP (—), UP (—), UP (—), UP (—)
- Transportation service dispatch facility: — (—), — (—), — (—), — (—), — (MUP), — (MUP)
- Utility facility: UP (UP), UP (UP), UP (UP), UP (UP), UP (UP)
- Utility infrastructure: P (P), P (P), P (P), P (P), P (P)
- Wireless telecommunications facility: S (S), S (S), S (S), S (S), S (S), S (S), S (S), S (D4 - Chap. IV)
D2-20 - Commercial, Office and Industrial General Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-9 and 2-10, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Division D3 of this Zoning Ordinance.

### TABLE 2-9 - OA, OL, CC, AND CT DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>OA</td>
<td>OL</td>
</tr>
<tr>
<td>Minimum lot size</td>
<td></td>
</tr>
<tr>
<td>Area (net)</td>
<td>5 acres</td>
</tr>
<tr>
<td>Width</td>
<td>325 ft</td>
</tr>
<tr>
<td>Depth</td>
<td>Determined through subdivision process</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>35 ft</td>
</tr>
<tr>
<td>Side - Interior (each)</td>
<td>30 ft</td>
</tr>
<tr>
<td>Side - Corner</td>
<td>35 ft</td>
</tr>
<tr>
<td>Rear</td>
<td>20 ft</td>
</tr>
</tbody>
</table>

**Accessory structures**: See Section D4-26 (Accessory Structures)

<table>
<thead>
<tr>
<th>Lot coverage, FAR</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot coverage</td>
<td>25%</td>
</tr>
<tr>
<td>FAR</td>
<td>0.45</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Height limit</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum height</td>
<td>55 ft</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Landscaping</th>
<th>See Chapter D3-II (Landscape Design Standards)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>See Chapter D3-III (Parking and Loading)</td>
</tr>
<tr>
<td>Signs</td>
<td>See Chapter D3-IV (Signs)</td>
</tr>
</tbody>
</table>
### TABLE 2-10 - CR, CS, AND MW DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CR</td>
</tr>
<tr>
<td></td>
<td>CS</td>
</tr>
<tr>
<td></td>
<td>MW</td>
</tr>
</tbody>
</table>

#### Minimum lot size

<table>
<thead>
<tr>
<th>Feature</th>
<th>CR</th>
<th>CS</th>
<th>MW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area (net)</td>
<td>5 acres</td>
<td>7,500 sf</td>
<td>10,000 sf</td>
</tr>
<tr>
<td>Width</td>
<td>325 ft</td>
<td>70 ft</td>
<td>70 ft</td>
</tr>
<tr>
<td>Depth</td>
<td></td>
<td></td>
<td>Determined through the subdivision process.</td>
</tr>
</tbody>
</table>

#### Setbacks

<table>
<thead>
<tr>
<th>Feature</th>
<th>CR</th>
<th>CS</th>
<th>MW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>35 ft</td>
<td>10 ft</td>
<td>10 ft</td>
</tr>
<tr>
<td>Side - Interior (each)</td>
<td>30 ft</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Side - Corner</td>
<td>35 ft</td>
<td>10 ft</td>
<td>10 ft</td>
</tr>
<tr>
<td>Rear</td>
<td>20 ft</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

Except that a 25-foot wide side and/or rear yard shall be required abutting a residential zone, and where a lot abuts the Interstate 680 right-of-way. Structures shall not intercept the daylight plane required by Section D2-21, except where a lot abuts the Interstate 680 right-of-way.

#### Accessory structures

See Section D4-26 (Accessory Structures)

#### Lot coverage, FAR

<table>
<thead>
<tr>
<th>Feature</th>
<th>CR</th>
<th>CS</th>
<th>MW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot coverage</td>
<td>25%</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>FAR</td>
<td>0.35</td>
<td>0.50</td>
<td>0.50</td>
</tr>
</tbody>
</table>

#### Height limit

<table>
<thead>
<tr>
<th>Feature</th>
<th>CR</th>
<th>CS</th>
<th>MW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum height</td>
<td>35 ft</td>
<td>35 ft</td>
<td>35 ft</td>
</tr>
</tbody>
</table>

#### Landscaping

See Chapter D3-II (Landscape Design Standards)

#### Parking

See Chapter D3-III (Parking and Loading)

#### Signs

See Chapter D3-IV (Signs)
D2-21 - Standards for Specific Commercial, Office and Industrial Zones

A. Daylight plane requirement – Commercial, Office and Manufacturing / Warehousing zones. Where required by the applicable commercial, office or industrial zone, a proposed structure shall not intercept a 30-degree daylight plane inclined inward at the residential zone property line. The 30-degree daylight plane shall be measured from:

1. A height of six to eight feet above existing grade, as required by section D3-4.F, at the R zone property line for a site in a commercial zone; and

2. A height of 12 feet above existing grade at the R zone property line for a site in the MW zone.

The 30-degree daylight plane shall be measured from the required height above the existing site grade regardless of the site grade on either side of the property line.

![Figure 2-3 - Daylight Plane Requirement](image)
Chapter V- Special Purpose Zones

Sections:

D2-22 - Purpose
D2-23 - Purposes of Special Purpose Zones
D2-24 - Special Purpose Zone Land Uses and Permit Requirements
D2-25 - Special Purpose Zone General Development Standards
D2-26 - Special Purpose Zone Land Use Limitations and Additional Development Standards

D2-22 - Purpose

This Chapter lists the land uses that may be allowed within the special purpose zones established by Section D1-7 (Zoning Map and Zones), determines the type of land use permit/approval required for each use, and provides basic standards for site layout and building size.

D2-23 - Purposes of Special Purpose Zones

The purposes of the Special Purpose zones and the manner in which they are applied are as follows.

A. AG (Agriculture) zone. The AG zone is applied to areas of the City appropriate for large-scale agricultural operations and related open-space uses, where non-agricultural uses are limited to those incidental to agricultural operations and to mining activities, and where residential development is permitted only at very low density, compatible with low-intensity agriculture and keeping of livestock. Building intensity may be up to 0.10 FAR, and residential density is limited to one dwelling unit per 20 acres. The AG zone is consistent with and implements the Open Space land use classification of the General Plan.

B. OS-1 (Open Space) zone. The OS-1 zone is applied to areas of the City with large public or private sites of at least two contiguous acres, to be permanently designated for open-space use to maintain their natural unaltered state. The OS zone is consistent with and implements the Open Space land use classification of the General Plan.

C. OS-2 (Open Space) zone. The OS-2 zone is applied to areas of the City where privately owned land is suitable for passive recreational and limited agricultural purposes, and/or where lands subject to flooding, landslide, or other hazards should remain in open space. Building intensity may be up to 0.10 FAR, and residential density is limited to one dwelling unit per 20 acres. The OS zone is consistent with and implements the Open Space land use classification of the General Plan.

D. P (Parks and Recreation) zone. The P zone is applied to areas of the City with public and private recreation sites and facilities. Building intensity may be up to 0.10 FAR. The P zone is consistent with and implements the Parks land use classification of the General Plan.

E. GC (Golf Course) zone. The GC zone is applied to sites developed and used as golf courses, for the purpose of maintaining each site in golf course use, including closely related and supporting uses as allowed by Table 2-12. The GC zone implements and is consistent with the Golf Course designation of the General Plan.

F. PS (Public and Semi-Public) zone. The PS zone is applied to areas of the City with schools, hospitals and related medical offices, public and private meeting facilities, utilities, and quasi-public uses. Building intensity may be up to 0.35 FAR. The PS zone is consistent with and implements the Public and Semipublic land use classification of the General Plan.
G. **M-1 (Medical Center) zone.** The M-1 zone is applied to sites within the City of at least two acres, that are appropriate for clustered medical facilities that include an acute care hospital licensed in compliance with Health and Safety Code Section 1520 et seq., other inpatient medical care facilities, doctor's offices, and related services. Building intensity may be up to 0.35 FAR. The M-1 zone is consistent with and implements the Public and Semipublic land use classification of the General Plan.

H. **M-2 (Health Facility) zone.** The M-2 zone is applied to sites within the City of at least two acres, that are appropriate for facilities for outpatient medical services, excluding an acute care hospital as defined by the Health and Safety Code. Building intensity may be up to 0.35 FAR. The M-1 zone is consistent with and implements the Public and Semipublic land use classification of the General Plan.

I. **PD (Planned Development) zone.** The PD zone is applied to large parcels of land in order to reduce or eliminate the rigidity, delays, and conflicts that otherwise would result from application of zoning standards and procedures designed primarily for small parcels, and to:

1. Ensure orderly and thorough planning and review procedures that will result in quality urban design;

2. Encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenity;

3. Provide a mechanism whereby the City may authorize desirable developments consistent with the General Plan without inviting speculative rezoning applications, which, if granted, often could deprive other owners of development opportunities without resulting in construction of the proposed facilities;

4. Encourage allocation and improvement of common open space in residential areas, and provide for open space maintenance at the expense of those who will directly benefit from it; and

5. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

Building intensity may be up to the maximum required by the General Plan land use classification applicable to the site. The PD zone is consistent with and implements all land use classifications of the General Plan.

---

### D2-24 - Special Purpose Zone Land Uses and Permit Requirements

A. **AG, OS-1, OS-2, P, GC, PS, M-1, and M-2 zones.** Tables 2-11 and 2-12 identify the uses of land allowed by this Zoning Ordinance in the Special Purpose zones, and the land use permit required to establish each use, in compliance with Section D2-3 (Allowable Land Uses and Permit Requirements).

Note: Where the last column in the table ("Specific Use Regulations") includes a section number, the regulations in the referenced section apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

B. **PD zone.** Any permitted or conditional use allowed by this Zoning Ordinance may be authorized on a site in the PD zone through the approval of a Planned Development Permit in compliance with Section D6-25 (Planned Development Permits), or a Specific Plan, consistent with the General Plan land use designations applicable to the site. Prior to the approval of a Planned Development Permit or Specific Plan, the use of a site within the PD zone shall be limited to the uses existing as of the date the site was rezoned to apply the PD designation.
TABLE 2-11
Allowed Uses and Permit Requirements for Special Purpose Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>AG</th>
<th>OS-1</th>
<th>OS-2</th>
<th>P</th>
<th>PERMIT REQUIRED BY ZONE</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AGRICULTURE &amp; OPEN SPACE USES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural product processing</td>
<td>MUP</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Animal husbandry</td>
<td>UP</td>
<td>—</td>
<td>UP</td>
<td></td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Animal husbandry - Grazing only</td>
<td>P</td>
<td>MUP</td>
<td>MUP</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Crop production, horticulture, orchard, vineyard</td>
<td>P</td>
<td>—</td>
<td>MUP</td>
<td>MUP</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Surface mining</td>
<td>UP</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td><strong>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage - Personal storage facility (mini-storage)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>UP</td>
<td>D2-26</td>
<td></td>
</tr>
<tr>
<td><strong>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial recreation facility - Indoor</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>MUP</td>
<td>D4-30</td>
<td></td>
</tr>
<tr>
<td>Commercial recreation facility - Outdoor</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>UP</td>
<td>D4-30</td>
<td></td>
</tr>
<tr>
<td>Equestrian facility</td>
<td>P</td>
<td>—</td>
<td>—</td>
<td>UP</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Fitness/health facility</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>UP</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Golf course</td>
<td>—</td>
<td>—</td>
<td>UP</td>
<td>UP</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Library, museum, gallery</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>P</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Meeting facility, public or private</td>
<td>UP</td>
<td>—</td>
<td>—</td>
<td>UP</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Park and recreation facilities, public or private</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>UP</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Sports and active recreation facility</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>UP</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caretaker Quarters</td>
<td>MUP</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Residential care - 6 or fewer clients</td>
<td>P</td>
<td>—</td>
<td>P</td>
<td></td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Single-family dwelling</td>
<td>P</td>
<td>—</td>
<td>MUP</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Key to Zoning District Symbols</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AG</td>
<td>Agriculture</td>
<td>P</td>
<td>Parks and Recreation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OS-1, 2</td>
<td>Open Space</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
(1) See Division D8 for land use definitions.
### TABLE 2-11
#### Allowed Uses and Permit Requirements for Special Purpose Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY ZONE</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AG</td>
<td>OS-1</td>
</tr>
</tbody>
</table>

**RETAIL TRADE**

- Accessory retail and services
- Eating and drinking establishment - Accessory
- Farmer’s market, Ongoing

<table>
<thead>
<tr>
<th>SERVICE - GENERAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child day care center</td>
</tr>
<tr>
<td>Lodging - Bed and breakfast inn</td>
</tr>
<tr>
<td>Maintenance and service facility</td>
</tr>
<tr>
<td>Public safety facility</td>
</tr>
</tbody>
</table>

**TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE**

- Utility facility
- Utility infrastructure
- Wireless telecommunications facility

### Key to Zoning District Symbols

<table>
<thead>
<tr>
<th>AG</th>
<th>OS-1, 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>Parks and Recreation</td>
</tr>
</tbody>
</table>

### Notes:

1. See Division D8 for land use definitions.
### TABLE 2-12
Allowed Uses and Permit Requirements for Special Purpose Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY ZONE</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GC</td>
<td>PS</td>
</tr>
<tr>
<td><strong>INDUSTRY, MANUFACTURING &amp; PROCESSING, WHOLESALING</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Media production</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf course</td>
<td>UP</td>
<td>UP</td>
</tr>
<tr>
<td>Library, museum, gallery</td>
<td></td>
<td>MUP</td>
</tr>
<tr>
<td>Meeting facility, public or private</td>
<td></td>
<td>MUP</td>
</tr>
<tr>
<td>Park and recreation facilities, public or private</td>
<td></td>
<td>MUP</td>
</tr>
<tr>
<td>Park and recreation facilities, public or private - 2 ac. or less</td>
<td>UP</td>
<td>MUP</td>
</tr>
<tr>
<td>School - Public or private</td>
<td></td>
<td>MUP</td>
</tr>
<tr>
<td>School - Specialized education/training</td>
<td></td>
<td>MUP</td>
</tr>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caretaker Quarters</td>
<td></td>
<td>MUP</td>
</tr>
<tr>
<td>Residential care - 7 or more clients</td>
<td></td>
<td>UP</td>
</tr>
<tr>
<td><strong>RETAIL TRADE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory retail and services</td>
<td>UP</td>
<td>P</td>
</tr>
<tr>
<td>Eating and drinking establishment - Accessory</td>
<td></td>
<td>MUP</td>
</tr>
<tr>
<td>Farmer's market, Ongoing</td>
<td></td>
<td>MUP</td>
</tr>
<tr>
<td>Pharmacy, medical supplies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail, general</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical services - Clinic, laboratory, urgent care</td>
<td></td>
<td>UP</td>
</tr>
<tr>
<td>Medical services - Doctor Office</td>
<td></td>
<td>MUP</td>
</tr>
<tr>
<td>Medical services - Extended care</td>
<td></td>
<td>UP</td>
</tr>
<tr>
<td>Medical services - Hospital, acute care</td>
<td></td>
<td>UP</td>
</tr>
<tr>
<td>Medical services - Hospital, physical rehabilitation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical services - Hospital, psychiatric/chemical dependency</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office - Accessory</td>
<td>UP</td>
<td>P</td>
</tr>
<tr>
<td>Office - Government</td>
<td></td>
<td>UP</td>
</tr>
</tbody>
</table>

Key to Zoning District Symbols

<table>
<thead>
<tr>
<th>GC</th>
<th>M-1</th>
<th>PS</th>
<th>M-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>GC</td>
<td>Golf Course</td>
<td>Medical Center</td>
<td></td>
</tr>
<tr>
<td>PS</td>
<td>Public and Semipublic</td>
<td>Health Facility</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. See Division D8 for land use definitions.
2. Limited to ground floor of hospital or medical office building, with no establishment exceeding 1,000 square feet.
TABLE 2-12
Allowed Uses and Permit Requirements for Special Purpose Zones

<table>
<thead>
<tr>
<th>LAND USE (1)</th>
<th>PERMIT REQUIRED BY ZONE</th>
<th>Specific Use Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GC</td>
<td>PS</td>
</tr>
<tr>
<td>SERVICES - GENERAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult day care</td>
<td>—</td>
<td>UP</td>
</tr>
<tr>
<td>Child day care center</td>
<td>—</td>
<td>UP</td>
</tr>
<tr>
<td>Lodging - Bed and breakfast inn</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Maintenance and service facility</td>
<td>—</td>
<td>UP</td>
</tr>
<tr>
<td>Public safety facility</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>TRANSPORTATION, COMMUNICATIONS &amp; INFRASTRUCTURE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heliport</td>
<td>—</td>
<td>UP</td>
</tr>
<tr>
<td>Solid waste transfer station</td>
<td>—</td>
<td>UP</td>
</tr>
<tr>
<td>Transportation service dispatch facility</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Transit station</td>
<td>—</td>
<td>UP</td>
</tr>
<tr>
<td>Utility facility</td>
<td>—</td>
<td>UP</td>
</tr>
<tr>
<td>Utility infrastructure</td>
<td>—</td>
<td>P</td>
</tr>
<tr>
<td>Wireless telecommunications facility</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

Key to Zoning District Symbols

| GC | PS |
| GC | Golf Course | M-1 | Medical Center |
| PS | Public and Semipublic | M-2 | Health Facility |

Notes:
(1) See Division D8 for land use definitions.
(2) Limited to ground floor of hospital or medical office building, with no establishment exceeding 1,000 square feet.
(3) Minor Use Permit required if located within 1,000 feet of an R zone or site occupied by a school or park. Conditions may limit vehicle speed and/or the use of sirens.
D2-25 - Special Purpose Zone General Development Standards

A. AG, OS-1, OS-2, P, and PS zones. Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements specified by the Use Permit required for the project by Tables 2-11 and 2-12; except that if the Use Permit does not regulate a development feature that is regulated by an abutting primary zone, or if a Use Permit is not required, the regulations of the abutting primary zone shall apply to each adjacent portion of an AG, OS-1, OS-2, P, or PS zone, as applicable. The applicable development standards (e.g., landscaping, parking and loading, etc.) in Division D3 of this Zoning Ordinance shall also apply to proposed development and new land uses in the AG, OS-1, OS-2, P, or PS zones.

B. GC zone development standards. Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and/or established in compliance with the requirements specified by the Use Permit required for the project by Table 2-12, except as identified in Subsections B.1 and B.2, below. The applicable development standards (e.g., landscaping, parking, signs, etc.) in Division D3 of this Zoning Ordinance shall also apply to development and new land uses proposed in the GC zone.

1. Height limit. No structure shall exceed a height of one story or 24 feet.

2. Floor area ratio. The maximum allowable floor area ratio (FAR) for all structures on the project site shall not exceed 0.10.

C. PD zone development standards.

1. Minimum site area. The minimum net area of a PD zone shall be 10 acres, provided that a PD zone may be subdivided in compliance with an approved Planned Development Permit or Specific Plan. A site that does not meet the minimum acreage or lot width requirement may be developed, provided that the development proposal includes adjoining parcels which collectively meet the minimum development standards. It is not necessary for the collective properties to be under the same control and/or ownership. The review authority may reduce the 10 acre requirement where it determines that the proposed project will provide substantial public benefit.

2. Residential density. Except where a density bonus is granted in compliance with the City's density bonus regulations, the total number of dwelling units in a PD zone shall not exceed the maximum number permitted by the General Plan density for the total area of parcels designated for residential use and for open space excluding area devoted to public and private streets, areas with a slope of 20 percent or more, areas with a maximum elevation of 40 feet and areas with a minimum contiguous area of three acres.

3. Other development regulations. Other development regulations shall be as prescribed by the PD Plan, provided that the minimum setback requirements for front, corner-side, side and rear yards may not be reduced by more than 20 percent from those of the base zone that would otherwise apply.

4. Mixed use component. Each PD development proposal shall consider a mixed use development strategy. This strategy should include a horizontal and/or vertical integration of project types (i.e., residential adjacent to commercial/office or residential above commercial). If this approach is determined to be infeasible by the applicant it shall be the obligation of the applicant to substantiate this before the Commission.
D. **M-1 and M-2 zone development standards.** Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-13, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Division D3 of this Zoning Ordinance.

### TABLE 2-13 - M-1 AND M-2 DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Development Feature</th>
<th>Requirement by Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M-1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum lot size</th>
<th>Minimum area and width for parcels proposed in new subdivisions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area (net)</td>
<td>10 acres</td>
</tr>
<tr>
<td>Width</td>
<td>650 ft</td>
</tr>
<tr>
<td>Depth</td>
<td>Determined through subdivision process.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Setbacks</th>
<th>Minimum setbacks required. See Section D3-10 for exceptions, and allowed projections into setbacks.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>35 ft</td>
</tr>
<tr>
<td>Side - Interior (each)</td>
<td>30 ft</td>
</tr>
<tr>
<td>Side - Corner</td>
<td>35 ft</td>
</tr>
<tr>
<td>Rear</td>
<td>20 ft</td>
</tr>
<tr>
<td>Accessory structures</td>
<td>See Section D4-26 (Accessory Structures)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot coverage, FAR</th>
<th>Maximum percentage of total lot area that may be covered by structures, and maximum floor area ratio (FAR).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot coverage</td>
<td>30%</td>
</tr>
<tr>
<td>FAR</td>
<td>0.35</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Height limit</th>
<th>Maximum allowable height of structures. See Section D3-6 (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum height</td>
<td>40 ft</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Landscaping</th>
<th>See Chapter D3-II (Landscape Design Standards)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>See Chapter D3-III (Parking and Loading)</td>
</tr>
<tr>
<td>Signs</td>
<td>See Chapter D3-IV (Signs)</td>
</tr>
</tbody>
</table>
D2-26 - Special Purpose Zone Land Use Limitations and Additional Standards

A. **Self-storage - P zone requirements - Self-storage.** Self-storage facilities are limited to appropriate portions of the Southern Pacific right-of-way in the P zone which feasibly combine adequate public access and visual compatibility with surrounding land uses, and the Iron Horse Trail. The review authority may impose conditions of approval including screening and buffering, landscaping, lighting, and security to ensure compatibility with surrounding land uses.

B. **Eating and drinking establishment - M-1, M-2, P and PS zone requirements.** An eating and drinking establishment is permitted as an accessory use in a cultural, park, commercial recreation and entertainment facility or medical institution, occupying no more than 10,000 square feet on any individual site in the P zone and 5,000 square feet in the PS zone, if there is no separate entrance or sign along a street frontage. An additional 10,000 square feet of space may be allowed for banquet rooms and conference facilities in the P zone with Use Permit approval.
Chapter VI - Overlay Zones

Sections:

D2-27 - Purpose
D2-28 - Applicability of Overlay Zones
D2-29 - Height Limit (-H) Overlay Zone
D2-30 - Interim Study (-IS) Overlay Zone
D2-31 - Landmark (-L) Overlay Zone
D2-32 - Reserved
D2-33 - Senior Housing (-SH) Overlay Zone

D2-27 - Purpose

This Chapter regulates new and existing structures and land uses in the overlay zones established by Section D1-7 (Zoning Map and Zones). The provisions of this Chapter provide guidance for development in addition to the standards and regulations of the primary zones, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.

D2-28 - Applicability of Overlay Zones

The provisions of this Chapter apply to proposed land uses and development in addition to all other applicable requirements of this Zoning Code. Any perceived conflict between the provisions of this Chapter and any other provision of this Zoning Ordinance shall be resolved in compliance with Section D1-5 (Rules of Interpretation).

A. Mapping of overlay zones. The applicability of any overlay zone to a specific site is shown by the overlay zone Zoning Map symbol established by Section D1-7 (Zoning Map and Zones), being appended as a suffix to the symbol for the primary zone on the Zoning Map.

B. Application of overlay zones to property. The overlay zones are applied to property through the rezoning process in compliance with Chapter D7-III (Amendments), subject to any specific rezoning requirements of the applicable overlay zone. The rezoning of property to apply an overlay zone may be initiated by either the City or the property owner, except where initiation is otherwise restricted by this Chapter for a specific overlay zone.

C. Allowed land uses, permit requirements, development standards. Except as may be otherwise provided by this Chapter for a specific overlay zone:

1. Any land use normally allowed in the primary zone by this Chapter may be allowed within an overlay zone, subject to any additional requirements of the overlay zone;
2. Development and new land uses within an overlay zone shall obtain the land use permits required by this Chapter for the primary zone; and
3. Development and new land uses within an overlay zone shall comply with all applicable development standards of the primary zone, except as modified by this Chapter.
D2-29 - Height Limit (-H) Overlay Zone

A. **Purpose.** The Height Limit (-H) overlay zone is intended to control the location of structures which exceed the height limits of a primary zone, and to ensure that the appearance and effects of commercial and office buildings are harmonious with the character of their surroundings, and to minimize the impact of commercial and office development on adjacent Residential Zones.

B. **Applicability.** The -H overlay zone shall be applied to each parcel in the OA zone that has an existing and/or approved but unbuilt structure that exceeds 55 feet in height, and to each parcel in a commercial zone with an existing and/or approved structure that exceeds 50 feet in height as of the effective date of the ordinance establishing this overlay zone.

C. **Development regulations.** Proposed development and new land uses within the -H overlay shall comply with the development regulations of the applicable primary zone, except as follows.

1. A major department store within a retail center of a regional context providing a minimum 400,000 gross square feet of retail shall be allowed a maximum height of up to 70 feet.
2. An office building may be allowed a maximum height of up to 75 feet provided that building architecture incorporates a varying roof plane to add variation in the structures' appearance.
3. An existing structure with a height in excess of 55 feet, shall not be permitted to increase its height except through the approval of a Variance in compliance with Section D6-29.
4. Each approved but unbuilt structure with an entitlement and/or development agreement to build at a height over 55 feet, shall be built only to the maximum height permitted by the conditions of approval of its entitlement and/or development agreement.

D2-30 - Interim Study (-IS) Overlay Zone

A. **Purpose.** The Interim Study (-IS) overlay zone is intended to allow discretionary review of development proposals in areas where changes in the General Plan or zoning regulations are contemplated or under study.

B. **Applicability.** The -IS overlay may be combined with any primary zone established by Section D1-7 (Zoning Map and Zones).

C. **Application to property.**

1. Prior to approving an amendment reclassifying land to an -IS zone, the Commission and Council shall approve a study plan that identifies regulatory problems and identifies the land use and development issues to be resolved for the area proposed for rezoning to the -IS overlay zone.
2. An ordinance applying the -IS overlay shall contain a provision terminating the -IS designation two years from its effective date. An ordinance establishing an -IS zone may be amended, reenacted, or superseded by a zoning map amendment adopted in compliance with Chapter D7-III (Amendments).

D. **Permit requirements.** Use Permit approval shall be required for establishment of any new or expanded use allowed in the primary zone. A Use Permit application that has been denied, or approved subject to conditions unacceptable to the applicant, may be resubmitted on or after the effective date of a zoning map and/or text amendment that supersedes an -IS overlay zone designation.
E. **Required findings.** In addition to the findings required for Use Permit approval by Section D6-28 (Use Permits and Minor Use Permits), and any additional findings that may be required by the study plan required by Subsection C. for a specific use type, Use Permit approval shall require a finding that the proposed use will not conflict with the land use and development policies established for the area at the time the -IS zone was adopted.

F. **Development regulations.** Proposed development and new land uses shall comply with the development regulations of the primary zone in addition to any requirements imposed through Use Permit conditions of approval.

---

**D2-31 - Landmark (-L) Overlay Zone**

A. **Purpose.** The Landmark (-L) overlay zone is intended to implement the General Plan by:

1. Preventing the demolition, destruction, alteration, misuse, or neglect of historic or architecturally significant buildings that form an important link to San Ramon's past.
2. Promote the conservation, preservation, protection, and enhancement of each landmark district.
3. Stimulate the economic health and visual quality of the community and stabilize and enhance the value of property.
4. Encourage development tailored to the character and significance of each landmark district through a Conservation Plan that includes goals, objectives, and design guidelines and development criteria.
5. Provide a mechanism to resolve conflicts in an orderly fashion between goals of landmark preservation and alternative land uses.

B. **Applicability.**

1. **Primary zones.** The -L overlay zone may be combined with any zone established by Section D1-7 (Zoning Map and Zones).
2. **Exempt projects.** The requirements of this Section shall not apply to a project initiated prior to the effective date of an ordinance establishing an -L overlay zone or designating a landmark.
   a. The project shall be considered a nonconforming use, subject to Chapter D7-I (Nonconforming Uses, Structures, and Parcels).
   b. For the purposes of this Subsection, a project shall be deemed initiated if an application, plans, and materials for concept or development plan review have been filed and accepted as complete.

C. **Definitions.** Definitions of technical terms and phrases used in this Section may be found in Division D8 (Glossary) under "Landmark."
D. **Procedure for designating property.** An area of the community, a site, and/or a structure may be designated with the -L overlay zone in compliance with the following requirements.

1. **Eligibility for designation.** An area within the City may be designated with the -L overlay as a landmark district, and/or a site or individual structure may be designated with the -L overlay as a landmark, if one or more of the following criteria are met, as rigorously applied and supported by findings of historical or architectural significance.

   a. The area possesses character, interest, or value as part of the heritage of the City;
   
   b. The area is the location of a significant historical event;
   
   c. The area is identified with a person or group that contributed significantly to the culture and development of the City;
   
   d. Structures within the area exemplify a particular architectural style or way of life important to the City, or are the best remaining examples of an architectural style in a neighborhood;
   
   e. The area or its structures are identified as the work of a person or group whose work has influenced the heritage of the City, the state or the United States; and/or
   
   f. The area has potential for yielding information of archaeological interest.

Portions of an area within the City that do not meet the above criteria may be included within an -L overlay zone if inclusion is found to be essential to the integrity of the district.

2. **Landmark conservation plan required.** Prior to filing an application for rezoning to apply the -L overlay, the applicant shall prepare a Landmark District Conservation Plan with the assistance of the Department. Each Landmark Conservation Plan shall contain:

   a. A map and description of the proposed district, including boundaries; the age, setting, and character of structures; urban design elements and streetscapes; major public improvements; and proposed objectives to be achieved;
   
   b. A statement of the architectural or historical significance of the proposed district;
   
   c. A list of specific alterations that should be subject to Architectural Review in order to protect the architectural or historical character of the proposed district;
   
   d. A set of specific development guidelines for new construction and alterations necessary to preserve the character of the proposed district; and
   
   e. Proposed rules and regulations for Architectural Review.

3. **Application requirements.**

   a. Eligibility for filing. An application for rezoning to apply an -L overlay zone or landmark designation may be initiated by the Commission, Council, or the property owner.
   
   b. Application contents. The application shall include a proposed Landmark Conservation Plan for the district in compliance with Subsection D.2, and the following information:

      (1) A map showing the location of the building or structure and building plans or photographs of the building exterior;

      (2) A statement of the architectural or historical significance of the proposed building and description of the particular features that should be preserved; and
(3) The consent of the owner or authorized agent to the proposed designation. For purposes of this Section, each condominium owners’ association shall be deemed the property owner of common areas.

Prior to accepting the application as complete, the Zoning Administrator may request additional information, plans or materials deemed necessary to support the application.

4. Review and approval.

a. **Preliminary review, neighborhood workshop.** The Commission shall consider the proposed designation and make a preliminary determination based on any documentation that the Commission may require.

   (1) If the Commission determines that the process of designating the property should proceed, it shall conduct a neighborhood workshop in the proposed district to explain the proposal and the amendment process to neighborhood residents.

   (2) Notice of the workshop shall be given in compliance with Chapter D7-IV (Public Hearings). After the workshop, the Commission shall decide whether to proceed with the -L designation.

b. **Public hearing.** If the Commission determines that an -L designation may be appropriate and complies with the criteria in Subsection D.1, the proposed district shall be the subject of public hearings before the Commission and the Council. The hearings shall be set, noticed, and conducted in compliance with Chapter D7-IV.

   In addition to the information required in a public hearing notice by Chapter D7-IV, notice of a public hearing to establish an -L district or designation of a landmark shall include a statement that original petitioners have the right to withdraw their support of the district at any time prior to the hearing, and that property owners who have not signed the petition have the right to do so prior to the date of the hearing.

c. **Required findings.** In addition to the findings for the approval of a rezoning by Chapter D7-III (Amendments), a rezoning to apply the -L designation shall require that the Commission and Council shall also first find that the proposed district or historical site has a significant architectural or historical character that can be preserved and enhanced through appropriate controls on new development and alterations to existing buildings and landscaping.

d. **Adoption of Landmark Conservation Plan.** An ordinance establishing an -L district shall include a Landmark District Conservation Plan, in the form submitted or as revised by the Commission or Council.

   (1) The development guidelines included within the plan may modify the land use and development regulations of the primary zone, but shall not significantly alter the regulations.

   (2) A guideline shall be found to be a significant alteration of primary zone regulations if it substantially prevents property from being used in compliance with the provisions of the primary zone, or creates a substantial number of nonconforming uses or structures.

e. **Amendment of Landmark Conservation Plan.** An adopted Landmark Conservation Plan shall be amended only in compliance with Chapter D7-III (Amendments).
E. **Land use and development regulations.** Proposed development and new land uses within an -L overlay zone shall comply with all applicable requirements of the primary zone, except:

1. Where modified by another overlay zone;

2. Where the Commission grants an exception to the land use regulations of the primary zone through Use Permit approval, where the Commission first determines that the exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site; or

3. In the event of a conflict between the requirements of the primary zone or another overlay zone and the -L zone Landmark Conservation Plan, the requirements of the -L zone Landmark Conservation Plan shall control.

F. **Demolition and Design Review procedures.**

1. **Review authority.** Except as modified by an adopted Landmark Conservation Plan, Design Review in an -L zone, or of a proposed alteration, enlargement or demolition of a designated historical site shall be conducted in compliance with Chapter D6-II (Permit Review and Decisions), provided that Design Review shall be the responsibility of the Commission.

2. **Permit issuance.** Commission approval shall be required in compliance with this Subsection prior to the issuance by the Chief Building Inspector of a permit for the construction, alteration, enlargement, or demolition of a building or structure located in an -L zone, or of a designated historical site.

3. **Design Review criteria.**

   a. In addition to the requirements for Architectural Review in Chapter D6-II the Commission shall consider the proposed demolition, new construction, or alteration in the context of the adopted Landmark Conservation Plan and the architectural or historical value and significance of the site and structure in relation to the Overlay Zone.

   b. Commission considerations shall include the visual relationship of proposed architectural design elements to the surrounding area, including scale, height, rhythm of spacing, pattern of windows and doorways, building siting and relationship to landscaping, roof pitch, architectural style, and structural details, materials, colors, and textures.

4. **Demolition requirements.** If, after review of demolition permit application, the Commission determines that the structure has historical, architectural or cultural interest or value, the Commission may withhold approval for demolition for 180 calendar days from the date of Commission action, or until environmental review is completed, whichever occurs later.

   a. During the 180 days, the Commission may direct the Department to consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens, make recommendations for acquisition of property by public or private bodies or agencies, explore the possibility of moving one or more structures or other features, and take any other reasonable measures.

   b. At the end of the 180 days, the demolition permit shall be issued if environmental review determines there will not be a significant impact on the environment and all requirements of the zoning ordinance are met or, if there may be substantial environmental damages, that specific economic, social or other considerations make infeasible the mitigation measures or alternatives identified during environmental review.
If, after review of the request for a demolition permit, the Commission determines that the building or structure has no substantial historical, architectural, or cultural interest or value, a Building Permit for demolition may be issued.

5. **New construction and alteration requirements.** The Commission shall not grant Architectural Review approval for new construction or alterations unless it finds that the proposed new construction or alteration will be compatible with, and help achieve the purposes of the -L zone.

6. **Landscape material requirements.** Director approval shall be required for the removal or alteration of landscape materials identified as significant resources by a Landmark District Conservation Plan. Removal or alteration of the landscape materials shall require a finding that the proposed removal or alteration will not affect the character of the -L zone, or that the safety or persons or property requires the removal or alteration. This Subsection does not restrict the routine maintenance of landscape materials.

7. **Effective date.** A decision of the Commission in compliance with this Section shall become effective on the 10th day after the date of the decision, unless appealed in compliance with Chapter D7-II (Appeals and Calls for Review).

**G. Maintenance of structures and sites.** Each owner of property within an -L Overlay Zone, and owner of a designated landmark, shall maintain all their structures and premises within the -L overlay in good repair at all times. Structures and premises in good repair shall present no material variance in apparent condition from surrounding structures in compliance with this Section. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and site for a lawfully permitted use, and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises.

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**D2-32 - Reserved**

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**D2-33 - Senior Housing (SH) Overlay Zone**

A. **Purpose.** The Senior Housing (-SH) overlay zone is intended to encourage the production of housing which meets the special needs of senior citizens, and provide standards to ensure that senior citizen housing will be compatible with existing neighborhood character, and will provide appropriate guidance for achieving densities above General Plan levels.

B. **Applicability.** The -SH Overlay Zone may be combined with any residential primary zone established by Section D1-7 (Zoning Map and Zones).

C. **Definitions.** Definitions of technical terms and phrases used in this Section may be found in Division D8 (Glossary) under “Senior Housing.”

D. **Occupancy restrictions.** Residents within a -SH zone shall be age 55 years or older, and/or a qualifying resident along with a senior citizen 55 years of age or older or a guest of a senior citizen or qualifying resident on a temporary basis, in compliance with Civil Code Section 51.3.
Division D3

Site Planning and Project Design Standards

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- D3-2 - Applicability
- D3-3 - Development on Substandard Parcel
- D3-4 - Fences, Walls, and Screening
- D3-5 - Hazardous Materials Storage
- D3-6 - Height Limits and Exceptions
- D3-7 - Outdoor Lighting
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Chapter I - General Property Development Standards

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D3-5 - Hazardous Materials Storage
D3-6 - Height Limits and Exceptions
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D3-1 - Purpose

This Chapter expands upon the standards established by Division D2 (Allowable Land Uses and Zone Standards) for each zone, by addressing additional details of site planning, project design, and the operation of land uses. These standards are intended to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of stable and desirable character, consistent with the General Plan and any applicable specific plan.

D3-2 - Applicability

The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in Chapter D7-I (Nonconforming Uses, Structures, and Parcels). The requirements of this Chapter shall be considered along with the standards for the applicable zone in Division D2 (Allowable Land Uses and Zone Standards) and those in Divisions D4 (Standards for Specific Land Uses) and D5 (Resource Management).

D3-3 - Development on Substandard Parcel

A. Minimum area and width required. A legally created parcel with an area or width less than required for the applicable zone by Division D2 (Allowable Land Uses and Zone Standards) may be occupied by a permitted or conditional use if the parcel has an area of at least 2,500 square feet and a width of at least 25 feet, and if on the effective date of the regulations that made the parcel substandard, the parcel was in single ownership, separate from any abutting parcel.

B. One dwelling unit may be allowed. One dwelling unit may be located on a substandard residentially zoned parcel that meets the requirements of this Section, but only if constructed in compliance with the City adopted Uniform Building Code.

C. Setback and density requirements. A substandard parcel shall comply with the same setback and density requirements in Division D2 (Allowable Land Uses and Zone Standards) as a standard parcel.

D. No further reductions allowed. A substandard parcel shall not be further reduced in area or width.
D3-4 - Fences, Walls, and Screening

A. Applicability. The requirements of this Section apply to all fences and walls unless otherwise stated.

1. Fences or wall in flood hazard area. A fence or wall in an area subject to flooding identified on a Federal Flood Insurance Rate Map (FIRM) on file in the Engineering Services, Public Works Department shall require a Building Permit.

2. Exemptions. These regulations do not apply to fences or walls required by a State or Federal agency, or by the City for public safety.

B. Height limits.

1. General height limit. Each fence and/or wall shall comply with the height limits shown in Table 3-1 for Residential zoned properties or Table 3-2 for Non-Residential zoned properties. Fencing between different land uses shall be provided in compliance with Subsection F. (Screening), below.

TABLE 3-1
HEIGHT OF RESIDENTIAL FENCES AND WALLS

<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Along a front property line and/or within a required front setback</td>
<td>3 ft</td>
</tr>
</tbody>
</table>
| Alongside or rear property lines and/or within required setbacks | 7 ft. (6 ft. solid with 1 ft. lattice) \(^1\)  
6 ft. (with architectural feature), see Subsection B.3 below. |
| Outside of required side or rear setbacks    | See Accessory Structures, D4-26 |

\(^1\) Fence height - No permit required. The Zoning Administrator may allow the height of a fence along a side or rear property line and/or within a side or rear setback to be a maximum of seven feet without a Minor Use Permit if the top one foot is constructed of open lattice subject to the approval of the Zoning Administrator; provided that the fence complies with all other applicable requirements of this Section, including the fence material limitations in Subsection E. (Prohibited materials). Open lattice shall be 50% or more air-penetrable and constructed of like material to the fence. See Figure 3-2.

TABLE 3-2
HEIGHT OF NON-RESIDENTIAL FENCES AND WALLS

<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Along a front property line and/or within a required front setback</td>
<td>3 ft</td>
</tr>
<tr>
<td>Alongside or rear property lines and/or within required setbacks</td>
<td>8 ft. (8 ft. solid)</td>
</tr>
<tr>
<td>Outside of required side or rear setbacks</td>
<td>See Accessory Structures, D4-26</td>
</tr>
</tbody>
</table>
2. **Increased fence or wall height - Permit required.** The maximum fence or wall height allowed by Table 3-1 or Table 3-2 may be increased with Minor Exception or Variance approval, subject to the required findings in D6-24 (Minor Exceptions) or D6-29 (Variances) and the following requirements.

   a. Each fence or wall shall comply with the traffic safety visibility area requirements in Section D3-6.F., below.

   b. The Zoning Administrator may require conditions of approval to address aesthetic issues and concerns.

3. **Architectural Feature.** An architectural feature may be constructed a maximum of 2 ft. above a 6 ft. high fence. The architectural feature may project a maximum 18 inches from the posts, but shall not extend beyond a property line. See Figure 3-3 and Figure 3-4.

![Figure 3-3 – Architectural Feature](image)

![Figure 3-4 – Architectural Feature Projection](image)

C. **Measurement of fence and wall height.**

   1. Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material. Grade may not be modified in order to increase fence height.

   2. The height of fencing atop a wall shall be measured from the base of the wall and measured from the side with the lowest natural grade and shall not exceed the maximum height required by this section. See Figure 3-1

   3. Where the elevation of the finished grade within six feet of the base of the fence differs from one side of the fence to the other (as when a fence is placed at the top of a slope or on a retaining wall), the height shall be measured from the side with the lowest natural grade. In order to maximize the height of the wall and fence, the fence will need to be offset from the wall. See Figure 3-1.

D. **Specific fence and wall requirements.**

   1. **Fencing between different land uses.** Fencing between different land uses shall be provided in compliance with Subsection F. (Screening), below.

   2. **Outdoor equipment, storage, and work areas.** Nonresidential outdoor uses and equipment adjacent to a residential use shall be screened in compliance with Subsection F. (Screening), below.
3. **Retaining walls.** An embankment to be retained that is over 48 inches in height shall be bench so that no individual retaining wall exceeds a height of 48 inches above finished grade, and each bench has a minimum depth of 24 inches. See Figure 3-5.

![Figure 3-5 - Retaining Wall Design](image)

4. **Swimming pools, spas, and similar features.** Swimming pools/spas and other similar water features shall be fenced in compliance with City adopted Uniform Building Code (UBC) requirements, regardless of the other requirements of this Section.

5. **Temporary fencing.** Temporary fencing may be required by a Zoning Administrator where necessary to protect archaeological or historic resources, trees, or other similar sensitive features, and the general public from construction activities during site preparation and construction.

E. **Prohibited materials.** The following fence materials are prohibited in all zones unless approved by the Zoning Administrator for animal control, special security needs, or required by a City, State, or Federal law or regulation. Note: open wire fencing is permitted on property abutting open space.

1. Barbed wire, or electrified fence;
2. Razor or concertina wire in conjunction with a fence or wall, or by itself; and
3. Chain link fencing within a front or street side yard.

F. **Screening.** This Subsection establishes screening standards between different land uses for mechanical equipment, loading docks, refuse areas, and outdoor storage areas.

1. **Screening between different land uses.** A commercial or industrial land use proposed on a site abutting to a residential zone shall provide screening at the parcel boundary as follows. The Zoning Administrator may also require other nonresidential uses adjacent to a residential use to comply with these requirements.

   a. The screen shall consist of plant materials and a solid, decorative wall of masonry or similar durable material, a minimum of six feet in height.
   b. The screen shall consist of plant materials and a solid, decorative wall of masonry or similar durable material, a minimum of six feet in height.
   c. The maximum height of the wall shall comply with the provisions of Subsection B. (Height limits), above.
d. The decorative wall shall be architecturally treated on both sides, subject to Zoning Administrator approval.

e. A landscaping strip with a minimum width of five feet shall be installed adjacent to a screening wall, except that 10 feet of landscaping shall be provided between a parking lot and a screening wall, in compliance with Section D3-19 (Landscape Location Requirements).

f. The Zoning Administrator may waive, or approve a substitute for the requirements of this Subsection F.1, if the Zoning Administrator first determines that:

   (1) The relationship of the proposed uses makes screening unnecessary;
   
   (2) The intent of this Section can be successfully met by alternative screening methods;
   
   (3) Physical characteristics and/or constraints on the site make the required screening infeasible or unnecessary.

2. Mechanical equipment. Mechanical equipment shall be screened as follows. Telecommunications equipment and antennas shall be screened in compliance with Chapter D4-IV (Wireless Telecommunications Facilities).

a. Screening required.

   (1) Except as provided in following Subparagraph (3), all exterior mechanical equipment shall be screened from view on all sides.

   (2) Equipment to be screened shall include air conditioning, ductwork, heating, plumbing lines, refrigeration equipment, and transformers.

   (3) Screening of the top of the equipment may be required by the Zoning Administrator, if necessary to protect views from a neighboring residential zone.

b. Roof-mounted equipment. Roof-mounted mechanical equipment (e.g., air conditioning, ductwork, heating, plumbing lines, etc.) shall be screened in compliance with Subsection F.2.a, above.

c. Utility meters. Utility meters shall be:

   (1) Enclosed within subsurface vaults when located within a required front setback or in a street side setback; and

   (2) Screened from view from public rights-of-way, but need not be screened on top or when located within the interior side setback of a single-family dwelling.

d. Screening specifications.

   (1) Screening materials may be solid concrete, wood, or other opaque material and shall effectively screen the mechanical equipment so that it is not visible from a street or adjoining parcel subject to the determination of the Zoning Administrator.

   (2) The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style.
3. **Loading docks and refuse areas.** Loading docks and refuse storage areas shall be screened from public view from adjoining public streets and rights-of-way and adjoining areas zoned for residential uses. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style. Refuse storage areas shall comply with all applicable requirements of Section D3-11 (Solid Waste/Recyclable Materials Storage).

4. **Screening for other activities and land uses.** Screening shall also be provided in compliance with applicable standards in Division D3, Chapter III (Parking and Loading), and Division D4 (Standards for Specific Land Uses), as applicable.

---

**D3-5 - Hazardous Materials Storage**

A. **Purpose.** The requirements of this Section are intended to ensure that the use, handling, storage, and transport of hazardous substances comply with all applicable requirements of the California Health and Safety Code, and that the City is notified of emergency response plans, unauthorized releases of hazardous substances, and any substantial changes in facilities or operations that could affect the public health, safety, or welfare. It is not the intent of this Section to impose additional restrictions on the management of hazardous wastes.

B. **Definitions.** For purposes of this Section, "hazardous substances" shall include all substances on the comprehensive master list of hazardous substances compiled and maintained by the California Department of Health Services in compliance with State law (Health and Safety Code Section 25282).

C. **Permit requirement.** Use Permit approval shall be required for any new commercial, industrial, or institutional use or accessory use, or major addition or alternative to an existing use that involves the handling, manufacture, processing, or storage of hazardous substances in sufficient quantities that would require permits as hazardous chemicals under the Uniform Fire Code adopted by the City, with the following exceptions:

1. Underground storage of bulk flammable and combustible liquids is allowed in compliance with Subsection E. (Underground storage tanks), below; and

2. Hazardous substances in container sizes of 10 gallons or less that are stored or maintained for the purposes of retail or wholesale sales are exempt from these regulations.

D. **Hazardous Materials Release Response Plan required.**

1. Each business within the City that is required by Health and Safety Code Chapter 6.95 to prepare a Hazardous Materials Release Response Plan shall submit the plan, including any corrected or revised plans, to the Zoning Administrator at the same time the plan is submitted to the public agency responsible for administering these provisions.

2. The submittal of the Hazardous Materials Release Response Plan shall be a condition of approval of a zoning permit for the following:

   a. New development where space may be occupied by a business; and

   b. Any alteration or addition to an existing structure occupied by a business that is subject to Health and Safety Code Chapter 6.95.
E. **Underground storage tanks.** The underground storage of hazardous substances shall comply with all applicable requirements of State law (Health and Safety Code Chapter 6.7) and Section 79.113(a) of the Uniform Fire Code.

1. Any business located in the City that uses underground storage tanks shall:
   a. Notify the Fire Chief of any unauthorized release of hazardous substances within 24 hours after the release has been detected and the steps taken to control the release; and
   b. Notify the Fire Chief and the Zoning Administrator of any proposed abandoning, ceasing operation, or closing of any underground storage tank and the actions to be taken to dispose of any hazardous substances.

2. These notification requirements shall apply to the following:
   a. New development that involves the installation of an underground tank; and
   b. Any alteration or addition to an existing structure on a site where an underground storage tank exists.

F. **Above-ground storage tanks prohibited.** Above-ground storage tanks containing hazardous substances are prohibited within the City.

G. **Appeals.** A decision of the Zoning Administrator may be appealed to the Planning Commission in compliance with Chapter D7-II (Appeals and Calls for Review).

---

**D3-6 - Height Limits and Exceptions**

A. **Purpose.** This Section describes the required methods for measuring the height of structures in compliance with the height limits established by this Zoning Ordinance, and exceptions to those height limits.

B. **Maximum height outside the City Center project.** Notwithstanding anything to the contrary in this Code, no building outside the area identified on the Assessment Roll as APN 213-133-063, APN 213-133-086, APN 213-120-010, APN 213-120-013, APN 213-120-017 and APN 213-120-018 and as shown on the Vesting Tentative Map for Subdivision 9217 (San Ramon City Center Project), approved by the City Council on December 11, 2007, shall be permitted to exceed the greater of five (5) stories or eighty-five feet (85') in height, including mechanical, unless approved by the electors of San Ramon.

C. **Maximum height of structures.** No structure shall exceed the height limit established for the applicable zone by Division D2 (Allowable Land Uses and Zone Standards), except as otherwise provided by this Section, or by Division D4 (Standards for Specific Land Uses).
D. **Height measurement.** The maximum allowable height shall be measured as the vertical distance from the average point of the plane connecting the highest and lowest points where the exterior walls touch the natural grade of the site to the midpoint of a pitched roof, or to the highest point on a flat roof. See Figure 3-6. The location of natural grade shall be determined by the Zoning Administrator, and shall not be artificially raised to gain additional structure height.

![Figure 3-6 – Height Limits](image)

E. **Exceptions to height limits.** The following structures and structural features may exceed the height limits of this Zoning Ordinance as noted:

1. **Architectural features.**
   a. A chimney, cupola, mechanical equipment, monument, or vent may exceed the height limits by a maximum of three feet.
   b. An elevator penthouse, spire, theater scenery loft, tower, or roof-mounted water tank may exceed the height limits by eight feet.

2. **Telecommunications facilities.** The height of communications facilities, including antennas, poles, towers, and necessary mechanical appurtenances shall comply with Chapter D4-IV (Wireless Telecommunications Facilities).

F. **Height limit at street corners and driveways.** Proposed and existing development adjacent to a public or private street or alley intersection, or the intersection of a driveway with a street shall be designed to provide a traffic safety visibility area for pedestrian and traffic safety. See Figures 3-7 and 3-8.

1. **Measurement of visibility area.** A traffic safety visibility area is a triangle measured as follows, and may include private property and/or public right-of-way.
   a. **Street intersections.** The visibility area shall be defined by measuring 25 feet from the intersection of the front and street side right-of-way lines (e.g., edge of pavement or curb), and connecting the lines across the property.

![Figure 3-7 – Required Traffic Safety Visibility Area for Street Intersections](image)
b. **Driveways.** The visibility area shall be defined by measuring 15 feet along the driveway from the intersection of the driveway with the face of curb, and 15 feet along the street line at the face of curb, away from the driveway, and connecting the lines across the intervening property. The 15 foot dimension shall follow the contour of the face of curb along curves and cul-de-sacs.

2. **Height limit.**
   
a. No structure, sign, or landscape element shall exceed 30 inches in height within the traffic safety visibility area, unless approved by the Engineering Services Director.

   b. This limitation shall not apply to existing public utility poles, traffic signs and signals, trees with their canopy trimmed to a minimum of seven feet above grade, or corners where the contour of the land itself prevents visibility.

G. **Height limit for accessory structures.**

   1. Measured as the vertical distance from average point of the plane connecting the highest and lowest points where the exterior walls touch the natural grade of the site to the midpoint of a pitched roof, or to the highest point on a flat roof. See Figure 3-9.

   2. Height limit does not include architectural features such as chimneys.

   3. Height of decks is measured as the vertical distance from the average point of the plane connecting the highest and lowest points where the exterior walls/posts touch the natural grade of the site to the top of the flooring material (i.e. not railing) See Figure 3-10.
D3-7 - Outdoor Lighting

A. **Applicability.** The requirements of this Section apply in all zones except where noted otherwise.

B. **Conformance with security measures.** The outdoor lighting for the project shall conform to the security measures identified in Municipal Code Title C, Division 12, Chapter X (Building Security), and any other security measures required by the Chief Building Official and the Chief of Police. These measures shall include lighting within parking areas and the structures' perimeter.

C. **Comprehensive lighting plan required.** A comprehensive lighting plan for the project shall be submitted to the Planning Department for approval with the project application.

D. **Illumination of entrance areas.** All lighting shall adequately illuminate the main entrance areas and other structure entrance areas.

E. **Low-level and vandal resistant.** On-site lighting in all other areas shall be low-level and vandal resistant.

F. **Maximum height of lighting.** An outdoor light fixture, not including parking area lighting structures, shall be limited to a maximum height of 18 feet. An outdoor light fixture within the public right-of-way or within a Park zone is exempt from this height limit because of site specific requirements.

G. **Energy-efficient fixtures required.** Outdoor lighting shall utilize energy-efficient (high pressure sodium, low pressure sodium, hard-wired compact fluorescent, or other lighting technology that is of equal or greater energy efficiency) fixtures and lamps.

H. **Shielded or recessed lighting required.** Lighting fixtures shall be shielded or recessed to reduce light bleed to adjoining properties, by:

   1. Ensuring that the light source (e.g., bulb, etc.) is not visible from off the site; and

   2. Confining glare and reflections within the boundaries of the site to the maximum extent feasible.

Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no on-site light fixture directly illuminates an area off the site.
I. **Maximum illumination level.** No lighting shall produce an illumination level greater than one foot candle at the property line with a residential zone except on the site of the light source.

J. **No blinking or flashing lights allowed.** No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness, as determined by the Zoning Administrator.

### D3-8 - Performance Standards

**A. Purpose.** This Section provides performance standards to minimize various potential operational impacts of land uses and development within the City, and promote compatibility with adjoining areas and land uses.

**B. Applicability.** The requirements of this Section apply to all new and existing land uses, including permanent and temporary uses in all zones, unless an exemption is specifically provided. A land use existing on the effective date of this Section shall not be altered or modified thereafter to conflict with these standards.

**C. Combustibles and explosives.** The use, handling, storage, and transportation of combustibles and explosives shall comply with the provisions of Municipal Code Title B, Division 4 (Fire Prevention), and any other applicable laws.

**D. Dust.** Activities that may generate dust emissions (e.g., commercial gardening, construction, grading, and similar operations) shall be conducted to limit the emissions beyond the site boundary to the maximum extent feasible. Recycled water shall be used unless it is not available, not feasible (additional cost is not the primary determination regarding feasibility), or if there is an environmental concern (e.g. adjacent to a creek, protected habitat, etc.) as determined by the Zoning Administrator. Recycled water shall also be utilized for other construction-related activities, including but not limited to washing equipment, and street cleaning, in compliance with all applicable regulations and permits, including the City’s Storm Water Permit.

The Zoning administrator, in determining feasibility of the use of recycled water shall look at the availability of reclaimed water, distance of transportation, impacts of transit on the road system, site specific constraints, and scale of development.

Appropriate methods of dust management shall include the following, subject to approval by the City Engineer and/or Building Official.

1. **Scheduling.** Grading shall be designed and grading activities shall be scheduled to ensure that repeat grading will not be required, and that completion of the dust-generating activity (e.g., construction, paving, or planting) will occur as soon as possible.

2. **Limited hours for grading.** Grading operations shall occur only between the hours of 7:00 a.m. and 7:00 p.m. to the extent feasible, consistent with the City's Grading Ordinance, and noise levels shall not exceed those allowed by the City's Noise Ordinance. The hours for grading operations may be further restricted when determined by the Zoning Administrator or the City Engineer to be necessary because of the proximity of dust- and noise-sensitive uses.

3. **Operations during high winds.** Clearing, earth-moving, excavation operations, or grading activities shall cease when the wind speed exceeds 25 miles per hour averaged over one hour.

4. **Limiting the area of disturbance.** The area disturbed by clearing, demolition, earth-moving, excavation operations, or grading shall be minimized at all times.

5. **Dust control.** Dust emissions shall be controlled by a combination of the following:
   a. Watering on-site construction roads a minimum of twice a day;
b. Paving or use of other treatments of permanent on-site roads

c. Covering of truck loads to contain dust sources

d. Use of other dust prevention measures as necessary based on site conditions, (e.g. hydro-seeding)

6. Revegetation. Graded areas shall be revegetated as soon as possible, within no longer than 30 days, once grading is complete, to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than 90 days shall be seeded and watered until grass cover is grown and maintained; and

7. Containment. Appropriate facilities shall be constructed to contain dust within the subject site as required by the City Engineer.

E. Ground vibration. No activity, process, or use shall generate ground vibrations that are perceptible without instruments by a reasonable person at the property lines of the subject site.

F. Hazardous and extremely hazardous materials. The handling (e.g., recycling, storage, transportation, etc.) of hazardous and extremely hazardous materials shall comply with the requirements of the California Hazardous Materials Regulations (California Administrative Code, Title 22, Division 4), Section D3-5 (Hazardous Materials Storage ), above, and any other applicable laws.

G. Heat and humidity. Activities, processes, and uses shall not produce any unreasonable, disturbing, or unnecessary emissions of heat or humidity, at the property line of the subject site that cause material distress, discomfort, or injury to a reasonable person.

H. Hours of operation. In a commercial zone, a nonresidential use with outdoor parking located within 100 feet of a residential zone shall not operate between the hours of 10:00 p.m. and 7:00 a.m., unless authorized by Use Permit approval, granted in compliance with Section D6.28 (Use Permits and Minor Use Permits).

I. Light and glare. Outdoor lighting shall comply with the requirements of Section D3-7 (Outdoor Lighting), above.

J. Liquid waste. No liquid shall be discharged into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the State Regional Water Quality Control Board.

K. Noise. Noise emanating from the subject site shall comply with the City’s Noise Ordinance.

L. Odor. No activity, process, or use shall produce obnoxious or objectionable odors or fumes that are perceptible without instruments by a reasonable person at the property line of the subject site.

M. Radioactivity, electrical disturbance, or electromagnetic interference.

1. The handling, storage, transportation, and use of radioactive materials shall comply with the provisions of the California Radiation Control Regulations (California Administrative Code, Title 17), and any other applicable laws.

2. Activities, processes, and uses shall not cause electrical disturbance or electromagnetic interference with normal radio or television reception in any residential zones, or with the function of other electronic equipment beyond the property line of the subject site.

N. Traffic Control. Activities that require lane closures or deviation from originally planned traffic flow shall comply with the most recent edition of the Caltrans Manual for Traffic Control or as approved by the City.
D3-9 - Relocated Structures

A. **Permit requirement.** In addition to the requirements of Municipal Code Title C, Division 14 (Housing Moving), a Minor Use Permit shall first be required for the relocation of any structure within the City.

B. **Conditions to be established by Zoning Administrator.** The Minor Use Permit shall establish conditions necessary to ensure that the relocated structure will be compatible with its surroundings in terms of architectural character, height and bulk, and quality of exterior appearance.

C. **Appeals.** A decision of the Zoning Administrator may be appealed to the Planning Commission in compliance with Chapter D7-II (Appeals and Calls for Review).

D3-10 - Setback Requirements and Exceptions

A. **Purpose.** This Section provides standards for the location, required size, and allowable uses of setbacks. Setback standards provide open areas around structures for: access to and around structures; access to natural light, separation between potentially conflicting activities; ventilation and direct sunlight; visibility and traffic safety; and space for privacy, landscaping, and recreation.

B. **Setback requirements.**

1. **Minimum setbacks for all structures.**
   a. Each structure shall comply with the front, street side, interior side, and rear setback requirements of the applicable zone, except:
      (1) Where a different setback requirement is established for a specific land use by Division D4 (Standards for Specific Land Uses);
      (2) Where a different setback requirement is established by Division D5 (Resource Management); and
      (3) As otherwise provided by this Section.
   b. No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line, or into an access easement, or street right-of-way, except as provided by this Section.

2. **Exemptions from setback requirements.** The minimum setback requirements of this Zoning Ordinance do not apply to the following.
   a. A projection into a required setback allowed by Subsection E. (Allowed projections into setbacks), below.
   b. A fence or wall in compliance with Section D3-4 (Fences, Walls, and Screening).
   c. A deck, earthwork, step, terrace, and other site design element that is placed directly upon grade and does not exceed a height of 18 inches above the surrounding grade at any point.
   d. A sign in compliance with Division D3, Chapter IV (Signs).
e. A retaining wall less than 48 inches in height above finished grade. An embankment to be retained that is over 48 inches in height shall be benched in compliance with Section D3-4.D (Specific fence and wall requirements).

C. **Measurement of setbacks.** Setbacks shall be measured and applied as follows, except that different setback measurement methods may be required where the Zoning Administrator determines that unusual parcel configuration makes the following infeasible or ineffective. See Figure 3-11.

![Figure 3-11 – Location & Measurement of Setbacks](image)

1. **Front setback.** A front setback shall be measured at right angles from the nearest point on the front property line of the parcel (or edge of access easement on a private street) to the nearest point of the wall of the structure, except as follows. The front property line on a corner lot is the most narrow lot line abutting a street, except as provided by Subsection C.2 (Street side setback), below. The front setback area excludes the public right-of-way (i.e. sidewalks, utility easements, and/or landscape strips). See Figure 3-12.

![Figure 3-12 – Typical Front Yard Cross Section](image)

a. **Mapped street with future improvements.** If the City has established a plan that identifies a right-of-way for the future construction of a new street or the widening of an existing street, the required front or street side setback shall be measured from the plan line.
b. **Infill development within previously approved project.** Where the City has established specific setback requirements for individual vacant parcels through the approval of a specific plan, subdivision map, or other entitlement, those setbacks shall apply to continuing development within the approved project instead of the setbacks required by this Zoning Ordinance.

c. **Flag lot.** For a parcel with a fee ownership strip extending from a street or right-of-way to the building area of the parcel, the front setback shall be measured from the nearest point of the wall of the structure to the point where the access strip meets the bulk of the parcel; establishing a setback line parallel to the lot line nearest to the public street or right-of-way. See Figure 3-13.

d. **Corner lot.** The front setback shall be measured from the nearest point of the wall of the structure to the nearest point of the side street property line. If the property lines on both street frontages are of the same length, the property line to be used for front setback measurement shall be that to which the City has assigned the street address of the parcel.

e. **Double frontage lot.** The Director shall determine the location of a required front setback on a double-frontage lot.

2. **Street side setback.** The side setback on the street side of a corner parcel shall be measured from the nearest point on the side property line abutting the street right-of-way, or the edge of an easement for a private road, or the inside edge of the sidewalk, or a plan line established as described in Subsection C.1.b., above, whichever results in the greatest setback from the existing or future roadway.

3. **Side (interior) setback.** The interior side setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest point of the wall of the structure; establishing a setback line parallel to the side property line, which extends between the front and rear setbacks.

4. **Rear setback.** The rear setback shall be measured at right angles from the nearest point on the rear property line to the nearest line of the structure, establishing a setback line parallel to the rear property line.
   
a. The Zoning Administrator shall determine the location of the required rear setback on a double-frontage parcel.
   
b. Where a parcel has no rear lot line because its side lot lines converge to a point, a presumed line 10 feet long within the parcel, parallel to, and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear setback. See Figures 3-14 and 3-15.
D. Limitations on the use of setbacks.

1. Structures. A required setback area shall not be occupied by a structure other than those identified by Subsection B. 2. (Exemptions from setback requirements), above as being exempt from the setback requirements of this Section.

2. Storage. No front, rear, side or street side setback shall be used for the accumulation, placement, or storage of automobiles or other motor vehicles, building materials, junk, machinery, or scrap, except for the following:
   a. Automobiles and trucks, not in excess of one-ton capacity, regularly in use, with current registration, able to move under their own power and be legally driven on a public street, that are parked within a designated driveway; and
   b. Building materials stored on-site required for construction on the subject parcel, immediately before and during a construction project.
   c. A recreational vehicle stored in compliance with Section D3-41.E. (Vehicles on Private Property)

3. Parking. A required residential parking space shall not be located within a required setback area. Accessory Dwelling Unit (ADU) parking shall comply with California Government Code Section 65852.2I as outlined in Section D4-39 “Accessory Dwelling Units”

4. Mechanical and utility equipment. See Subsection F. 5. (Mechanical equipment) below.

5. Accessory structures. Accessory structures shall comply with the setback requirements established by Section D4-26 (Accessory Structures).

E. Allowed projections into setbacks. Where allowed in the applicable zone an architectural feature attached to a primary structure may extend beyond the wall of the structure and into a required front, street side, side, or rear setback in compliance with Table 3-3. These requirements do not apply to accessory structures, which are instead subject to Section D4-26 (Accessory Structures).
TABLE 3-3
ALLOWED PROJECTIONS INTO SETBACKS

<table>
<thead>
<tr>
<th>Projecting Feature</th>
<th>Allowed Projection into Required Setback</th>
<th>Front/Street Side Setback</th>
<th>Interior Side Setback</th>
<th>Rear Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awnings and canopies</td>
<td></td>
<td>6 ft</td>
<td>30 in (1)</td>
<td>6 ft (1)</td>
</tr>
<tr>
<td>Balcony, landing, porch, stairway - Uncovered and unenclosed</td>
<td></td>
<td></td>
<td>25% of setback</td>
<td></td>
</tr>
<tr>
<td>Balcony, landing, porch, stairway - Covered and enclosed by roof and walls</td>
<td></td>
<td></td>
<td>Not allowed in any setback</td>
<td></td>
</tr>
<tr>
<td>Balcony, landing, porch, stairway - Covered but unenclosed</td>
<td></td>
<td>6 ft</td>
<td>30 in (1)</td>
<td>6 ft (1)</td>
</tr>
<tr>
<td>Bay window, or similar projecting feature</td>
<td></td>
<td>30 in</td>
<td>The greater of 30 in or 20% of setback (1)</td>
<td>30 in</td>
</tr>
<tr>
<td>Chimney/fireplace, 6 ft. or less in breadth, media niche</td>
<td></td>
<td>24 in</td>
<td>24 in (1)</td>
<td>24 in (1)</td>
</tr>
<tr>
<td>Chimney/fireplace, more than 6 ft. in breadth, media niche</td>
<td></td>
<td>Not allowed</td>
<td>24 in (1)</td>
<td>24 in (1)</td>
</tr>
<tr>
<td>Cornice, eave, mechanical equipment, roof overhang</td>
<td></td>
<td>24 in</td>
<td>24 in (1)</td>
<td>24 in (1)</td>
</tr>
</tbody>
</table>

Notes: (1) Feature may project and additional 6 inches if the setback is greater than 5 feet.

F. Setback requirements for specific structures:

1. **Accessory structures.** See Section D4-26 (Accessory Structures).

2. **Fences.** See Section D3-4 (Fences, Walls, and Screening).

3. **Decks and other site design elements.** A deck, freestanding solar device, steps, terrace, or other site design element that is placed directly upon the grade, and that exceeds a height of 18 inches above the surrounding grade at any point, shall comply with the setback requirements of this Zoning Ordinance for detached accessory structures. (Note: A site design element less than 18 inches above grade is exempt from setback requirements.)

4. **Swimming pool, hot tub, etc.** A swimming pool, hot tub, or spa shall be set back a minimum of five feet from side and rear property lines to the water's edge, and shall not be located within a front setback. Equipment less than six feet in height that is associated with a pool, hot tub and/or spa shall be set back a minimum of 36 inches from all property lines.

5. **Mechanical equipment.** Ground-mounted mechanical equipment less than six feet in height located outside of a structure shall be setback a minimum of 36 inches from all property lines. Ground-mounted mechanical equipment greater than six feet in height located outside of a structure shall maintain a setback equal to the height less three feet from all property lines. Examples of this equipment include: air conditioning, heating, swimming pool pumps and filters, ventilation, and similar equipment; and cable television distribution boxes, transformers, and similar utility equipment that is not installed underground.
D3-11 - Solid Waste/Recyclable Materials Storage

A. **Purpose.** This Section provides standards which recognize the City's support for and compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900 through 42911).

B. **Applicability.** These requirements shall apply to all new multi-family residential and nonresidential developments, or changes to existing multi-family residential or nonresidential development that increase gross floor area by at least 25 percent.

C. **Extent of storage area required.** Solid waste and recyclables storage areas shall meet or exceed minimum requirements provided in tables D3-11.A and D3-11B. Additional storage areas may be required, as deemed necessary by the Zoning Administrator. The storage area shall be designed to accommodate standard size containers and to be accessible by occupants and standard collection vehicles.

D. **Enclosure requirements.**

1. **Applicable laws.** The design, construction, and location of solid waste and recycling areas shall not be in conflict with any applicable Federal, state, or local laws relating to fire, building, access, transportation, circulation or safety.

2. **Location.** Developments and transportation corridors adjacent to recycling areas shall be adequately protected for any adverse impacts such as noise, odor, vectors, or glare through measures including, but not limited to maintaining adequate separation, fencing, and landscaping. Material storage areas in a commercial development shall be located at least 25 feet from any pedestrian and/or vehicular access points.

3. **Access.** Driveways and/or travel aisles shall, at a minimum, conform to local building code requirements, driveways and/or travel aisles should provide unobstructed access for collection vehicles and personnel.

4. **Enclosure required.** Storage areas shall be fully enclosed by a minimum six-foot high decorative masonry wall or other solid enclosure that is architecturally compatible with adjacent structures, Tables 3-3 and 3-4, and approved by the Zoning Administrator.

5. **Roof covering required.** All storage areas shall be provided solid covers, shall be no more than 12 feet in height, and shall be constructed of materials which are architecturally compatible with adjacent structures and approved by the Zoning Administrator.

6. **Gates required.** Gates shall be solid and continuously maintained in proper working order.

7. **Concrete apron required.** A concrete apron shall be engineered to withstand a minimum of 20,000 pounds of direct force from a single truck axle.

8. **Landscaping required.** Landscaping shall be provided to soften and screen the storage areas in compliance with Division D3, Chapter II (Landscaping Design Regulations). See Figure 3-16.
E. **Multi-family residential storage requirements.** All new multi-family residential development shall provide interior and exterior refuse and recycling storage areas as approved by the Zoning Administrator. Guidelines for the areas to be provided are in Table 3-3.

1. **Interior storage.** Each dwelling unit shall be equipped with an interior refuse and recyclable material storage area of at least six cubic feet. The storage area shall consist of at least three cubic feet for recycling and at least three cubic feet for non-recyclable materials.

2. **Exterior storage.** Each structure containing dwelling units shall be provided at least one exterior storage area. The minimum size of the total of all storage areas shall be based on the number of dwelling units in the development as shown in Table 3-4, as approved by the Zoning Administrator.

### TABLE 3-4

<table>
<thead>
<tr>
<th>Number of Dwelling Units Per Development</th>
<th>Minimum Refuse Storage Area Per Development (Square Feet)</th>
<th>Minimum Recyclable Material Storage Area Per Development (Square Feet)</th>
<th>Total Minimum Storage Area Per Development (Square Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 – 7</td>
<td>16</td>
<td>16</td>
<td>32</td>
</tr>
<tr>
<td>7 – 15</td>
<td>32</td>
<td>32</td>
<td>64</td>
</tr>
<tr>
<td>16 – 25</td>
<td>64</td>
<td>64</td>
<td>128</td>
</tr>
<tr>
<td>26 – 50</td>
<td>128</td>
<td>128</td>
<td>256</td>
</tr>
<tr>
<td>51 – 75</td>
<td>192</td>
<td>192</td>
<td>384</td>
</tr>
<tr>
<td>76 – 100</td>
<td>256</td>
<td>256</td>
<td>512</td>
</tr>
<tr>
<td>101 – 125</td>
<td>320</td>
<td>320</td>
<td>640</td>
</tr>
<tr>
<td>126 – 150</td>
<td>384</td>
<td>384</td>
<td>768</td>
</tr>
<tr>
<td>151 – 175</td>
<td>448</td>
<td>448</td>
<td>896</td>
</tr>
<tr>
<td>176 – 200</td>
<td>512</td>
<td>512</td>
<td>1024</td>
</tr>
<tr>
<td>201 +</td>
<td>512 plus 64 square feet for every 25 dwelling units above 201</td>
<td>512 plus 64 square feet for every 25 dwelling units above 201</td>
<td>1024 plus 128 square feet for every 25 dwelling units above 201</td>
</tr>
</tbody>
</table>
F. Commercial and industrial storage requirements. All new commercial and industrial development shall provide at least one exterior refuse and recyclable material storage area for each building. The minimum size of the area is based on the gross floor area of the buildings on the premises as shown in Table 3-5.

<table>
<thead>
<tr>
<th>Gross Floor Area Per Development (Square Feet)</th>
<th>Minimum Refuse Storage Area Per Development (Square Feet)</th>
<th>Minimum Recyclable Material Storage Area Per Development (Square Feet)</th>
<th>Total Minimum Area Per Development (Square Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 5,000</td>
<td>16</td>
<td>16</td>
<td>32</td>
</tr>
<tr>
<td>5,001 – 10,000</td>
<td>32</td>
<td>32</td>
<td>64</td>
</tr>
<tr>
<td>10,001 – 25,000</td>
<td>64</td>
<td>64</td>
<td>128</td>
</tr>
<tr>
<td>25,001 – 50,000</td>
<td>128</td>
<td>128</td>
<td>256</td>
</tr>
<tr>
<td>50,001 – 75,000</td>
<td>192</td>
<td>192</td>
<td>384</td>
</tr>
<tr>
<td>75,001 – 100,000</td>
<td>256</td>
<td>256</td>
<td>512</td>
</tr>
<tr>
<td>100,001 +</td>
<td>256 plus 64 square feet for every 25,000 square feet of building area above 100,001</td>
<td>256 plus 64 square feet for every 25,000 square feet of building area above 100,001</td>
<td>512 plus 128 square feet for every 25,000 square feet of building area above 100,001</td>
</tr>
</tbody>
</table>

D3-12 - Underground Utilities

Existing and new overhead utility facilities shall be converted to, or installed as, underground utilities in compliance with this Section.

A. Applicability. No Zoning Clearance shall be issued for a new structure or land development unless the applicant's plans comply with the requirements of this Section, or until the applicant has obtained a waiver of requirements of this Section.

B. Definitions. Definitions of the technical or specialized terms and phrases used in this Section may be found in Division D8 (Glossary) under “Utility Facility” and “Utility Infrastructure.”

C. Requirements for undergrounding.

1. All utilities servicing a new structure or servicing any existing structure located on the same parcel of land as a new structure shall be installed or relocated underground, except as otherwise exempted by Subsection D. (Exemptions from undergrounding requirements), below.

2. Relocation of existing overhead utility service to an off-site location is not allowed.

3. Utility lines, including, but not limited to electric distribution (under 33,000 volts), communications, street lighting and cable television, shall be placed underground by the applicant, who shall make the necessary arrangements with the utility companies for the installation of the facilities.

4. Existing utility poles on the project site shall be removed and undergrounding of all overhead service not directly affecting service to adjacent sites shall be accomplished to the nearest off-site pole as determined by the City Engineer.
5. New poles may be set only in special instances where no other feasible solution is available as determined by the utility company.

D. **Exemptions from undergrounding requirements.** The following types of facilities are exempt from the undergrounding requirements of this Section.

1. Poles, overhead wires, and associated utility services used for electricity transmission at a nominal voltage of 33,000 volts or higher and any appurtenant structures and equipment, including surface mounted transformers, pedestal-mounted terminal boxes and meter cabinets.

2. Temporary poles, overhead wires, and associated utility services used or to be used in conjunction with a construction project.

3. Temporary poles, overhead wires, and associated utility services for a temporary use, when a Temporary Use Permit has been issued in compliance with Section D6-27, and when the permit requires removal of the temporary utility service upon completion of the temporary use.

4. Public utilities doing work governed by the rules, regulations, and tariffs of the California Public Utilities Commission.

5. Emergency poles, overhead wires, and utility services to be installed and maintained for a period not to exceed 10 days, with the approval of the City Engineer.

6. Whenever an unreasonable hardship has been established by the Commission in compliance with Subsection F. (Hardship waiver - In-lieu fees), below.

E. **In-lieu fee.** When a project does not qualify for one of the exemptions listed in Subsection D., above, and the Commission has granted relief from undergrounding in conjunction with a request for construction in compliance with Subsection F., below, an in-lieu fee may be established based on front footage costs estimated by the utility company serving the subject site. The City Engineer shall collect the in-lieu fees and manage and adjust the fees for inflation as deemed necessary.

F. **Hardship waiver - In-lieu fees.** If the cost of placing utility services underground is so great as to constitute an unreasonable hardship, the property owner subject to the undergrounding requirement may apply in writing to the Commission for relief from the provisions of this Section. The request shall include a detailed description of the overhead utility services proposed to be placed underground and separate itemized cost estimates of construction of the project if the utilities were placed or relocated underground or above ground.

1. **Unreasonable hardship findings.** After considering the request for relief, the Commission may grant relief as may be deemed proper under the circumstances, including in-lieu fees or the indefinite deferral of the undergrounding requirement. The Commission may grant this relief only if all of the following findings can first be made:

   a. The cost of placing existing utilities underground is either so exorbitant or disproportionate to the total cost of construction as to constitute an unreasonable hardship in compliance with Subparagraph F.1.d., below;

   b. No new utility poles are to be erected;

   c. There is another overhead utility service in the immediate vicinity which would remain even if no waiver is granted;

   d. The cost of undergrounding exceeds 20 percent of the project valuation as determined by the currently adopted valuation tables of the City’s Building Official; and
e. The granting of the hardship waiver would not be inconsistent with the intent and purposes of this Zoning Ordinance.

2. **Appeal of Commission decision.** Any decision of the Commission concerning a hardship waiver request under this Section may be appealed by any interested person to the Council in compliance with Chapter D7-II (Appeals and Calls for Review), and in the following manner.

   a. **Appeal requirements.** The appeal shall contain the following information:

      (1) A detailed description of the overhead utility services proposed to be placed underground;

      (2) A separate itemized cost estimate for: the construction valuation of the project certified by the City’s Building Official; the construction costs of the utilities to be placed underground; and, if applicable, the construction costs of utilities to be relocated aboveground; and

      (3) The grounds for the appeal.

   b. **Granting of the appeal.** Upon consideration of the appeal, the Council may grant relief as it may deem proper under the circumstances, including indefinite deferral of the undergrounding requirement. The appeal may be granted based upon the unreasonable hardship findings and required conditions in Subparagraph F.1. (Unreasonable hardship findings), above.

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**D3-13 - Utility and Public Service Requirements**

A. **Agency permits required.** Each applicant shall comply with any applicable requirements of, and obtain all necessary approvals from each of the following affected agencies before issuance of a Building Permit:

   1. The Contra Costa County Health Services Department Environmental Health Division;
   2. The Central Contra Costa Sanitary District, or Dublin San Ramon Sanitary District;
   3. The San Ramon Valley Fire Protection District;
   4. The East Bay Municipal Utility District (EBMUD), or Dublin-San Ramon Services District; and
   5. San Ramon Valley Unified School District.

B. **Abandonment of septic tanks or water wells.** The abandonment and destruction of a septic tank or water well shall comply with the requirements of the Contra Costa County Health Services Department.

C. **Sewer facility plans.** Construction plans involving work on the public sewer system shall be reviewed and approved by the Central Contra Costa Sanitary District or the Dublin San Ramon Sanitary District, as applicable. Plans for any required work shall be submitted to the permitting office of each sanitary district for processing.

D. **Underground utilities.** Utilities serving a proposed subject project site shall be placed underground in compliance with Section D3-12 (Underground Utilities) and the requirements of the City Engineer.
Chapter II - Landscape Design Standards

Sections:

D3-14 - Purpose of Chapter
D3-15 - Reserved
D3-16 - Definitions
D3-17 - Applicability
D3-18 - Landscape Plan Approval Required
D3-19 - Landscape Location Requirements
D3-20 - Landscape Area Requirements
D3-21 - Landscape Standards
D3-22 - Landscape Requirements
D3-23 - Maintenance for Landscape Areas
D3-24 - Landscaping Education

D3-14 - Purpose of Chapter

This Chapter provides landscape standards for proposed development to improve the livability and attractiveness of the City, and to protect the public comfort, health, safety, and welfare by:

A. Preserving and enhancing the visual character of the community, and providing cooling shade;
B. Enhancing and increasing compatibility between abutting land uses and public rights-of-way by providing landscape screening and buffers;
C. Providing for the conservation and safeguard of water resources through the efficient use of water, appropriate use of plant materials, and regular maintenance of landscaped areas; and
D. Ensuring that landscape installations do not create hazards for motorists or pedestrians.

D3-15 - Reserved

D3-16 - Definitions

See Municipal Code section C4-121.

D3-17 - Applicability

A. Applicable projects. The requirements of this Chapter are applicable to the following projects.

1. All new construction, with the exception of new single family residences on individual parcels, including the following:
   a. Commercial developments;
   b. Industrial developments;
c. Model homes;

d. Public projects;

e. Residential developments (single-family subdivisions and multi-family dwelling units); and

f. Temporary developments;

2. All rehabilitated landscaping for existing commercial, industrial, and multi-family dwelling units.

B. Non-applicable projects. These requirements shall not apply to individual single-family residential parcels.


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D3-18 - Landscape Plan Approval Required

A. Landscape Plan. A Landscape Plan shall be submitted as part of an application for a land use entitlement for new development, or the significant expansion or redevelopment of an existing use. The Zoning Administrator shall determine if a Landscape Plan shall be submitted for ARB review and approval.

1. For the purposes of this Section, "significant expansion" means a 25 percent or greater increase in the ground floor footprint of a building, or a 25 percent or greater increase in the total floor area of a development or land use.

2. For residential developments the plan shall cover areas of the site visible from public streets; for other development, the plan shall cover all areas of the site required to be landscaped by Section D3-19 (Landscape Location Requirements), below.

No Building Permit shall be issued and no construction activity shall commence on the site until the Zoning Administrator has verified that the Landscape Plan submitted with the Building Permit application is as approved.

B. Content. A Landscape Plan shall contain all of the information identified in the Department handout for preparing Landscape Plans, and required by Municipal Code section C4-122 and the California State Model Water Efficient Landscape Ordinance (MWELO), Sections 490 – 495, Chapter 2.7, Division 2, Title 23 in the California Code of Regulations.

C. Statement of surety. Landscaping is the final phase of a project, and the one most often underdeveloped. To insure completion, the Zoning Administrator may require that a statement of surety in the form of cash, performance bond, letter of credit, or certificate of deposit shall be posted with the City, in an amount equal to 150 percent of the total value, or another amount determined by the Zoning Administrator, of all plant materials, installation, irrigation, and maintenance, for a two-year period. The cost of materials shall be provided by the Registered Landscape Architect responsible for the project. The Zoning Administrator may require statements of surety for phased projects, a legitimate delay in landscape installation due to seasonal requirements (including adverse weather conditions) and similar circumstances where it may not be advisable or desirable to install all of a project’s landscaping before occupancy of the site.

D. Minor changes to approved plans. Landscape Plan approval may include the Zoning Administrator authorizing minor changes from the requirements of this Chapter.
D3-19 - Landscape Location Requirements

Landscaping shall be provided in the locations specified below.

A. Unused areas. All areas of a project site not intended for a specific use shall be landscaped except where landscaping would adversely affect existing drainage or erosion control plans, or it is determined by the Zoning Administrator that landscaping is not necessary to fulfill the purposes of this Chapter.

B. Parking areas. Parking areas shall be landscaped in compliance with the following requirements. Parking lot landscaping, may be counted toward fulfilling the landscape area requirements identified in Section D3-20 below

1. Landscape materials. Landscape materials shall be evenly-distributed throughout the parking lot using a combination of trees, shrubs, ground cover, mulch, gravel, and other xeriscape areas as approved by the review authority. At the time of planting, the size of the shrubs and trees shall be in compliance with D3-21(B).

2. Curbing. Areas containing plant materials should be bordered by a concrete curb at least six inches high and six inches wide. Alternative barrier design to protect landscaped areas from damage by vehicles and/or to filter/retain runoff on site may be approved by the Zoning Administrator.

3. Runoff. Parking lot landscaped areas shall be designed to filter/retain runoff on site.

4. Location of landscaping. To the extent possible, parking lot landscaping should be located so that pedestrians are not required to cross landscaped areas to reach structure entrances from parked cars. This should be achieved through proper orientation of the landscaped fingers and islands. If parking lot landscaping must be located in a manner that requires pedestrian access across landscaped areas, pedestrian access shall be accommodated.

5. Bumper overhang areas. To increase the parking lot landscaped area, a maximum of two feet of the parking stall depth may be landscaped with low-growth, hearty materials in lieu of paving, allowing a two-foot bumper overhang while maintaining the required parking dimensions.

6. Parking lot perimeter landscaping. Parking area perimeters shall be landscaped as follows. The Zoning Administrator may adjust the tree spacing requirements of this Subsection based upon the growth characteristics and proper maintenance practices for the species of trees proposed.

   a. Location and size of landscape areas.

      (1) Adjacent to streets. Parking areas for nonresidential uses adjoining a public street shall be designed to provide a 10-foot landscaped planting strip between the street right-of-way and parking area. Parking areas for residential uses shall not be located within the required setback areas and the minimum width of the landscape planting strip shall be equal to the required setbacks.

      (2) Screening plant materials. The landscaping shall be designed and maintained to screen cars from view from the street and shall be a height of between 30 and 36 inches. Screening materials may include a combination of plant materials, earth berms, solid masonry walls, raised planters, or other screening devices to meet the intent of this requirement; however, screening materials may not use only solid masonry walls without plant cover.
(3) Shade trees. Shade trees shall be provided at a minimum rate of one for every 30 linear feet of landscaped area, and may include areas of clustered trees.

b. Adjacent to side or rear property lines. Parking areas for nonresidential uses shall provide a perimeter landscaped strip at least five feet wide (inside dimension) where the parking area adjoins a side or rear property line. Trees shall be provided at the rate of one for each 30 linear feet of landscaped area.

c. Adjacent to structures. When parking areas are located adjacent to nonresidential structures, a minimum five-foot wide landscape strip (inside dimension) shall be provided adjacent to the side and rear of the structure and shall include trees planted at the rate of one for each 30 linear feet of landscaped area.

d. Adjacent to residential use. Parking areas for nonresidential uses adjoining residential uses shall provide a landscaped buffer with a minimum 10-foot width between the parking area and the common property line bordering the residential use. A solid masonry wall or fence and landscape buffer shall be provided along the property line to address land use compatibility issues (e.g., glare, light, or nuisance noise). One tree shall be provided for each 30 linear feet of landscaped area.

7. Interior parking lot landscaping. Landscaping is required within parking lots to provide shade, reduce pavement heat gain and adjacent building heating during the summer, soften the appearance of large paved areas, and serve as storm water treatment areas.

a. Shading requirement. Canopy trees shall be provided throughout the parking area and perimeter at the equivalent of one tree for every four spaces, to provide shade. Palms and other small canopied trees are not considered shade trees.

b. Planter dimensions. Planters with trees shall have a minimum interior dimension of five feet by five feet. All ends of parking lanes shall be separated from drive aisles by landscaped islands.

c. Larger projects. Parking lots with more than 100 spaces shall provide a concentration of landscape elements at primary entrances, including specimen trees, flowering plants, enhanced paving, and project identification.

D. Pools and Patios. The surface area of a permanent swimming pool or spas, or uncovered patios may be counted toward meeting the landscape requirement for multi-family uses.

D3-20 - Landscape Area Requirements

Landscaping shall be provided in the locations and amounts specified in this Section, except for single-family dwellings located on individual single-family residential parcels.

A. Specific zone landscaping requirements.

1. Each development shall provide and maintain landscaped areas in compliance with Table 3-6 below for the applicable zone. Landscaped areas are inclusive of the landscaping required by Section D3-19 (Landscape location requirements), above, and inclusive of any pedestrian-oriented open space (e.g., courtyards, plazas, etc.). Additional landscaping may be required through the development review process to provide visual relief or contrast, or to screen incompatible features.
2. All required landscaping, irrigation, and equipment shall be installed prior to final inspection unless a bond or other surety is provided in compliance with Section D6-33 (Performance Guarantees).

B. New single-family developments. New single-family developments, except for single-family dwellings located on individual single-family residential parcels, shall provide landscaping with an automatic irrigation system for the area of the site between the street curb and the front of the structure from side property line to side property line. The landscape design shall include trees, shrubs, and ground cover and shall emphasize water-conserving plant materials and irrigation to the greatest extent feasible. Turf areas shall be limited to 50 percent of the total landscaped area.

D3-21 - Landscape Standards

Landscape areas and materials shall be designed, installed, and maintained in compliance with this Section and Section D3-23 (Maintenance of Landscape Areas), below.

A. General design standards. The following features shall be incorporated into the design of the proposed landscape and shown on the required Landscape Plans:

1. Landscaping shall be planned as an integral part of the overall project design and not simply located in excess space after parking areas and structures have been planned;

2. Pedestrian access to sidewalks or structures shall be considered in the design of all landscaped areas;

3. Landscaping adjacent to driveways and parking shall be protected from vehicle damage through the provision of minimum six-inch high and six-inch wide concrete curbs or other types of barriers approved by the Zoning Administrator (exception from curb requirements may be granted by the Zoning Administrator for storm water treatment purposes);

4. Landscaped planter areas shall have a minimum inside width of five feet where trees are provided and four feet where turf or shrubs are provided;

5. Landscaped areas shall be irrigated and designed to filter/retain runoff in compliance with Municipal Code section C4-122;

6. Hardscaped areas shall only be as large as necessary to provide for efficient pedestrian circulation through a required landscaped area; and

<table>
<thead>
<tr>
<th>Zone</th>
<th>Percentage of Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>RM, RMH, RH, and RVH</td>
<td>15%</td>
</tr>
<tr>
<td>OA, OL, CC, CR, M-1, and M-2</td>
<td>20%</td>
</tr>
<tr>
<td>MU, CT, CS, CCMU and MW</td>
<td>15%</td>
</tr>
<tr>
<td>RC, HR, RE, RS</td>
<td>50%</td>
</tr>
<tr>
<td>CC-R, CT-R, CS-R</td>
<td>30%</td>
</tr>
</tbody>
</table>
7. Where fences or walls are provided as required screening, a minimum 10-foot wide landscaped area shall be located on the residential side of the fence or wall. If the commercial side of the fence or wall is visible from a street or adjacent property, a five-foot wide landscaped area shall be provided adjacent to the fence or wall. If adjacent to a parking area, the area may be counted towards meeting the required interior parking lot landscaping.

B. **Plant materials.** Plant materials shall be selected and installed to comply with the following requirements:

1. A mix of plant materials shall be provided in compliance with the following:
   - Trees. Thirty percent of the mix of trees shall come in 24 inch boxes and 70% shall come in 15 gallon containers.
   - Shrubs. Twenty-five percent of the mix of shrubs should come in five gallon containers and the balance in one gallon containers.
   - Groundcover. One hundred percent coverage should occur within two years.
   - Calculations documenting the required mix shall be shown on the Landscape Plan;

2. Plant materials shall be selected for: energy efficiency and drought tolerance; adaptability and relationship to San Ramon environment; color, form and pattern; ability to provide shade; soil retention, fire resistiveness, etc. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots and streets, to achieve desirable microclimate and minimize energy demand.

3. Plant materials shall emphasize drought-tolerant and/or native species;

4. Trees and shrubs shall be planted and maintained so that they do not interfere with service lines and traffic safety sight areas;

5. Trees planted near public sidewalks or curbs shall be of a species and maintained in a manner which prevents physical damage to the curbs, gutters, sidewalks, and other public improvements;

6. Ground cover shall be of live plant material. Bark, colored rock, gravel, and similar materials may be used in combination with a living ground cover. Non-plant materials may be approved for use in limited areas by the Zoning Administrator;

7. If existing landscaping is to be retained, a note shall be provided on the Landscape Plan stating that any existing landscaping indicated on the approved Landscape Plan for retention that is damaged or removed during construction shall be repaired or replaced subject to the approval of the Zoning Administrator;

8. Maximize energy efficiency by incorporating drought tolerant canopies, deciduous vines, and trellises to shade south and westward facing walls, to cool them in summer months.

C. **Irrigation.** Irrigation systems shall comply with the following standards and as required by Municipal Code section C4-122 and the California State Model Water Efficient Landscape Ordinance (MWELO), Sections 490 – 495, Chapter 2.7, Division 2, Title 23 in the California Code of Regulations.

1. Recycled water, if available, shall be utilized for landscape irrigation systems as appropriate for the landscape materials and consistent with storm water regulations. Absent the immediate availability of recycled water, recycled water infrastructure (i.e. purple pipe, etc.) shall be installed if recycled water is reasonably available to the project site in 15 years.

2. An irrigation system may include graywater subject to Chapter 15 of the California Plumbing Code.
D3-22 - Landscape Requirements

See Municipal Code section C4-122 and as required with the California State Model Water Efficient Landscape Ordinance (MWELO), Sections 490 – 495, Chapter 2.7, Division 2, Title 23 in the California Code of Regulations.

D3-23 - Maintenance of Landscape Areas

A. Maintenance required. All landscaped areas shall be permanently maintained in a healthful and sound condition at all times, in compliance with the approved Landscape Plan. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design and the provisions of this Chapter. The maintenance required by this Section shall include adjusting, checking, and repairing irrigation equipment; resetting automatic controllers; aerating and de-thatching turf areas; adding/replenishing fertilizer, mulch, and soil amendments; insect control; the replacement of dead or diseased plants; pruning; watering; and weeding all landscaped areas.

B. Water waste prohibited. Water waste in existing developments resulting from inefficient landscape irrigation leading to excessive runoff, low head drainage, overspray, and other similar conditions where water flows onto adjacent property, non-irrigated areas, roadways, structures, or walks is prohibited.

D3-24 - Landscaping Education

The project applicant shall provide information to prospective buyers of new single-family homes regarding water-efficient landscaping techniques. A sample of the information to be provided shall be submitted to the Zoning Administrator for approval prior to issuance of a Building Permit.
Chapter III - Parking and Loading

Sections:

D3-25 - Intent and Purpose of Chapter
D3-26 - Applicability and Basic Requirements
D3-27 - General Parking Regulations
D3-28 - Number of Parking Spaces Required
D3-29 - Disabled Parking Requirements
D3-30 - Reduction of Parking Requirements
D3-31 - Parking Design and Development Standards
D3-32 - Parking Area Screening
D3-33 - Parking Area Lighting Requirements
D3-34 - Parking Lot Landscaping Standards
D3-35 - Garage and Carport Design and Location Requirements
D3-36 - Additional Standards for Parking Lots and Structures
D3-37 - Driveways and Site Access
D3-38 - Bicycle and Motorcycle Parking Requirements
D3-39 - Loading Space Requirements
D3-40 - Designation of Off-Site Parking and Loading Spaces
D3-41 - Vehicles on Private Property

D3-25 - Intent and Purpose of Chapter

A. Intent. The requirements of this Chapter are intended to ensure that sufficient off-street parking is provided for all uses and structures, and that parking facilities are attractive, properly designed, and located to be unobtrusive, generally to the rear of the site, while meeting the needs of the specific use or structure.

B. Purpose. More specifically, the purposes of the off-street parking and loading provisions are to:

1. Ensure that off-street parking and loading facilities are provided for new land uses and for major alterations and enlargements of existing uses in direct proportion to the need for the facilities created by each use;

2. Establish parking standards for residential and commercial uses consistent with need and with the feasibility of providing parking on specific sites; and

3. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and, where appropriate, insulate surrounding land uses from adverse impacts.
D3-26 - Applicability and Basic Requirements

A. **Applicability.** Each land use and structure, including a change or expansion of a land use or structure shall be provided continuously maintained off-street parking and loading areas in compliance with this Chapter. A land use shall not be commenced and a structure shall not be occupied until the improvements required by this Chapter are satisfactorily completed.

B. **When required.**

1. Off-street parking and loading facilities shall be provided in compliance with this Chapter at the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a site or structure.

2. For the purposes of these requirements, "major alteration or enlargement" shall mean a change of use or an addition that would increase the number of parking or loading spaces required by 10 percent or more of the total number required before the alteration or enlargement.

C. **Joint use.** Off-street parking and loading facilities required by this Chapter for a use shall not be considered as providing parking or loading spaces for any other use, except in compliance with Section D3-30 (Reduction of Parking Requirements).

D. **Nonconforming parking or loading.** No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this Chapter; provided, the facilities being used for off-street parking and loading as of the date of adoption of this Chapter shall not be reduced in number to less than that required by this Chapter. See Section D3-28.D (Number of Parking Spaces Required – Nonconforming parking) regarding changes to structures with nonconforming parking.

E. **Location and ownership.**

1. **Residential uses.** Parking required to serve a residential use shall be on the same site as the use served.

2. **Nonresidential uses.** Parking required to serve a nonresidential use may be on the same or a different site under the same or different ownership as the use served; provided, the parking shall be within the following maximum distances of the use served, measured from the nearest corner of the parking facility to the main public entrance of the use served via the shortest pedestrian route, as shown in Table 3-7 (Maximum Distances for Off-Site Parking for Nonresidential uses), below.

<table>
<thead>
<tr>
<th>Type of Parking Spaces</th>
<th>Maximum Distance Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer Spaces</td>
<td>200 feet</td>
</tr>
<tr>
<td>Visitor Spaces</td>
<td>200 feet</td>
</tr>
<tr>
<td>Employee Spaces</td>
<td>400 feet</td>
</tr>
</tbody>
</table>
F. Life of facility.

1. Facilities for off-site parking shall be restricted to that use by a recorded agreement, deed, or lease for a minimum period of 10 years from the date a permit or approval requiring the parking is first issued.

2. The Zoning Administrator may waive this restriction upon first finding that substitute parking facilities meeting the requirements of this Chapter are provided.

3. No use shall be continued if the parking is removed unless substitute parking facilities are provided to the satisfaction of the Zoning Administrator.

G. Computation of spaces required rounding off of spaces. If, in the application of the requirements of this Chapter, a fractional number is obtained, one parking or loading space shall be required for a fraction of more than one-half, and no space shall be required for a fraction of one-half or less.

H. Land banking. Upon a determination of the Zoning Administrator, a portion of the required parking improvements may be deferred if it is first found that all of the spaces are not needed immediately and that a Minor Use Permit could be granted in compliance with Section D6.28 (Use Permits and Minor Use Permits).

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D3-27 - General Parking Regulations

A. Timing of installation. A new or altered structure shall not be occupied, and a new land use not requiring a structure shall not be established, until all off-street parking and loading facilities required by this Chapter are in place and approved by the City.

B. Parking and loading spaces to be permanent. Each parking and loading space shall be permanently available, marked, and maintained for parking or loading purposes for the use it is intended to serve. The approval of a Temporary Use Permit (Section D6.27) may allow the temporary use of a parking or loading space for other purposes.

C. Parking and loading to be unrestricted. An owner, lessee, tenant, or other person having control of the operation of premises for which parking or loading spaces are required by this Chapter shall not prevent, prohibit, or restrict authorized persons from using the spaces without the prior approval of the Zoning Administrator.

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D3-28 - Number of Parking Spaces Required

Each land use shall be provided the number of off-street parking spaces required by this Section. See Section D3-38 for off-street parking requirements for bicycles and motorcycles.

A. Parking requirements by land use. Each land use shall provide the number of off-street parking spaces required by Table 3-8, except where more spaces are required through discretionary permit review, or where a reduction of parking is granted in compliance with Section D3-30 (Reduction of Parking Requirements).

1. Use of site not identified. Where the land use that will occupy a proposed development is not identified at the time of permit application, the Zoning Administrator shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Zoning Administrator may require the submittal of data from the applicant or collected at the applicant's expense.
2. **Floor area.** Where Table 3-8 establishes a parking requirement based on floor area in square feet (e.g., 1 space for each 1,000 sf of floor area), the floor area shall be construed to mean gross interior floor area unless otherwise specified, and shall include all locations of shared halls, lobby areas, and rest rooms, but shall not include areas for vertical circulation, elevators, or stairs.

3. **Accessory uses.** A single use with accessory components shall provide parking for primary use, and each component. For example, a hotel with a meeting room shall provide the parking spaces required by Table 3-8 for a hotel (e.g., the guest rooms), and for a meeting room.

4. **Spaces required for alteration or enlargement.** The number of parking or loading spaces required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces existing before the alteration, enlargement, or change of occupancy unless the more spaces exist than the total required by this Chapter. In this case, the number of spaces in excess of the minimum shall be counted in determining the required number of spaces.

5. **Multi-tenant sites.** A site with multiple tenants shall provide the aggregate number of parking spaces required for each separate use; except that where the site is developed as an integrated center with shared parking and no spaces reserved for a particular use, parking shall be provided as required by Table 3-8 for a retail complex. When a multi-tenant center includes one or more uses that will need more parking than retail uses (for example, a fitness center, office uses, or theater) additional parking shall be required for the non-retail use unless a parking reduction is approved in compliance with D3-30 (Reduction of Parking Requirements).

**B. Excessive parking.** The City discourages a land use being provided more off-street parking spaces than required by this Chapter, to avoid the inefficient use of land, unnecessary pavement, and excessive storm water runoff from paved surfaces.

1. The provision of off-street parking spaces in excess of the requirements in Table 3-8 is allowed and may be compact sized spaces measuring 8.5 feet by 18 feet, but only up to a maximum of 10 percent, and only when additional landscaping and pedestrian amenities are also provided to the satisfaction of the Zoning Administrator.

2. The provision of off-street parking spaces in excess of the requirements in Table 3-8 is allowed and may be compact sized spaces measuring 8.5 feet by 18 feet, but only up to a maximum of 25 percent, with Use Permit approval in compliance with Section D6.28 (Use Permits and Minor Use Permits), and only when additional landscaping and pedestrian amenities are also provided to the satisfaction of the Zoning Administrator.

**C. Bench or bleacher seating.** Where fixed seating (e.g., benches, bleachers, pews, or similar seating) is provided, a seat shall be defined as 18 inches of bench space for the purpose of calculating the number of required parking spaces as provided in Table 3-8.

**D. Nonconforming parking.** A structure with nonconforming off-street parking may be physically changed or undergo a change in use subject to the following provisions.

1. **Residential uses.** No additional parking spaces shall be required; provided, the change does not increase the floor area, nor increase the number of dwelling units, nor eliminate the only portion of the site that can be used for the required or existing parking or access.
2. **Nonresidential uses.** The number of existing parking spaces shall be maintained on the site and additional parking shall be provided in compliance with this Chapter for any additional floor area. If the use of the structure is changed to one that requires more parking than the previous use, the difference between the parking spaces required for the previous use and the new use shall be provided.

3. **Waiver by Commission.** The Commission may waive covered parking requirements when a nonconforming structure is proposed for rehabilitation if the Commission determines, in compliance with Section D6.28 (Use Permits and Minor Use Permits), that the existing structure location, lot size, or topography renders the requirement infeasible.

### TABLE 3-8 - PARKING REQUIREMENTS BY LAND USE

<table>
<thead>
<tr>
<th>Land Use Type: Manufacturing Processing and Warehousing</th>
<th>Vehicle Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>All industry, media, and warehousing uses, except as follows.</td>
<td>1 space for each 250 sf of office area; 1 space for each 1,000 sf of ground and/or building area devoted to other than office.</td>
</tr>
<tr>
<td>Alcoholic Beverage Manufacturing, Micro-Brewery.</td>
<td>1 space for each 250 sf of office area; 1 space for each 1,000 sf of ground and/or building area devoted to other than office; and 1 space for each 100 sf of tasting room area.</td>
</tr>
<tr>
<td>Industrial limited</td>
<td>1 space for each 750 sf of floor area.</td>
</tr>
<tr>
<td>Industrial research and development, laboratories</td>
<td>1 space for each 500 sf of floor area.</td>
</tr>
<tr>
<td>Recycling facilities</td>
<td></td>
</tr>
<tr>
<td>Medium collection facilities</td>
<td>Determined by Minor Use Permit.</td>
</tr>
<tr>
<td>Small collection facilities</td>
<td>Determined by Minor Use Permit.</td>
</tr>
<tr>
<td>Wholesaling/distribution and storage</td>
<td>1 space for each 800 sf of floor area.</td>
</tr>
<tr>
<td>Land Use Type: Recreation, Education, Public Assembly</td>
<td>Vehicle Spaces Required</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Adult businesses</td>
<td>1 space for each 250 sf of floor area.</td>
</tr>
<tr>
<td>Bar/tavern, night club (not within a retail complex)</td>
<td>1 space for each 100 sf of seating area and waiting/lounge area exclusive of dance floor, and 1 space for each 30 sf of dance floor.</td>
</tr>
<tr>
<td>Child day care facilities</td>
<td>1 space for each 6 children the facility is licensed to accommodate.</td>
</tr>
<tr>
<td>Commercial recreation facilities - Indoor</td>
<td></td>
</tr>
<tr>
<td>Arcade/Electronic Game Centers</td>
<td>1 space for each 200 sf of floor area.</td>
</tr>
<tr>
<td>Bowling alley</td>
<td>6 spaces for each lane.</td>
</tr>
<tr>
<td>Indoor play areas (e.g. rock climbing center, inflatable party places)</td>
<td>1 space for each 200 sf of floor area</td>
</tr>
<tr>
<td>Pool and billiard room</td>
<td>2 spaces for each table.</td>
</tr>
<tr>
<td>Skating rink</td>
<td>1 space for 5 fixed seats, or 1 space for each 35 sf of seating area if there are no fixed seats; plus 1 space for each 250 sf of floor area not used for seating.</td>
</tr>
<tr>
<td>Swimming pool - Lap pool</td>
<td>1 space for each lap lane.</td>
</tr>
<tr>
<td>Swimming pool - Recreational</td>
<td>1 space for each 35 sf of pool area.</td>
</tr>
<tr>
<td>Commercial recreation facilities - Outdoor</td>
<td>Determined by Zoning Administrator</td>
</tr>
<tr>
<td>Equestrian facilities</td>
<td>1 space for each 5 horses boarded.</td>
</tr>
<tr>
<td>Golf courses and country clubs</td>
<td>4 spaces for each hole, plus as required by this table for accessory uses (e.g., pro shop, bar, restaurant)</td>
</tr>
<tr>
<td>Fitness/health facilities</td>
<td></td>
</tr>
<tr>
<td>Aerobics/studio classes</td>
<td>1 space for each 250 sf of floor area.</td>
</tr>
<tr>
<td>Gymnasium area</td>
<td>1 space for each 250 sf of floor area.</td>
</tr>
<tr>
<td>Land Use Type:</td>
<td>Vehicle Spaces Required</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------------------------------------------------------</td>
</tr>
<tr>
<td>Recreation, Education, Public Assembly</td>
<td></td>
</tr>
<tr>
<td>Nautilus</td>
<td>1 space for each 250 sf of floor area.</td>
</tr>
<tr>
<td>Office/administration</td>
<td>1 space per office.</td>
</tr>
<tr>
<td>Pool</td>
<td>See above requirements.</td>
</tr>
<tr>
<td>Racquetball/tennis courts</td>
<td>2 spaces per court.</td>
</tr>
<tr>
<td>Library, museum, gallery</td>
<td>1 space for each 300 sf of floor area.</td>
</tr>
<tr>
<td>Meeting facility (e.g., clubs, lodges, places of worship), public or private</td>
<td>1 space for each 4 fixed seats or 1 space for each 40 sf of floor area used for seating, plus 1 space for each classroom or office.</td>
</tr>
<tr>
<td>Schools (public or private)</td>
<td></td>
</tr>
<tr>
<td>Kindergarten and nursery schools</td>
<td>1 space for each 3 employees (including administrators and teachers) and 1 space for each 10 children.</td>
</tr>
<tr>
<td>Elementary/middle schools</td>
<td>1 space for each employee plus 1 space for each 8 students.</td>
</tr>
<tr>
<td>Secondary (high) schools</td>
<td>1 space for each employee plus 1 space for each 4 students.</td>
</tr>
<tr>
<td>Colleges and universities (including trade and business schools)</td>
<td>1 space for each 1.5 students.</td>
</tr>
<tr>
<td>Studio - Art, dance, martial arts, music, etc.</td>
<td></td>
</tr>
<tr>
<td>Art, dance, martial arts, music, etc.</td>
<td>1 space for each 300 sf of floor area.</td>
</tr>
<tr>
<td>Small-scale tutoring centers, etc.</td>
<td>1 space for each 250 sf of floor area.</td>
</tr>
<tr>
<td>Tennis/ racquetball/ handball or other courts</td>
<td>2 spaces for each court, plus 1 space for each 300 sf of floor area for accessory uses.</td>
</tr>
<tr>
<td>Theaters, movies or performing arts</td>
<td>1 space for each 4 seats.</td>
</tr>
</tbody>
</table>
### TABLE 3-8 - PARKING REQUIREMENTS BY LAND USE (Continued)

<table>
<thead>
<tr>
<th>Land Use Type: Residential</th>
<th>Vehicle Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live/work units</td>
<td>2 spaces for each unit.</td>
</tr>
<tr>
<td>Mobile homes</td>
<td></td>
</tr>
<tr>
<td>Individual mobile homes</td>
<td>2 spaces for each unit; at least 1 within a garage/carport.</td>
</tr>
<tr>
<td>Mobile home parks</td>
<td>2 spaces for each mobile home, plus 1 additional space for each 4 mobile homes shall be provided for guest parking, which shall be dispersed throughout the park.</td>
</tr>
<tr>
<td>Multi-family dwellings</td>
<td></td>
</tr>
<tr>
<td>Studio units and one-bedroom units</td>
<td>1 covered space within a garage/carport for each unit. Parking requirements may be modified by the review authority for affordable housing, mixed use, or senior housing projects.</td>
</tr>
<tr>
<td>Two- and three-bedroom units</td>
<td>2 spaces for each unit; at least 1 within a garage/carport.</td>
</tr>
<tr>
<td>Four-bedroom units and above</td>
<td>3 spaces for each unit, at least 1 shall be within a garage/carport.</td>
</tr>
<tr>
<td>Guest parking</td>
<td>1 space for each 4 units.</td>
</tr>
<tr>
<td>Residential care homes</td>
<td></td>
</tr>
<tr>
<td>Six or fewer clients</td>
<td>2 covered spaces within a garage/carport.</td>
</tr>
<tr>
<td>Seven or more clients</td>
<td>1 space for each 3 beds the facility is licensed to accommodate; plus 1 space for each 4 units for guests and employees.</td>
</tr>
<tr>
<td>Rooming or boarding houses</td>
<td>1 covered or uncovered space for each bedroom.</td>
</tr>
<tr>
<td>Accessory Dwelling Unit (ADU)</td>
<td>As required by California Government Code Section 65852.2</td>
</tr>
<tr>
<td>Single-family dwellings</td>
<td></td>
</tr>
<tr>
<td>With up to four bedrooms</td>
<td>2 covered spaces within a garage.</td>
</tr>
<tr>
<td>With five bedrooms</td>
<td>3 covered spaces within a garage.</td>
</tr>
<tr>
<td>With six or more bedrooms</td>
<td>4 covered spaces within a garage.</td>
</tr>
<tr>
<td>Land Use Type:</td>
<td>Vehicle Spaces Required</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>All “Retail Trade” uses listed in Division D2, except the following:</td>
<td>1 space for each 225 sf of floor area with up to and including 50,000 sf and 1 space for each 250 over 50,000 sf, plus 1 space for each 200 sf of outdoor sales area.</td>
</tr>
<tr>
<td>Animal Sales</td>
<td>1 space for each 250 sf of floor area.</td>
</tr>
<tr>
<td>Artist’s studio</td>
<td>1 space for each 1,000 sf of floor area.</td>
</tr>
<tr>
<td>Auto and vehicle sales and rental</td>
<td>1 space for each 400 sf of floor area for office, 1 space for each 225 sf of area used for repairs and services, and 1 space for each 2,000 sf of indoor showroom area and/or outdoor display area. All customer parking shall be clearly marked and not to be used for parking of unregistered vehicles. No damaged, inoperative, wrecked, or abandoned vehicles shall be stored in any exterior area for more than five days.</td>
</tr>
<tr>
<td>Building and landscape materials</td>
<td>1 space for each 400 sf of indoor display area for first 10,000 sf, 1 space for each 1,000 sf of indoor display area over 10,000, and 1 space for each 500 sf of outdoor storage and display area.</td>
</tr>
<tr>
<td>Convenience stores</td>
<td>1 space for each 250 sf of floor area.</td>
</tr>
<tr>
<td>Furniture, furnishings, and appliance store</td>
<td>1 space for each 400 sf of floor area.</td>
</tr>
<tr>
<td>Horticulture, limited sales</td>
<td>1 space for each 2 acres.</td>
</tr>
<tr>
<td>Pawn shops</td>
<td>1 space for each 250 sf of floor area.</td>
</tr>
<tr>
<td>Plant nursery, garden supply stores</td>
<td>1 space for each 500 sf of outdoor display lathe house area; plus 1 space for each 250 sf of interior floor area.</td>
</tr>
<tr>
<td>Retail complexes/shopping centers</td>
<td>1 space for each 225 sf of floor area for complexes of up to and including 50,000 sf, and 1 space for each 250 sf for complexes over 50,000 sf.</td>
</tr>
<tr>
<td>Land Use Type: Services</td>
<td>Vehicle Spaces Required</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Transportation service dispatch facility</td>
<td>1 space for each 500 sf of floor area; plus 2 storage spaces</td>
</tr>
<tr>
<td>Alcoholic Beverage Manufacturing, Brew Pub (not within a retail complex)</td>
<td>1 space for each 100 sf of floor area accessible to customers; plus 1 space for each 2 employees on the largest shift.</td>
</tr>
<tr>
<td>Animal services (e.g., boarding, grooming, hospitals)</td>
<td>1 space for each 400 sf of floor area.</td>
</tr>
<tr>
<td>Banks, financial services (not within a retail complex)</td>
<td>1 space for each 200 sf of floor area.</td>
</tr>
<tr>
<td>Banks, financial services (not within a retail complex) with Drive-Through Service</td>
<td>1 space for each 200 sf of floor area, plus queue spaces for 5 vehicles for each teller station.</td>
</tr>
<tr>
<td>Catering services</td>
<td>1 space for each 400 sf of floor area.</td>
</tr>
<tr>
<td>Communication facilities</td>
<td>1 space for each 500 sf of floor area.</td>
</tr>
<tr>
<td>Eating and drinking establishments (e.g., cocktail lounges, with or without live entertainment) (not within a retail complex)</td>
<td>1 space for each 100 sf of floor area accessible to customers; plus 1 space for each 2 employees on the largest shift.</td>
</tr>
<tr>
<td>Eating and drinking establishments with take-out services (not within a retail complex)</td>
<td>1 space for each 50 sf of floor area; plus queue space for 5 vehicles for drive-through service.</td>
</tr>
<tr>
<td>Equipment rental</td>
<td>1 space for each 300 sf of floor area, plus 1 space for each 1,000 sf of outdoor storage and rental area.</td>
</tr>
<tr>
<td>Food and beverage sales</td>
<td>1 space for each 200 sf of floor area.</td>
</tr>
<tr>
<td>Furniture repair</td>
<td>1 space for each 400 sf of floor area.</td>
</tr>
<tr>
<td>Heliports</td>
<td>Determined by Use Permit</td>
</tr>
<tr>
<td>Laboratories</td>
<td>1 space for each 50 sf of floor area.</td>
</tr>
<tr>
<td>Laundry - Dry cleaning pick-up facilities and Laundromats</td>
<td>1 space for each 250 sf of floor area.</td>
</tr>
<tr>
<td>Laundry - Laundries and dry cleaning plants</td>
<td>1 space for each 1,000 sf of floor area.</td>
</tr>
<tr>
<td>Land Use Type: Services (Continued)</td>
<td>Vehicle Spaces Required</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Lodging</td>
<td></td>
</tr>
<tr>
<td>Bed and breakfast inns</td>
<td>1 space for each guest room, plus 2 covered spaces for the resident family.</td>
</tr>
<tr>
<td>Hotels, motels, and time share facilities</td>
<td>1.2 spaces for each guest room or rental unit; plus 1 space for each 50 sf of banquet seating area; plus required spaces for accessory uses.</td>
</tr>
<tr>
<td>Maintenance and repair services</td>
<td>1 space for each 400 sf of floor area; plus 1 space for each 500 sf of outdoor storage area.</td>
</tr>
<tr>
<td>Medical services</td>
<td></td>
</tr>
<tr>
<td>Clinics and laboratories, urgent care</td>
<td>1 space for each 200 sf of floor area or 4 spaces for each doctor, whichever would result in more spaces.</td>
</tr>
<tr>
<td>Doctor Offices (e.g., dental and medical)</td>
<td>1 space for each 200 sf of floor area.</td>
</tr>
<tr>
<td>Extended care</td>
<td>1 space for each 3 patient beds the facility is licensed to accommodate.</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 space for each 1.5 patient beds the facility is licensed to accommodate.</td>
</tr>
<tr>
<td>Mortuaries, funeral homes, interment services</td>
<td>1 space for each 4 seats or 1 space for each 35 sf of floor area used for seating, if no fixed seating is provided, whichever would result in more spaces.</td>
</tr>
<tr>
<td>Offices</td>
<td></td>
</tr>
<tr>
<td>Administrative, business, government, professional, and service</td>
<td>1 space for each 250 sf of floor area</td>
</tr>
<tr>
<td>Processing</td>
<td>1 space for each 150 sf of floor area (see also Section D3-30 (F))</td>
</tr>
<tr>
<td>Outdoor Seating (13 or more seats, within and not within a retail complex)</td>
<td>1 space for every 3 seats</td>
</tr>
<tr>
<td>Personal services</td>
<td>1 space for each 250 sf of floor area</td>
</tr>
<tr>
<td>Public utility structure or installation, bus depot/station</td>
<td>1 space for each 3 employees, plus additional spaces required by the Commission.</td>
</tr>
<tr>
<td>Research and development services, laboratories</td>
<td>1 space for each 400 sf of floor area.</td>
</tr>
<tr>
<td>Land Use Type: Services (Continued)</td>
<td>Vehicle Spaces Required</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Storage (Personal storage/mini-storage facilities)</td>
<td>1 space for each 1,500 sf of floor area, plus 2 spaces for manager's office</td>
</tr>
<tr>
<td>Indoor storage units</td>
<td></td>
</tr>
<tr>
<td>Separately accessible storage units</td>
<td>4 spaces for manager's office.</td>
</tr>
<tr>
<td>Vehicle/Equipment services - All except the following</td>
<td>(All customer parking shall be clearly marked and not to be used for parking of unregistered vehicles. No abandoned, damaged, inoperative, or wrecked vehicles shall be stored in any exterior area for more than five days.) 4 spaces for each service bay or 1 space for each 225 sf of floor area, whichever would result in more spaces; plus spaces for any office as required by this Section for offices.</td>
</tr>
<tr>
<td>Vehicle services - Rentals</td>
<td>1 space for each 400 sf of floor area; plus 2 storage spaces.</td>
</tr>
<tr>
<td>Vehicle services – Storage</td>
<td>1 space for each 500 sf of floor area</td>
</tr>
<tr>
<td>Vehicle services – Washing, unattended</td>
<td>1 drying space for each stall.</td>
</tr>
<tr>
<td>Vehicle services – Washing, attended</td>
<td>10 spaces; plus 6 spaces for each wash lane/station for queuing and drying area</td>
</tr>
<tr>
<td>Vehicle/Equipment repair</td>
<td>4 spaces for each service bay or 1 space for each 225 sf of floor area, whichever would result in more spaces.</td>
</tr>
<tr>
<td>Vehicle/Equipment sales and rentals</td>
<td>1 space for each 400 sf of floor area; plus 1 space for each 500 sf of outdoor display area</td>
</tr>
</tbody>
</table>
D3-29 - Disabled Parking Requirements

A. **Accessibility requirements.** Parking facilities shall be properly designed, constructed, and maintained to provide for access by the physically disabled from public rights-of-way, across intervening parking spaces, and into structures, including parking spaces specifically designed and located for the use of the disabled/handicapped. Standards for the facilities shall be based on the standards of the American Standards Association and/or other applicable guidelines.

B. **Number and location of and access to spaces required.** Parking spaces for the disabled shall be provided in compliance with the Uniform Building Code (UBC), the Federal Accessibility Guidelines, the California Code of Regulations (Title 24, Part 2, Chapter 2-71), and with the sign requirements of the California Vehicle Code, Section 22507.8., as applicable. Parking spaces required for the disabled shall count toward compliance with the number of off-street parking spaces required by Section D3-28 (Number of Parking Spaces Required).

D3-30 - Reduction of Parking Requirements

A. **Shared Collective parking.** Where two or more adjacent nonresidential uses have distinct and differing peak parking usage periods, (e.g. a theater and a bank), a reduction in the required number of parking spaces may be allowed through Minor Use Permit or Use Permit approval.

1. **Shared Collective parking requirements.**

   a. The Zoning Administrator may reduce the number of parking spaces required by Section D3-28 (Number of Parking Spaces Required) and D3-39 (Loading Space Requirements) by up to 25 percent with approval of a Minor Use Permit. Parking reductions greater than 25 percent may be allowed with approval of a Use Permit by the Planning Commission.

   b. An application for a Minor Use Permit or Use Permit for Shared Collective parking may be required to submit survey data substantiating a request for reduced parking requirements.

   c. A Minor Use Permit or Use Permit for Shared Collective parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use.

   d. In retail centers, office uses and medical uses which require additional parking beyond that required for retail uses may be allowed; provided, their total combined gross square footage does not exceed 25 percent of the gross floor area of the retail center.

2. **Findings.** A Minor Use Permit or Use Permit may be approved to allow shared/collective parking serving more than one use or site and located in a zone in which parking for the uses served is an allowed use. A Minor Use Permit or Use Permit for shared/collective off-street parking may reduce the total number of spaces required by this Chapter only if the following findings are first made:

   a. The spaces to be provided would be available as long as the uses requiring the spaces are in operation;

   b. The peak hours of parking demand from all uses do not coincide so that peak demand is greater than the parking provided;

   c. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if collective parking is not provided; and
d. A written agreement between landowner(s) and the City, in a form satisfactory to the City Attorney, is approved by the Zoning Administrator. This agreement shall be in the form capable of and subject to being recorded to constitute a covenant running with the land and shall include:

(1) A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking;

(2) A guarantee among the landowner(s) for access to and use of the shared parking facilities;

(3) A provision that the City may require parking facilities in addition to those originally approved upon finding by the Zoning Administrator that adequate parking to serve the use(s) has not been provided; and

(4) A provision stating that the City, acting through the Zoning Administrator, may for due cause and upon notice and hearing, unilaterally amend, modify, or terminate the agreement at any time.

B. Reduction of parking. The Zoning Administrator may reduce the number of parking spaces required by Sections D3-28 (Number of Parking Spaces Required) and D3-39 (Loading Space Requirements) by up to 15 percent through a Minor Exception approval (Section D6-24 Minor Exceptions), or between 15.1 percent to 25 percent through a Minor Use Permit approval based on the finding below, justifiable cause beyond simply the desire for less parking and based on the reasonable existing and future use of the property. Parking reductions greater than 25 percent may be allowed with approval of a Use Permit by the Planning Commission.

1. Findings. A Minor Exception, Minor Use Permit, or Use Permit may be approved to reduce the number of spaces to less than the number identified in this Chapter; provided, the following findings are first made:

a. The parking demand would be less than the requirements identified in Table 3-8 (Parking Requirements by Land Use) and Table 3-14 (Loading Spaces Required), below; and

b. The probable long-term occupancy of the structure, based on its design, would not generate additional parking demand.

2. Consideration of survey data. In reaching a decision, the Zoning Administrator shall consider survey data submitted by the applicant or collected at the applicant's request and expense that documents the need for fewer spaces (e.g., sales receipts, documentation of customer frequency, information on parking standards required for the proposed land use by other cities, etc.).

3. Land banking. Upon a determination of the Zoning Administrator, Land banking may be required and a portion of the required parking may be deferred if it is first found that all of the spaces are not needed immediately and that a Minor Use Permit could be granted in compliance with Section D6.28 (Use Permits and Minor Use Permits). Land set aside for future parking areas shall be maintained in a use that can be easily converted to parking area when needed (i.e. Landscaping). Land banking parking areas shall not include permanent buildings, major utilities or required circulation areas that would prohibit the future installation of required parking.

C. Reduced parking for restricted senior housing projects. The review authority may reduce the number of parking spaces required by Section D3-28 (Number of Parking Spaces Required) for senior housing projects, for persons aged 55 and over, based on quantitative information provided by the applicant that documents the need for fewer spaces for these types of residential development projects.
D. **Waiver of covered parking requirement for affordable housing units.** The review authority may waive the requirement that parking be covered for affordable housing units in compliance with the City’s density bonus regulations.

E. **Parking in-lieu payments.**

1. **Cash in-lieu payment.** Within designated parking districts established by the City Council and shown on the zoning map, a parking requirement serving nonresidential uses on a site may be met by a cash in-lieu payment to the City before issuance of a Building Permit, or a Certificate of Occupancy, if no Building Permit is required.

2. **Fee to provide off-street parking.** The fee shall be collected and spent in order to provide public off-street parking in the vicinity of the use.

3. **City may set limitations.** In establishing the parking districts, the City may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be collected.

F. **Parking for large office complexes.** The review authority may authorize the use of parking spaces measuring 8.5 feet by 18 feet for required parking if demonstration of participation within a Transportation Demand Management (TDM) program is provided.

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**D3-31 - Parking Design and Development Standards**

Required parking areas shall be designed, constructed, and properly maintained in compliance with this Section.

A. **Location of parking.** Off-street parking areas shall be located as follows:

1. **Residential parking.** Parking for a residential use shall be located on the same parcel as each residential unit served; except for mixed use projects developed in compliance with this Chapter.

2. **Nonresidential parking.** Parking for a nonresidential use shall be located in compliance with Subsection D3-26.E. (Location and ownership), above.

3. **Location of off-street parking spaces.**

   a. Required off-street parking spaces may occupy any part of the property in a nonresidential zone (e.g., commercial, industrial, etc.), except for the minimum perimeter plant strip required in compliance with Section D3-19.C.6, and the traffic safety visibility area with Section D3-6.F.

   b. In any residential zone, required off-street parking for the main unit shall not be provided within any setback area or the traffic safety visibility area with Section D3-6.F. However, parking may be allowed within that portion of any setback area used for driveway access to required parking areas.

B. **Access to parking.** Access to parking shall be provided as follows for all parking areas other than for individual single-family residences. Site design shall minimize the amount of paved surfaces and driveway lengths while providing for safe and suitable access for vehicular circulation.

1. Parking areas shall provide suitable maneuvering area so that vehicles exit to a street in a forward direction. Parking lots shall be designed to prevent access at any point other than at designated access drives. Single-family residences are exempt from this requirement.
2. A nonresidential use that is designed to provide 20 or more parking spaces shall have access driveways that are not intersected by a parking aisle, parking space, or another access driveway for a minimum distance of 20 feet from the street right-of-way, to provide a stacking area for vehicles entering and exiting the parking area.

3. A minimum unobstructed clearance height of 14 feet shall be maintained above non-structured parking areas accessible to vehicles. Structured parking areas (i.e., garage parking) shall provide a minimum vertical clearance as required by Zoning Ordinance Section D3-36.H

C. Access to adjacent sites. The City may require the design of a parking area to provide vehicle and pedestrian connections to parking areas on adjacent properties, to provide for convenience, safety, and efficient circulation. Where provided, a joint access agreement running with the land shall be recorded by the owners of the abutting properties, as approved by the Zoning Administrator, to guarantee the continued availability of the shared access between the properties.

D. Parking stall dimensions.

1. Minimum dimensions. Each off-street parking stall shall comply with the minimum dimension requirements in Table 3-9. Residential garages and carports shall comply with Subsections D3-35 B. (Minimum dimensions for residential enclosed garages) and D. (Minimum requirements for residential carports), below.

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Type of Space</th>
<th>Standard Space (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Space in a garage or carport</td>
<td>See Subsections D3-35 B. (Minimum dimensions for residential enclosed garages) and D. (Minimum requirements for residential carports), below</td>
</tr>
<tr>
<td></td>
<td>Uncovered</td>
<td>9 by 19</td>
</tr>
<tr>
<td>Nonresidential</td>
<td>Angle spaces</td>
<td>9 by 19</td>
</tr>
<tr>
<td>All</td>
<td>Parallel spaces</td>
<td>9 by 23</td>
</tr>
</tbody>
</table>
2. **Vehicle parking space requirements.** See Figure 3-17

![Figure 3-17 – Parking Facility Dimensions Diagram](image)

a. **Residential development.** All required residential parking spaces shall be standard vehicle spaces provided and maintained in compliance with Table 3-10.

b. **Nonresidential developments.** All required non-residential parking spaces shall be standard vehicle spaces provided and maintained in compliance with Table 3-10 unless authorized under Section D3-30F.

**TABLE 3-10 - PARKING FACILITY DIMENSIONS** (feet)

<table>
<thead>
<tr>
<th>ANGLE OF PARKING</th>
<th>PARALLEL</th>
<th>20°</th>
<th>30°</th>
<th>40°</th>
<th>45°</th>
<th>50°</th>
<th>60°</th>
<th>70°</th>
<th>80°</th>
<th>90°</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;A&quot; Curb Length</td>
<td>Standard</td>
<td>23'0&quot;</td>
<td>26'4&quot;</td>
<td>18'0&quot;</td>
<td>14'0&quot;</td>
<td>12'9&quot;</td>
<td>11'9&quot;</td>
<td>10'5&quot;</td>
<td>9'8&quot;</td>
<td>9'2&quot;</td>
</tr>
<tr>
<td>Per Vehicle</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;B&quot; Stall Depth</td>
<td>Standard</td>
<td>9'0&quot;</td>
<td>15'0&quot;</td>
<td>17'4&quot;</td>
<td>19'2&quot;</td>
<td>19'10&quot;</td>
<td>20'5&quot;</td>
<td>20'5&quot;</td>
<td>21'0&quot;</td>
<td>20'5&quot;</td>
</tr>
<tr>
<td>&quot;C&quot; Aisle Width</td>
<td>All</td>
<td>12'6&quot;</td>
<td>12'0&quot;</td>
<td>12'0&quot;</td>
<td>12'0&quot;</td>
<td>13'0&quot;</td>
<td>15'0&quot;</td>
<td>18'0&quot;</td>
<td>20'0&quot;</td>
<td>25'0&quot;</td>
</tr>
<tr>
<td>&quot;D&quot; Depth of Two</td>
<td>Standard</td>
<td>21'5&quot;</td>
<td>26'10&quot;</td>
<td>31'4&quot;</td>
<td>33'2&quot;</td>
<td>34'11&quot;</td>
<td>37'5&quot;</td>
<td>38'9&quot;</td>
<td>39'0&quot;</td>
<td>38'0&quot;</td>
</tr>
<tr>
<td>Stalls Plus Aisle</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;E&quot;</td>
<td>Standard</td>
<td>30'0&quot;</td>
<td>42'0&quot;</td>
<td>46'8&quot;</td>
<td>50'4&quot;</td>
<td>53'8&quot;</td>
<td>55'10&quot;</td>
<td>60'0&quot;</td>
<td>62'0&quot;</td>
<td>65'8&quot;</td>
</tr>
</tbody>
</table>

E. **Minimum parking dimensions.**

1. **Parking lot circulation requirements.**

a. Within a parking lot, circulation shall ensure that a vehicle entering the parking lot need not enter the street to reach another aisle.

b. No backing into public streets is allowed; vehicles shall not enter a public street in a backward motion.

c. Single-family detached residences or a duplex residence, where each unit is served by an individual driveway, may allow vehicles to back out into a public or private street.
2. **Drop-off areas required.** Each child day care center, institutional, preschool, private educational, or public recreational land use located in a residential zone, or a commercial recreational facility shall provide a drop-off area that may be adjacent to a primary access or aisle.

3. **Access widths.** Minimum access widths are 12 feet for one-way traffic and 25 feet for two-way traffic.

F. **Relation to aisles.**

1. Each parking space adjoining a column, wall, or other obstruction higher than six inches shall be increased by two feet on each side of the adjoining column, wall, or other obstruction; provided, the increase may be reduced by three inches for each foot of unobstructed distance from the edge of a required aisle, measured parallel to the depth of the parking space. See Figure 3-18.

2. At the end of a row of parking spaces, the perpendicular parking drive aisle providing access to the row of parking spaces shall extend two feet beyond the required width of the parking space.

3. A parking aisle width may be reduced as shown in Table 3-11 provided the adjacent parking spaces are increased in width as applicable.

![Figure 3-18 – Parking space clearance](image)

**TABLE 3-11 - MINIMUM AISLE WIDTH FOR SPECIFIED PARKING ANGLES**

<table>
<thead>
<tr>
<th>Increase in Parking Space Widths (feet)</th>
<th>90°</th>
<th>75°</th>
<th>60°</th>
<th>45° or less</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.00</td>
<td>25</td>
<td>22.5</td>
<td>18</td>
<td>13</td>
</tr>
<tr>
<td>0.25</td>
<td>24</td>
<td>21.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.50</td>
<td>23</td>
<td>20.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.75</td>
<td>22</td>
<td>19.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.00 or more</td>
<td>21</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) Note: Table 3-11 does not apply to public or private street parking.
D3-32 - Parking Area Screening

A. Parking area screening required. A parking area for five or more vehicles serving a nonresidential use shall be screened from an adjoining residential zone or a ground-floor residential use by a solid concrete, solid wood, or masonry wall six feet in height, and constructed to withstand a 15-pound per square foot wind load, except that the height of a wall adjoining a required front setback in a residential zone shall be three feet.

B. Carport or open parking area screening required. A carport or open parking area for five or more vehicles serving a residential use shall be screened from an adjoining parcel in a residential zone or a ground-floor residential use by a solid wall or fence six feet in height, except that the height of a wall or fence adjoining a required front setback in a residential zone shall be three feet.

D3-33 - Parking Area Lighting Requirements

A. Outdoor lighting requirements. Outdoor parking area lighting shall not employ a light source higher than 18 feet, shall create no cone of direct illumination greater than 60 degrees from a light source higher than six feet, and shall not directly shine onto an adjacent street or property.

B. Maximum average illumination. Maximum average illumination at ground level within the project boundary shall be in compliance with Table 3-12 Maximum Average Illumination, below.

<table>
<thead>
<tr>
<th>TYPE OF SURFACE</th>
<th>TYPE OF USE</th>
<th>MAXIMUM AVERAGE ILLUMINATION WITHIN THE PROJECT BOUNDARY (FOOT CANDLES)</th>
<th>MAXIMUM ILLUMINATION AT PROPERTY LINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light colored surface (e.g., concrete)</td>
<td>Residential</td>
<td>0.3</td>
<td>0.3</td>
</tr>
<tr>
<td></td>
<td>Nonresidential</td>
<td>5.0</td>
<td>0.5</td>
</tr>
<tr>
<td>Dark colored surface (e.g., asphalt/black top)</td>
<td>Residential</td>
<td>0.5</td>
<td>0.5</td>
</tr>
<tr>
<td></td>
<td>Nonresidential</td>
<td>7.0</td>
<td>0.5</td>
</tr>
</tbody>
</table>

D3-34 - Parking Lot Landscaping Standards

See Division D3, Chapter II (Landscape Design Standards).
D3-35 - Garage and Carport Design and Location Requirements

Garages and carports in residential zones shall comply with the requirements of this Section, whether they are accessory structures or part of a principal structure.

A. Residential garages.

1. Minimum interior dimensions for side-by-side garages. Residential enclosed side-by-side garages shall provide the following clear interior minimum dimensions.
   a. One-car garage. A minimum of 10 feet wide by 22 feet deep (with 9-foot door opening).
   b. Two-car garage. A minimum of 20 feet wide by 22 feet deep (with a 16-foot door opening or two 9-foot door openings).
   c. Three-car garage. A minimum of 30 feet wide by 22 feet deep (with 9-foot and 16-foot door openings, or multiple 9-foot door openings).
   d. Four-car garage. A minimum of 40 feet wide by 22 feet deep (with multiple 9-foot and/or 16-foot door openings).

2. Tandem Parking. Tandem parking may be permitted through issuance of a Minor Use Permit in compliance with Section D6-28 (Use Permits and Minor Use Permits) and shall be designed to meet the following minimum standards.
   a. Two-car tandem dimension. A clear interior minimum dimension of 10 feet wide by 40 feet deep (with 9-foot door opening).
   b. A minimum of 200 cubic feet of storage area in or adjacent to garage.

3. Interior door openings. No interior door shall open into a garage space unless the door will fully open without encroaching into the above specified areas.

B. Residential carports.

1. Carport screening required. Carports shall be designed and located to meet setbacks and so that parked vehicles are screened and not visible from a street.

2. Minimum requirements for residential carports.
   a. Each carport shall have minimum dimensions of 9 feet wide by 19 feet deep.
   b. The width of the carport shall be measured from the inside face of support to inside face of opposite support.
   c. The carport solid, waterproof roof shall cover the entire 19-foot length of the space.

C. Setback requirements for garages and carports. Carports and garages shall comply with the setback requirements of the applicable zone.
D3-36 - Additional Standards for Parking Lots and Structures

Parking lots and structures shall have directional signs, drainage, fire equipment, lighting, litter collection containers, paving/surfacing, ramp grades, space markings, wheel stops, Electric Vehicle (EV) Charging Stations (accessory), and queuing space for drive-in facilities or ticket dispensing booths or machines in compliance with this Section and which shall be subject to the review and approval of the Zoning Administrator.

A.  **Sales, storage, etc. prohibited.**  The parking areas may not be used for the vehicle dismantling, leasing, renting, repair work, sales, storage, or outdoor open sales displays.

B.  **Drainage.**  Surface water shall be discharged to natural or engineered off-site drainage facilities and may not drain off or across public or private pedestrian sidewalks, walkways, or areas not designed as drainage facilities. All drainage issues must comply with California Regional Water Quality Control Board Provision C.3.

C.  **Surfacing requirements.**

1.  For driveways serving only one single-family dwelling, the parking area shall be surfaced with a minimum of two inches of asphalt concrete over six inches of aggregate base or comparable pavement.

2.  For driveways serving more than one single-family dwelling or multi-family unit, the parking area shall be surfaced with a minimum of two inches of asphalt concrete over six inches of aggregate base or comparable concrete pavement.

3.  For heavy traffic (e.g. truck) and commercial driveways, the driveway shall be surfaced with a minimum of nine inches thick of class 6 concrete over twelve inches thick of Class 2 aggregate base.

4.  All driveways shall be graded and drained to dispose of all surface water accumulated in the area.

5.  All parking spaces and maneuvering areas required by this Chapter, and as shown on the approved plans, shall be graded and well-drained in compliance with California Regional Water Quality Control Board Provision C.3, and permanently maintained in a dust-free manner.

D.  **Double line striping.**  Each large vehicle parking space shall measure a minimum of nine feet from center to center, with double stripes two feet apart.

E.  **Markings, striping, and identification.**  All parking-related markings, striping, and identification shall be clearly outlined with four-inch wide lines painted on the parking surface in compliance with this Subsection.

1.  Each parking space and parking facility shall be clearly identified by surface markings and shall be maintained in a manner so as to be readily visible and accessible at all times. The markings shall be arranged to provide for orderly and safe parking, loading/unloading, and storage of vehicles. Markings required to be maintained in a highly visible condition include directional arrows, lettering on signs and in disabled-designated areas, striping, and field color.
2. One-way and two-way accesses into required parking facilities shall be identified by directional arrows. Any two-way access located at any angle other than 90 degrees to a street shall be marked with a traffic separation stripe the length of the access. This requirement does not apply to drive aisles.

3. Where the exit may not be clearly recognizable, directional signs shall be provided to the satisfaction of the Zoning Administrator.

F. Wheel stops/curbing.

1. Continuous concrete curbing at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, landscaped areas, property lines, structures, or walls.

2. Individual wheel stops may be provided in lieu of curbing when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area, subject to the review and approval of the Zoning Administrator.

3. The curbing or individual wheel stops shall be placed two and one-half feet from the adjoining fence, landscaped area, property line, structure, or wall.

4. When provided, individual wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space.

G. Electric Vehicle (EV) Charging Stations (accessory). Parking lots for commercial, mixed-use, office, or multi-family developments that are available for use by the public are permitted to provide up to 5 percent of the total number of on-site parking spaces with EV Charging Stations. An approved Minor Use Permit is required to exceed 5 percent of the total number of on-site parking spaces with EV Charging Stations, unless the higher EV Charging Stations percentage is required by the State (California Green Building Standards) or local code.

New Construction: New construction of commercial properties exceeding 100 parking spaces or multifamily properties exceeding 100 units shall require the installation of a minimum of 1 EV charging station that can be shared by two parking spaces. For Multifamily developments, the location of the EV charging stations shall be located in common or guest parking areas. If a fee is charged for charging vehicles, the fee shall be based on market conditions for similar EV charging stations within the community.

H. Vertical clearance. Vertical clearance for parking spaces shall be a minimum of seven feet, except that an entrance may be six and two-thirds feet and the front five feet of a parking space serving a residential use may be four and one-half feet.
D3-37 - Driveways and Site Access

Each driveway providing site access from a street, alley, or other public right-of-way shall be designed, constructed, and permanently maintained in compliance with this Section.

A. Number of driveways.

   
   a. Each parcel with a single-family dwelling shall:
      
      (1) Be allowed only one driveway, except as allowed by Subparagraphs b and c., below; and
      
      (2) Have a driveway with a minimum length of 20 feet measured from the back of the sidewalk, or the edge of the right-of-way where there is no sidewalk. The minimum width shall be 10 feet and the maximum driveway throat width shall be 12 feet for a one-car garage, 24 feet for a two-car side-by-side garage, and 36 feet for a three-car or greater side-by-side garage. For garages with a tandem car configuration, the maximum driveway throat width shall be based on the number of side-by-side vehicle spaces with unobstructed driveway access.

   b. A parcel within the RC and RE zones with a frontage of 200 feet or more may have two separate driveways, or one circular driveway, provided the resulting curb cuts are separated by a minimum distance of 100 feet, or a lesser distance approved by the City Engineer based on consideration of site topography and traffic safety.

   c. A parcel with a single-family dwelling and an accessory dwelling unit (ADU) on-site may have more than one driveway to meet the ADU parking requirements in section D4-39 if there are no alternatives to access the required ADU parking space from the existing single driveway on-site.

   d. Total front yard paved area (e.g., driveway, parking areas) shall not exceed 50 percent of the required front setback area.

2. Multi-family and nonresidential projects.
   
   a. A multi-family or nonresidential project shall have no more than two driveways, unless the Zoning Administrator determines that more than two driveways are required to accommodate anticipated project traffic, based on a traffic study.

   b. Whenever a property has access to more than one street, access shall generally be limited to the lowest volume street, to minimize the traffic impacts of the project.

   c. The minimum width of driveways providing access to multi-family and nonresidential parking spaces shall be in compliance with Table 3-13 (Minimum Driveway Widths), below. The maximum driveway width shall be 30 feet, exclusive of the width of a median divider.
B. **Location of driveways.** Driveways shall meet the following standards in all zoning districts, except as approved by the City Engineer.

1. **Distance from street corner.** No driveway shall be located less than 150 feet from the nearest street intersection, as measured from the centerline of the driveway to the centerline of the nearest travel lane of the intersecting street. A lesser distance may be approved by the City Engineer for parcels with street frontages of less than 150 feet.

2. **Driveway spacing.** Driveways shall be separated along the street frontage as follows:
   a. **Single-family residential development.** Driveways shall be separated by at least six feet, unless a shared, single driveway is approved by the Zoning Administrator. The six-foot separation does not include the transition or wing sections on each side of the driveway; and
   b. **Multi-family and nonresidential development.** Where two or more driveways serve the same or adjacent multi-family or nonresidential development, the centerline of the driveways shall be separated by a minimum of 50 feet. Exceptions to this standard shall be subject to the review and approval of the City Engineer.
   c. **Parking access from street.** Each residential development must access its own parking directly from the street or alley, except where single-family residential parcels share a driveway.

3. **Spaces shall be accessible without re-entering a public right-of-way.**
   a. All spaces in a parking facility shall be accessible without re-entering a public right-of-way.
   b. The review authority may grant a Minor Use Permit in compliance with Section D6-28 (Use Permits and Minor Use Permits) to allow an exception to the prohibition identified in Subparagraph D3-37.B.3.a., above, but only when it is physically impossible to provide the required access.
   c. An alley may be used as maneuvering space for access to off-street parking.

4. **Access drive required.**
   a. Where an area used for off-street parking does not abut a public street, an access drive shall be provided in compliance with Table 3-13 (Minimum Driveway Widths), below, connecting the off-street parking area with a public street.
   b. The access drive shall be paved in the manner required for off-street parking lots and may not traverse property in a residential zone unless the drive provides access to a parking area serving a use in that residential zone.
   c. An access drive shall have a turnaround with an interior radius of 35 feet.

5. **Approval of City Engineer required.** Entrances and exits including the location, width, and length are subject to the review and approval of the City Engineer.

6. **Median strip required.**
   a. An entrance to a parking area accommodating more than 25 vehicles shall include a median strip.
   b. The design of the strip shall be subject to the review and approval by the traffic division, and the strip shall be located to eliminate possible cross-traffic within the parking area within 50 feet of the public right-of-way.
c. The applicant may request Zoning Administrator approval of Minor Use Permit modifying this requirement based on the size of the parking area, the circulation plan, and sight and safety considerations of the specific site.

C. Driveway widths and clearances.

1. Driveway widths. Driveways shall have the minimum widths at the gutterline in compliance with Table 3-13 (Minimum Driveway Widths), below, plus a minimum of one foot additional clearance on each side of any vertical obstruction exceeding six inches in height.

<table>
<thead>
<tr>
<th>Type of Use Served</th>
<th>Number of Parking Spaces to be Served</th>
<th>Minimum Width of One-Way Driveways</th>
<th>Minimum Width of Two-Way Driveways</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td>6 or fewer spaces</td>
<td>10 feet</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>7 to 24 spaces</td>
<td>12 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td></td>
<td>25 or more spaces</td>
<td>15 feet</td>
<td>26 feet</td>
</tr>
<tr>
<td>Nonresidential Uses</td>
<td>24 or fewer spaces</td>
<td>12 feet</td>
<td>24 feet*</td>
</tr>
<tr>
<td></td>
<td>25 or more spaces</td>
<td>15 feet</td>
<td>30 feet*</td>
</tr>
</tbody>
</table>

Note: Minimum widths of two-way driveways for nonresidential uses are for streets with speed limits greater than 25 m.p.h. (i.e. collectors and arterials).

2. Additional requirements by Zoning Administrator.

a. The Zoning Administrator, in consultation with the City Engineer, may require driveways in excess of the above widths where unusual grade, site, or traffic conditions prevail.

b. The Zoning Administrator may also require driveways to be constructed with full curb returns and handicapped ramps as opposed to simple curb depressions.

c. Driveways which serve the same parking facility shall be located at least 25 feet apart.

D. Clearances from obstruction. The nearest edge of a driveway curb cut shall be at least three feet from the nearest property line, the centerline of a fire hydrant, light standard, traffic signal, utility pole, or other similar facility. Driveways shall have a minimum overhead clearance of 14 feet in height, except within a parking structure, where clearance may be reduced to 6 feet, 7 inches.

E. Driveway visibility. The visibility of a driveway at its intersection with a street right-of-way shall not be blocked between a height of 30 inches and seven feet, unless approved by the Engineering Services Director, as required by Section D3-6.F (Height limit at street corners and driveways).

F. Surfacing. All access driveways required by this Section, and as shown on the approved plans, shall be graded and properly drained, shall be permanently maintained in a dust-free manner, and shall be paved with at least two inches of asphalt, concrete, or paving units.

1. The Zoning Administrator may authorize the use of other all-weather surfacing, where the Zoning Administrator determines, in consultation with the City Engineer, that the driveway is not needed for pedestrian access, and that the alternative surfacing will not impair accessibility for emergency vehicles. For the purposes of this Section, alternative all-weather surfacing includes turf block and/or other surfacing materials that provide for water infiltration into the ground while providing adequate support for vehicles.

2. Driveways with a slope of 10 percent or greater shall be paved with asphalt or concrete in all cases.
D3-38 - Bicycle and Motorcycle Parking Requirements

A. Bicycle Parking. Each multi-family project and nonresidential land use shall provide bicycle parking in compliance with this Section.

1. Number of bicycle spaces required. Multi-family, retail commercial, and office uses shall provide bicycle parking spaces equal to a minimum of one bicycle space for every 10 motor vehicle spaces, with a minimum of two bicycle spaces.

2. Bicycle parking space location. Bicycle spaces shall be conveniently located near the primary entrance of each structure they are intended to serve.

3. Bicycle parking design and devices. Each bicycle parking space shall include a stationary parking device to adequately secure the bicycle, shall be a minimum of two feet in width and six feet in length, installed and maintained in compliance with City standards. Overhead clearance shall be a minimum of seven feet.

B. Motorcycle parking. Each parking lot with 50 or more motor vehicle parking spaces shall provide motorcycle parking spaces conveniently located near the primary entrance of a structure, accessed by the same aisles that provide access to the motor vehicle parking spaces in the parking lot.

1. Number of spaces required. A minimum of one motorcycle parking space shall be provided for each 50 motor vehicle spaces or fraction thereof.

2. Space dimensions. A motorcycle parking space shall have minimum dimensions of four feet by seven feet.
### D3-39 - Loading Space Requirements

#### A. Number of loading spaces required.

Nonresidential uses shall provide off-street loading spaces in compliance with Table 3-14 (Loading Spaces Required), below. Requirements for uses not listed shall be determined by the Zoning Administrator based upon the requirements for comparable uses.

<table>
<thead>
<tr>
<th>Type of Land Use</th>
<th>Loading Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail and service commercial activities, eating and drinking establishments, personal service establishments, retail stores, repair shops, and wholesale establishments</td>
<td></td>
</tr>
<tr>
<td>0 - 3,000 sq ft</td>
<td>0 space</td>
</tr>
<tr>
<td>3,001 - 30,000 sq ft</td>
<td>1 space</td>
</tr>
<tr>
<td>30,001 - 60,000 sq ft</td>
<td>2 spaces</td>
</tr>
<tr>
<td>60,001 - 100,000 sq ft</td>
<td>3 spaces</td>
</tr>
<tr>
<td>100,001 sq ft and above</td>
<td>As required by the Zoning Administrator.</td>
</tr>
<tr>
<td>Lodging (hotel or motel)</td>
<td></td>
</tr>
<tr>
<td>0 - 5,000 sq ft</td>
<td>0 space</td>
</tr>
<tr>
<td>5,001 - 50,000 sq ft</td>
<td>1 space</td>
</tr>
<tr>
<td>50,001 - 100,000 sq ft</td>
<td>2 spaces</td>
</tr>
<tr>
<td>Manufacturing, storage facility, warehouse, or other industrial uses</td>
<td></td>
</tr>
<tr>
<td>0 - 5,000 sq ft</td>
<td>0 space</td>
</tr>
<tr>
<td>5,001 - 30,000 sq ft</td>
<td>1 space</td>
</tr>
<tr>
<td>30,001 - 60,000 sq ft</td>
<td>2 spaces</td>
</tr>
<tr>
<td>60,001 - 100,000 sq ft</td>
<td>3 spaces</td>
</tr>
<tr>
<td>100,001 sq ft and above</td>
<td>As required by the Zoning Administrator.</td>
</tr>
<tr>
<td>Meeting, office, public, and club uses</td>
<td></td>
</tr>
<tr>
<td>0 - 5,000 sq ft</td>
<td>0 space</td>
</tr>
<tr>
<td>5,001 - 50,000 sq ft</td>
<td>1 space</td>
</tr>
<tr>
<td>50,001 - 100,000 sq ft</td>
<td>2 spaces</td>
</tr>
<tr>
<td>Public building, installation, service structure, or utility; art gallery, auditorium, bus depot, college, library, museum, school, theater, transit station, or other place of public assembly or use which requires recurring delivery of goods by truck.</td>
<td>1 space, plus as required by the Zoning Administrator.</td>
</tr>
</tbody>
</table>
B. Standards for loading areas. Off-street loading areas shall comply with the Building Code specifications and requirements for off-street loading facilities, and shall comply with the following requirements. The Zoning Administrator may reduce these standards and the requirements of Subsection A., Table 3-14, and/or require an On-site Delivery Plan, where the Zoning Administrator first determines that the delivery, operating, and shipping characteristics of the use do not require the number or type of loading spaces required by this Section. An On-site Delivery Plan shall identify an on-site loading area (Minimum 12 feet wide, 35 feet long, and 14 feet vertical clearance) and limit the delivery hours to non-business hours of the on-site tenant(s) at the loading area.

1. Location.

   a. Loading spaces shall be on the same site for which the loading spaces are required, or an adjoining parcel, and shall be located:

      (1) Outside of all required setbacks and not facing a public street;
      (2) As near as possible to the primary structure and within the rear two-thirds of the parcel;
      (3) To ensure that loading, unloading, and vehicle maneuvers take place on-site; and
      (4) To avoid adverse impacts upon neighboring residential properties.

   b. On a site adjoining an alley, a required loading space shall be accessible from the alley unless alternative access is approved by the Zoning Administrator.

   c. Common loading facilities.

      (1) The off-street loading facilities required by this Section may be satisfied by the permanent allocation of the identified number of spaces for each use in a common truck loading facility; provided, the total number of spaces shall not be less than the sum of the individual requirements.

      (2) As a requirement of approval, an attested copy of a contract between the parties concerned providing an agreement to joint use of the common truck loading facility shall be filed with the application for the permit or approval.

2. Not backing across street property lines. A required loading space shall be accessible without backing a truck across a street property line unless the Zoning Administrator determines that the provision of turn-around space is infeasible and approves the alternative access.

3. Shall not prevent access to parking spaces. An occupied loading space shall not prevent access to a required off-street parking space.

4. Dimensions. Loading spaces shall be a minimum of 12 feet in width, 35 feet in length with 14 feet of vertical clearance.

5. Lighting. Loading areas shall have lighting adequate for security and safety. Lighting shall be installed and maintained in compliance with Sections D3-33 (Parking Area Lighting) and D3-7 (Outdoor Lighting).

6. Screening and landscaping required.

   a. Loading areas shall be screened from abutting properties and streets with dense landscaping and/or solid decorative masonry walls with a design and height subject to the review and approval of the Zoning Administrator.
b. Where a loading area abuts a street or another site, a landscaped strip of at least eight feet in width shall be planted for screening, and permanently maintained with plant materials subject to the review and approval of the Zoning Administrator; except that within 50 feet of a street intersection, the height of plant materials other than trees shall not exceed 36 inches.

c. The Zoning Administrator may require additional screening and/or landscaping.

7. **Surfacing.** All loading spaces, access driveways, and maneuvering areas required by this Chapter, and as shown on the approved plans, shall be graded and properly drained, shall be permanently maintained with dust-free surfacing, and shall be paved with two inches of asphaltic concrete, or other all-weather surfacing approved by the City Engineer.

8. **Striping.** All loading spaces shall be clearly striped and identified by the words "Loading Only" painted on the paved surface of the space in four-inch wide white block letters. These markings shall be maintained in a highly visible condition at all times.

9. **Loading ramps.** Plans for loading ramps and truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, and overhead clearances, and shall require City Engineer and Planning review and approval.

10. **Air Quality.** Delivery vehicles shall be prohibited from idling their engine during loading and/or unloading activities. An electrical connection system may be provided as an alternative to allow for operation of refrigeration systems or other delivery vehicle functions during loading and/or unloading activities.

11. **Vehicle repair prohibited.** Off-street loading facilities and areas required by this Section shall be maintained for the duration of the use requiring the area, and no repair work or servicing of vehicles shall be allowed in the loading areas.

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**D3-40 - Designation of Off-Site Parking and Loading Spaces**

If off-site parking and/or loading facilities are approved by the City in compliance with Subsection D3-26 E. (Location and ownership) above, a recordable covenant, easement, or other agreement (hereafter referred to as the "agreement"), acceptable to the City Attorney, shall be recorded in the County Recorder's Office to ensure the continued availability of the parking and/or loading facilities.

A. **Parties to agreement.** The parties to the agreement shall include the owner of the off-site parking/loading spaces and the owner of the site requiring the parking/loading.

B. **Contents.** The agreement shall include:

1. Covenants reflecting the City's conditions of approval for the use requiring the parking and/or loading, and the off-site parking and/or loading plan approved by the City;

2. A requirement that the off-street parking and/or loading facilities shall not be used for any other purpose unless the restriction is removed by resolution of the Commission, in compliance with Subsection E., below.

C. **Certificate of Occupancy.** No Certificate of Occupancy shall be issued until an attested copy of the recorded agreement has been filed with the Department.
D. Loss of off-site spaces.

1. Notification of City. The owner or operator of a business that uses approved off-site spaces to satisfy the parking/loading requirements of this Chapter shall immediately notify the Zoning Administrator of any change of ownership or use of the property where the spaces are located, or of the property for which the spaces are required, and of any termination or default of the agreement between the parties.

2. Effect of termination of agreement. Upon notification that the agreement for the required off-site parking/loading spaces has terminated, the Zoning Administrator shall establish a reasonable time in which one of the following shall occur:
   a. Substitute parking/loading is provided that is acceptable to the Zoning Administrator; or
   b. The size or capacity of the use is reduced in proportion to the parking/loading spaces lost.

E. Commission’s action to remove restriction. Upon submission of satisfactory evidence that other off-street parking and/or loading spaces have been provided in compliance with the requirements of this Chapter, or that the use has ceased, or the structure has been removed or altered so as to no longer require the off-site parking and/or loading spaces, the Commission shall remove the restriction.

D3-41 - Vehicles on Private Property

A. Parking limit in residential zones. No “heavy duty” commercial vehicle shall be parked for more than three hours on private property in a residential zone except:

1. While loading or unloading goods or materials and the time required to complete the work exceeds the three-hour period; or

2. When the vehicle is parked in connection with and in aid of providing a service to or on a property in the block in which the vehicle is parked and time in addition to the three-hour period is necessary to complete the service.

B. Parking limits in non-residential zones. A “heavy duty” commercial vehicle may only be parked on private property within a nonresidential zone when the vehicle is:

1. Parked in an approved off-street parking space or an approved outdoor storage or activity area;

2. Used in connection with and is owned or leased by an approved business located in a nonresidential zone; or

3. The vehicle is loading or unloading goods in connection with a business and is parked for not more than 48 hours.

C. Heavy duty defined. For the purposes of this Section a “heavy duty” commercial vehicle shall mean a single vehicle or combination of vehicles having more than two axles, or a single vehicle or combination of vehicles having a manufacturer's gross vehicle weight rating of 12,000 pounds or more.

D. Parking limits on landscape areas. Vehicles shall not be parked within landscape areas.
E. **Storage of trailers, RVs, and larger trucks prohibited.** No trailer, recreational vehicle, as defined in Division D8, and/or truck not customarily used for personal use shall be stored or parked within a required front setback area; except in a nonresidential zone where limited display areas are authorized through Minor Use Permit approval (see Section D6-28). A recreational vehicle may be stored within an interior side or corner side yard setback if located behind a seven foot fence, thus screened to the maximum extent feasible from the view of the street and adjacent parcels. Temporary parking within the driveway or carport, for the purposes of loading or unloading before or after a trip, shall not exceed a period of 72 consecutive hours. Recreational vehicle owners who have their recreational vehicles parked on the San Ramon property where they reside as of August 25, 2006 may continue to park their recreational vehicles on a paved area within the front yard setback, provided that the following requirements are met:

a. Each owner shall register their vehicle with the City, including submittal of any applicable documentation and payment of any applicable processing fees.

b. The parking of each vehicle shall comply with applicable Municipal Code requirements including not overhanging the sidewalk or right-of-way, and this Zoning Ordinance, including required front yard landscaping and sight distance requirements.

c. Each vehicle shall be registered with the City in compliance with this Section within six months of August 25, 2006.

d. The registration with the City shall pertain to the registrant of the vehicle, not the vehicle itself.

e. The owner of the vehicle must be a San Ramon resident and must be a resident of the property or the owner of the property where the vehicle is stored.

f. Upon sale of the property, no further recreational vehicle storage will be allowed within the front yard setback area.

g. Upon termination of tenancy, no subsequent tenant will be able to store a recreational vehicle in the front yard setback.
Chapter IV - Signs

Sections:

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D3-45 - Exempt Signs - Signs Not Requiring a Permit
D3-46 - On- and Off-Site Sign Regulations and Guidelines
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D3-50 - Prohibited Locations, Sign Types, and Messages
D3-51 - Maintenance, Abandonment, and Removal
D3-52 - Master Sign Program Required
D3-53 - Off-Site Directional Signs
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D3-58 - Sign Permit Applications
D3-59 - Building Permit Required
D3-60 - Required Inventory of Illegal or Abandoned Signs

D3-42 - Purpose of Chapter

A. Purpose of Chapter. The purpose of this Chapter is to provide minimum standards to promote economic viability and enhance the community's appearance by regulating the design, illumination, number, placement, and size of exterior signs and interior signs behind an exterior window(s) if the sign is intended to be visible from the exterior.

B. Purpose of sign regulations. These sign regulations are established:

1. To encourage the effective use of signs as a means of communication within the City;

2. To enhance the community appearances by ensuring the highest standards of sign design and construction and minimizing unnecessary visual clutter;

3. To encourage creativity in sign design while minimizing the overall number and size of signs to achieve the desired need for identification and communication;

4. To promote and attract sources of economic development and growth by providing adequate business identity from both vehicular and pedestrian accessways;

5. To protect pedestrian and traffic safety by minimizing confusing and distracting signs and providing clear identity and direction to major office centers, shopping centers, and residential neighborhoods;

6. To minimize the possible adverse visual effects of signs on adjoining residential areas and/or public facilities; and

7. To enable the fair and consistent enforcement of these sign regulations.
D3-43 - Criteria and Guidelines

The following criteria should be considered regarding the general location, placement, and design of individual signs:

A. **Signs shall be restrained and non-garish in character.** Signs shall be restrained in character and no larger than necessary for adequate identification.

B. **Signs shall be limited in quantity.** Signs shall be limited in quantity to that which is necessary for adequate identification. Only one sign for each business or business frontage is encouraged; however, an additional sign may be necessary for adequate visibility given the business location within an office park or shopping center and/or the structure's distance from the adjoining public/private streets;

C. **Directory signs are encouraged within commercial centers.** Directory signs are encouraged within office park and shopping centers to provide direction and identity. They shall not be visible from public streets and should not cause confusion or visual clutter;

D. **Signs shall not compete with each other.** Signs shall not excessively compete with each other for the public's attention;

E. **Signs shall serve to identify a name.** Signs shall serve to identify a business or establishment's name. The primary activity or service being provided may also be included if it is necessary to properly identify the business type;

F. **Signs shall be in proportion and harmonious with the structures they serve.** Signs shall be in proportion with the building scale and harmonious with the building design in terms of colors, materials, size, and textures;

G. **Sign illumination shall be at the lowest level.** Sign illumination shall be at the lowest level consistent with adequate identification and readability, and all lighting sources shall be properly shielded and directed onto the sign(s) to avoid glare in compliance with Section D3-49 (Illumination of Signs), below;

H. **Signs shall be of the highest professional standards.** Sign design shall be of the highest professional graphic standards and creativity related to colors, design, materials, size, and textures;

I. **Free-standing or monument signs are allowed as an entry statement.** Free-standing or monument signs identifying one or two structure owners or "anchor" tenants are allowed as an entry statement to an office park or shopping center;

J. **Temporary signs shall not be larger than permanent signs.** Temporary signs shall not be larger in sign face area and/or height than permanent identification signs of a similar type and purpose. The signs shall be incorporated into a monument sign and/or the building wall rather than constructed as a free-standing sign;

K. **Landscaping shall be protected and enhanced as a visual amenity.** Landscaping surrounding free-standing signs shall be protected and enhanced as a visual amenity; and

L. **Window displays are encouraged.** Window displays rather than window signs are encouraged whenever possible.
D3-44 - Definitions

A-frame sign. A sign structure built in the shape of a capital letter A, usually designed to be moved easily (see Portable sign).

Abandoned sign. A sign which no longer identifies or advertises a bona fide activity, business, lessee, owner, product, or service, and/or for which no legal owner can be found.

Advertising/promotional signs. Temporary banners and flags without advertising copy when placed on a structure’s exterior within an office or shopping area or center to announce a “grand opening”, “going out of business”, etc., or area/center sponsored special event.

Advertising/promotional window signs. Temporary signs which are installed only on the interior of a window to advertise an event, product, sale, and/or services provided.

Animated sign. (see also and note difference from “Changeable sign”) A sign or display using kinetic or illusionary motion by electrical, manual, mechanical, natural, or other means. Animated signs include the following types:

1. Electrically energized Illuminated signs whose motion or visual impression of motion is caused by electrical means. Electrically energized animated signs are of two types:
   a. Flashing signs. Signs with a repeating illumination from one or more sources and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.
   b. Illusionary movement signs. Signs with the illusion of movement created by a repeating action in which the sign is turned on or off to give the impression of blinking, chasing, running, and/or twinkling light patterns.


3. Naturally energized. Wind-driven signs include banners, flags, metallic disks, pennants, spinners, streamers, or other similar devices designated to move in the wind.

Architectural Review Board. Referred to in this Chapter as the ARB. (See Section D6-22 [Architectural Review]).

Awning. A shelter projecting from and supported by the exterior wall of a structure constructed of non-rigid materials on a supporting framework.

Awning sign. A sign painted on, printed on, or attached flat against the surface of an awning (See Canopy sign, below).

Back lit awning. (See Electric awning sign, below).

Banner sign. Any sign of lightweight fabric or similar material that is securely mounted to a pole or a building wall by a permanent frame at one or more edges. National flags, State or municipal flags, or the official flag of any institution or business shall not be considered banners (See Pennants, below).
Billboard. A sign or advertising structure used as an outdoor display which is securely affixed to the ground. (See Off-site sign, below).

Blade sign. A sign, identifying single tenant within a shopping center, which typically projects perpendicular from a building wall adjacent to the tenant entrance by a bracket no less than the required clearance above grade. (See Projecting Sign).

Broker’s open house sign. A temporary real estate sign which announces that a real estate professional is conducting an open house where interested individuals can visit and tour the premises.

Building. Any roofed structure supported by and enclosed by walls for the shelter or storage of persons and/or property. Referred to in this Chapter as structure. See the Uniform Building Code for definition.

Building Frontage. The distance that any individual building or tenant wall or site extends along a public or private right-of-way on which it borders.

Canopy (structure). A rigid multi-sided structure covered with fabric, metal, or other material and supported at a building wall at one or more points, and by columns or posts embedded in the ground at other points. May be illuminated by means of internal or external sources. (See Electric awning sign and theater marquee, below).

Canopy (free-standing). A rigid multi-sided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources. (See Canopy, structure, above).

Canopy sign. A sign affixed or applied to the exterior facing surface(s) of a structure or free-standing canopy. (See Awning sign, above).

Changeable sign. A sign whose informational content can be altered or changed by electric, electro-mechanical, electronic, or manual means. Changeable signs include the following types:

1. Electrically activated. Signs whose alphabetic, pictographic, or symbolic informational content can be altered or changed on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
   a. Computer controlled variable message electronic signs. Signs whose informational content can be altered or changed by means of computer-driven electronic impulses.
   b. Fixed message electronic signs. Signs whose basic informational content has been pre-programmed to include only certain types of information projection (e.g., predictable traffic conditions, temperature, time, or other events subject to prior programming).

2. Manually activated. Signs whose alphabetic, pictographic, or symbolic informational content can be altered or changed by manual means.

City. Unless the context clearly discloses a contrary intent, the word “City” shall mean the City of San Ramon.

Clearance (of a sign). The smallest vertical distance between the grade of the adjacent highway, street, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Commercial/retail center. Any nonresidential grouping of structures or uses occupied by three or more tenants which are connected by architectural treatment, shared access roads, and/or a commonality of use. Includes public/semi-public complexes. This use is typically neighborhood-serving in nature.
Commercial/retail area. A commercial/retail area either consisting of, or which has the potential for, 200,000 gross square feet or greater leasable tenant space via aggregation with adjoining commercial centers and/or properties which have a distinct geographical identity within the City. These areas can be either neighborhood serving and/or community serving in nature depending upon location, size, and tenants, and have frontages on one or more arterial street(s).

Construction sign. A temporary sign identifying an architect, contractor, developer, and/or material supplier participating in construction on the property on which the sign is located.

Copy. The graphic content of a sign surface in either permanent or removable letters, in alphabetic, pictographic, or symbolic form.

Directional/information sign. An on-site incidental sign giving directions, instructions, or facility information (e.g., entrance, exit, or parking signs).

Directory sign. A free-standing or wall sign intended to identify two or more tenants of a specific site, and located to direct pedestrian circulation within an office park and/or commercial/retail center or area. The signs are intended for pedestrian assistance and not for providing directional assistance to motorists, and should not, therefore, be visible from the public street.

Double-faced sign. A sign with two faces, essentially back-to-back, or a "V" shaped sign structure. (See Multiple-faced sign, below)

Electric awning sign. (Also known as back lit awning). An internally illuminated awning or canopy structure which is constructed of a flexible, reinforced, and translucent covering, with graphics or copy applied to the visible surface of the awning.

Facade. The entire building wall including the parapet.

Flashing sign. (See Animated sign, electrically energized, above)

Free-standing sign. A sign supported permanently upon the ground by braces or poles and not attached to any structure. (See also Monument sign, below)

Garage Sale signs. Any sign pertaining to a garage sale or a community garage sale.

Gasoline price signs. Signs which are intended to advertise gasoline and other motor fuel prices in compliance with the requirements of the State Business and Professions Code.

Government sign. Any sign erected and maintained by the City, County, State, or Federal government for traffic direction or for designation of or direction to any historical site, hospital, public service, or school, facility or property.

Height (of a sign). The vertical distance measured from the highest point of the sign, excluding architectural embellishments (e.g., decorative cornices, trim, etc.), to the grade of the adjacent street or the surface grade beneath the sign, whichever is less. (See and compare Clearance, above)

Illegal sign. A sign(s) which has been installed without the required City approvals, and/or which has not received a nonconforming status.

Illuminated sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental sign. A small decal, emblem, or sign informing the public of facilities, goods, or services available on the premises (e.g., credit card sign or a sign indicating hours of business).
Lot. A parcel of land legally defined on a subdivision map recorded with the Assessment Department or land registry office, or a parcel of land defined by a legal record or survey map.

Maintenance. For the purposes of this Chapter, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mansard. A sloped roof or roof-like facade architecturally comparable to a building wall.

Maximum allowable sign face area. The total area allowed for a single face of a sign. (See Table 3-13 [On-site and Off-site Maximum Sign Standards], below).

![Diagram of sign face area](image)

Monument sign. A free-standing sign mounted directly to the ground on a solid base or pedestal or mounted to a wall which is not a building wall (e.g., soundwall) which is intended to identify the name and/or logo of a commercial office or shopping center or residential neighborhood. The signs are intended to provide identification to motorists and may therefore be visible from the public street.

Multiple-faced sign. A sign containing three or more faces, not necessarily in back-to-back configuration. (See "V" sign, below)

Nonconforming sign.

1. A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations related to height, location, quantity, setbacks, sign face area, etc.

2. A sign which does not conform to these sign requirements, but for which a special permit has been issued, or a Master Sign Program has authorized.

Occupancy. The portion of a structure or premises leased, owned, rented, or otherwise occupied for a given use.

Off-site sign. Any sign structure (e.g., billboard) identifying a facility, use, product, or service which is not located, sold, or manufactured on the same premise as the sign or which identifies a product, service, or use by a brand name which, although sold or manufactured on the premise, does not constitute the principal item for sale or manufactured on the premise.

Off-site directional sign. A sign which provides directional assistance to a commercial/retail area, residential subdivision, or multi-family residential development of 100 units or more, and/or a business, premises, or site not having direct frontage upon a public/private street.

On-site sign. A sign which pertains to the use of the premises and/or property on which it is located.
Outdoor advertising display. Advertising of a retail item with a sign and accompanying display (e.g., advertisement on a product dispenser, etc.)

Painted wall sign. Any sign which is applied with paint or similar substance on the surface of a wall.  
Parapet. The extension of a false front or wall above a roof eave.

Pennant. Any light-weight fabric, plastic, or other material whether or not containing a message of any kind, suspended from a rope, string, or wire, usually in series, designed to move in the wind. (See Banners, above)

Penthouse sign. Any sign which is affixed to a roof-mounted mechanical equipment storage area.

Political sign. A temporary sign used in connection with a local, State, or national election or referendum.

Portable sign. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure (e.g., an A-frame sign).

Projecting sign. A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Public information sign. Any sign intended primarily to promote items of general interest to the community (e.g., special community events) or traffic control, including warning signs, which are erected by a governmental agency.

Real estate sign. A temporary sign advertising the real estate upon which the sign is located as being for lease, rent, or sale. May also include "open house" real estate signs.

Roofline. The top edge or ridge of a roof or building parapet, excluding chimneys, cupolas, or minor projections.

Roof sign. Any sign mounted to a roof above a roof eave, but not projecting over the roofline of a structure. (Compare with Mansard and Wall sign)

Rotating sign. (See Animated sign, mechanically energized, above.)

Sign. Any device, fixture, placard, or structure using graphics, symbols, and/or written copy and decorative flags and pennants, without graphics, symbols, or written copy, for the primary purpose of identifying, providing directions, or advertising any establishment, goods, products, or services.

Sign, area of.

1. Projecting and free-standing. The area of a free-standing or projecting sign shall have only one side of any double- or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets (see graphic at Maximum allowable sign face area, above):

A rectilinear line of not more than eight sides shall be drawn around and enclosing the perimeter of each cabinet or module. The area shall then be summed and totaled to determine total area. The perimeter of measurable area shall not include embellishments (e.g., decorative roofing, framing, support structures, etc.); provided, there is no written advertising copy on the embellishments.
2. **Wall or window.** The entire sign area shall be within a single, continuous perimeter composed of any rectilinear line drawn around and enclosing the perimeter of the extreme limits of the advertising message.

**Sign Permit.** All signs regulated by this Chapter shall be approved by issuance of a Sign Permit in compliance with Section D3-56 (Sign Permit Required) before installation, unless specifically exempted from permit requirements.

**Special events sign.** A temporary sign or banner placed on the exterior of a structure which is intended to advertise seasonal events or special exhibitions which include agricultural sales, arts and crafts shows, Christmas tree sales, circus/carnivals, and civic/community events.

**Subdivision identification sign.** Any free-standing or wall sign identifying a residential subdivision or condominium complex, or multi-family residential development consisting of 100 or more units. (See also Off-site directional signs)

**Temporary sign.** A sign not constructed or intended for long-term use. Typically constructed of lightweight fabric or similar material (e.g., a banner).

**Theatre marquee.** A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a theatre building. (See Awning and Canopy, above)

**Theatre marquee sign.** Any sign attached to or supported by a theatre marquee structure.

**Traffic safety visibility area.** The area of a corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. No sign in excess of 30 inches in height nor support pole larger than 12 inches in diameter may be installed in this area, unless approved by the Engineering Services Director. Free-standing signs shall have at least seven feet clearance to grade when located within a required traffic safety visibility area. (See Section D3-6.E (Height limit at street corners.)

**V-sign.** A sign consisting of two essentially equal faces, positioned at an angle extending less than 179 degrees. (See also Multiple-faced signs, above)

**Wall sign.** A sign attached to and essentially parallel with the wall of a structure with no copy on the sides or edges. This definition includes awning, cabinet, canopy, individual letter, and painted signs.

**Window display.** An arrangement of merchandise, pictures, products, and/or symbols or combination thereof inside a window or structure interior which is intended to be viewed from the exterior to communicate information about the business, services, or special advertising or events.

**Window sign.** A permanent sign inside a window which is intended to be viewed from the exterior to identify a business establishment, hours of operation, and/or services provided. Window signs may include painted-on or wrap-on letters, scenes, pictures, symbols, opaque materials, and/or window tint.
D3-45 - Exempt Signs - Signs Not Requiring a Sign Permit

The following signs are exempted from ARB, the Zoning Administrator, and/or Commission review unless otherwise noted, or unless authorized as part of a Master Sign Program in compliance with Section D3-52, below:

A. **Advertising/promotional window signs.** Temporary advertising/promotional window signs or displays when placed to announce an event and provided it is installed for a period not exceeding 21 consecutive calendar days within each calendar quarter. (See Subsection D3-47 M. [Temporary advertisement/promotional window signs])

B. **Blade signs.** Blade signs and other similar non illuminated wall signs not over two square feet in area, displaying the name and/or the address of the tenant located in close proximity to each tenant space when authorized by a Master Sign Program (Section D3-52) or when identifying tenants within a site having five or less nonresidential tenants. The signs shall be limited to one sign for each tenant.

C. **California State Lottery signs.** Signs for the California State Lottery, approved by the Lottery Commission for display by Lottery Game Retailers.

D. **Commemorative signs.** Names of structures, dates of erection, and commemorative tablets, when carved into concrete, stone, or similar material or made of aluminum, bronze, or other permanent type material and made an integral part of the structure. The signs shall not exceed four square feet in sign area and shall not be illuminated.

E. **Commercial and industrial real estate signs.** Temporary on-site commercial and industrial real estate signs when authorized by a Master Sign Program (See Section D3-52), on a site with five or less nonresidential tenants, and when limited to one sign for each site or structure. (See Section D3-47 I. [Temporary on-site commercial real estate signs]). These signs shall comply with the street and traffic safety visibility area and height requirements.

F. **Construction signs.** Temporary construction signs. (See Section D3-47 K. [Temporary construction signs])

G. **Directional/informational signs.** Directional/informational onsite parking and other directional signs, not exceeding one double faced sign for each entrance, or two square feet in sign area, with letters or symbols not exceeding five inches in height. The signs shall not exceed a height of 42 inches, not be located within 10 feet of another freestanding sign, and shall be setback from the driveway entrance at least five feet.

H. **Garage sale sign.** One on-site sign and a maximum of four off-site signs on private properties are allowed on the days of the event from 7:00 a.m. to 4:00 p.m. The maximum size of a sign shall be 6 square feet, maximum 3 feet in height or width. The content on a sign shall be limited to the date, the time, and the address of the event and a directional arrow.

I. **Gasoline price signs.** Gasoline and other motor fuel price signs in compliance with the State Business and Professions Code.

J. **Government flags.** United States, State of California, or City government flags which shall be mounted or flown (e.g., maximum pole height) no higher than the maximum structure height and shall be setback a distance equivalent to the front or street side setback for the subject zone. While exempt from a sign permit, the flag pole or other support shall be subject to the issuance of a Building Permit.
K. **Holiday lights and devices.** Holiday lights and similar devices not advertising a product or sale erected no sooner than 45 calendar days before the holiday and removed within 14 calendar days following the holiday.

L. **Incidental signs with no letters exceeding three inches.** Incidental and window signs having no letters or symbols exceeding three inches in height; provided, the maximum window coverage does not exceed 20 percent of the overall window area, while maintaining a clear interior view for the lower third of the window area for police and private security surveillance. These may be illuminated or non-illuminated and indicate that a tenant is either "open" or "closed" for business, service offered, hours of operation, and/or the address. (See Section D3-47 B. [Window signs])

M. **Interior signs.** Signs within the interior of a structure which are not readily visible from the exterior.

N. **Mass produced product signs.** Signs manufactured as a standard, integral part of a mass produced product accessory to a commercial, public, or semipublic use, including automated teller machines (ATMs), gasoline pumps, telephone booths, and vending machines.

O. **Political signs.** Temporary political signs when a letter of responsibility has been filed with the City Clerk. (See Section D3-47 J. [Temporary political signs])

P. **Public information signs.** Public information and governmental signs erected by a public agency.

Q. **Residential real estate signs.** Temporary on-site residential real estate signs when limited to one sign for each residential site or property. (See Section D3-47 F. [Temporary on-site residential real estate signs])

R. **Scoreboard changeable copy signs.** Electronically activated or fixed message changeable copy signs for scoreboards on public school properties.

S. **Street address numbers.** Street address numbers conforming to Title C, Division 2, (Building Security) of the Municipal Code.
D3-46 - On and Off-Site Sign Regulations and Guidelines

A. Applicability. Table 3-15 (On- and Off-Site Maximum Sign Standards) identifies the maximum allowable sign face area, development standards, and guidelines applying to signs visible from a public or private right of way for each zone. This Table is a summary of the regulations only and the letters in parentheses in the last column reference specific regulations within Section D3-47 following the table or located elsewhere in this Zoning Ordinance.

B. Exceptions. A Master Sign Program may supersede the regulations of this Chapter in compliance with Section D3-52; and a Master Off-Site Directional Sign Program may supersede the regulations of this Chapter in compliance with Section D3-53.

TABLE 3-15 - ON-SITE AND OFF-SITE MAXIMUM SIGN STANDARDS

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>AG; GC; M-1; M-2; P; PD; PS; OS</th>
<th>RR; RE; RS</th>
<th>RM; RMH; RH</th>
<th>OA; MW</th>
<th>OL; CC; CCMU; CC-R; CR; CT; CS; MU</th>
<th>Specific Regs. (D3-47)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ON-SITE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall Signs</td>
<td>0.75 sf per one linear foot of bldg. frontage, up to a max. of 75 sq. ft. of sign area. Limited to only one sign for each wall</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>A and PQ</td>
</tr>
<tr>
<td>Window Signs</td>
<td>20% of window area</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>B</td>
</tr>
<tr>
<td>Roof Signs</td>
<td>Same as Wall Signs</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>C</td>
</tr>
<tr>
<td>Portable Signs</td>
<td>Section D3-47 N.</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>N</td>
</tr>
<tr>
<td>Office Identification</td>
<td>Same as Wall Sign (1 bldg. identification sign for each wall)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>Q</td>
</tr>
<tr>
<td>Free-Standing (monument)</td>
<td>Per ARB</td>
<td>3.5' height</td>
<td>5' height</td>
<td>12' height</td>
<td>8' height</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>12 sf face</td>
<td>12 sf face</td>
<td>30 sf face</td>
<td>30 sf face</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 per site frontage</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 per corner lot</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td></td>
</tr>
<tr>
<td>Freeway-Oriented</td>
<td>Limited to 1 wall sign per tenant on a building wall</td>
<td>NONE</td>
<td>NONE</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>R</td>
</tr>
<tr>
<td>Public Transit Shelter Signs</td>
<td>Section D3-47 T.</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>T</td>
</tr>
<tr>
<td>Type of Sign</td>
<td>AG; GC; M-1; M-2; P; PD; PS; OS</td>
<td>RR; RE; RS</td>
<td>RM; RMH; RH</td>
<td>OA; MW</td>
<td>OL; CC; CCMU; CC-R; CR; CT; CS; MU</td>
<td>Specific Regs. (D3-47)</td>
</tr>
<tr>
<td>----------------------------------</td>
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<td>-----------------------</td>
</tr>
<tr>
<td><strong>TEMPORARY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Real Estate On-Site</td>
<td>4 sf face area 5 ft. height 1 per site</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>F</td>
</tr>
<tr>
<td>Commercial Real Estate On-Site</td>
<td>12 sf face area 5 ft. height 1 per site</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>I</td>
</tr>
<tr>
<td>Political</td>
<td>32 sf face area 8 ft. height</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>J</td>
</tr>
<tr>
<td>Construction</td>
<td>32 sf face area 10 ft. height 1 per site</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>K</td>
</tr>
<tr>
<td>Advertising/ Promotional and Identification</td>
<td>12 ft. height 1 per tenant</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>L, M, and P</td>
</tr>
<tr>
<td>Special Events</td>
<td>Per Special Events Permit</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>O</td>
</tr>
<tr>
<td>Off-Site Real Estate Residential and Special Events</td>
<td>6 sf face area 3 ft. height</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>G</td>
</tr>
<tr>
<td>Off-Site Subdivision Directional</td>
<td>6 sf face area 3 ft. height</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>H</td>
</tr>
<tr>
<td><strong>OFF-SITE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-Site Directional</td>
<td>Section D3-53</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>(SAME)</td>
<td>E</td>
</tr>
</tbody>
</table>
D3-47 - Specific Sign Regulations

All signs identified in this Section shall comply with the applicable sign standards and regulations identified below. All non-exempt signs shall be reviewed in compliance Section D3-54 (Approvals required) below.

A. Wall signs shall be:
   1. Located below a parapet or roofline.
   2. Not project greater than 12 inches from the face of the structure, except for awning signs.
   3. Allowed on spires, towers, or other architectural features as identified in this Chapter when the sign is an integral part of the building design and does not project above a roofline. Any sign(s) higher than the maximum structure height limit allowed in the subject zone, shall be subject to approval by the Commission (or as part of a Master Sign Program). (See Section D3-52, below)
   4. Limited to a maximum of 0.75 square feet for each one linear foot of building frontage (or each building frontage if there is more than one frontage) up to a maximum of 75 square feet of total sign face area. Limited to only one wall sign for each wall. Wall signs may exceed the maximum allowed sign face area when the Planning Commission grants an exception in compliance with the following:
      a. The proposed exception conforms as closely as practical to the regulations governing sign area limitations;
      b. The proposed exception is consistent with the purposes and policies of these sign regulations;
      c. The strict adherence of the sign regulations does not allow adequate identification of the subject site or structure because of the site's location, or because the proposed business is obscured from view by adjacent structures or vegetation;
      d. The sign is in proportion to the wall/window area; and
      e. Wall signs shall be limited to one sign for each structure street frontage. One additional wall sign may be allowed if the primary customer entrance is not on the wall facing the street.

B. Window signs shall be:
   1. Designed to ensure that the total area of all window signs, including exempt signs, shall be limited to 20 percent of a tenant’s total window area for each wall.
   2. Fabricated to the highest standards of sign design and construction.
   3. Positioned in a fashion so that they do not obscure the vision of the indoor activities by law enforcement personnel.

C. Roof signs shall be:
   1. Located below a parapet or roofline. Theater marquee signs and/or signs on a sloped or pitched roof (e.g., a gabled roof) may project above a roof eave, but shall be below a roofline. (See also Theatre or cinema signs, Subsection D3-47 S. (Theatre or cinema signs) below)
2. Subject to the same sign area regulations identified for wall signs in Section D3-47 A. (Wall signs) above.

D. Free-standing or monument signs shall be:

1. Limited in height and total sign face area allowed in the subject zone (See Table 3-15 [On- and Off-Site Maximum Sign Standards], above), and shall not be closer than 30 feet to another free-standing and/or monument sign unless authorized by the Planning Commission.

2. Limited to one sign for each site frontage. Corner parcels, when not developed as part of a contiguous commercial, office, and/or residential development, shall be limited to one free-standing sign. Additional signs may be authorized by the Zoning Administrator when necessary for proper identification.

3. Designed to include the structure/complex name, leasing information, address, and up to two “anchor” tenants, unless additional tenant names are allowed under the Master Sign Program. The leasing information shall be incorporated as part of the monument sign. The total number of tenant names and other signs shall be determined in compliance with a Master Sign Program. (See Section D3-52, below)

4. The directory style signs shall not be visible from a public street or right of way.

5. Designed to ensure that the sign(s) are not located over, or encroach into, a public right-of-way.

6. Placed within a required landscaped area. The Zoning Administrator may require supplemental landscaping to enhance the sign and streetscape appearance.

7. In compliance with the requirements of Sections D3-37 (Driveways and Site Access).

8. Designed with creativity in mind, subject to the approval of the ARB and Zoning Administrator.

9. Subject to a Master Sign Program if required by this Chapter. (See Section D3-52, below)

E. Off-site signs shall be:

1. Off-site signs, as that term is defined in Section D3-44 (Definitions), above, advertising an establishment, event, or product shall not be allowed except as specified by this Chapter. (See Subsections G. [Temporary off-site residential real estate signs] and H. [Temporary off-site subdivision directional signs], below)

2. The Planning Commission may authorize an off-site identification sign for a business, premise, or property not having direct frontage or visibility upon a public/private street. (See Section D3-54 B. [Planning Commission review and action], below)

F. Temporary on-site residential real estate signs shall be: Signs within any residential zone which are intended to identify a residential "open house" or residential property for lease, rent, or sale shall be:

1. Limited to four square feet in total sign face area and five feet in maximum height measured from the top of the sign to the ground directly below it.

2. Limited to one sign for each residential property, unless additional signs are authorized by the Zoning Administrator as necessary for proper identification.

3. Installed on the residential property to identify “for lease” or “sale”, and not located within any public street right-of-way. The Zoning Administrator may authorize the placement of the sign within the public street right-of-way only when there is no alternative location with ready
appearance from the public street right-of-way and then only when an Encroachment Permit is authorized by the City Engineer.

4. Displayed no longer than seven calendar days after the property is no longer offered for lease, rent, or sale. "Lease/rent" shall mean occupancy by a tenant and "sale" shall mean close of escrow.

5. Subject to a Master Sign Program if required by this Chapter. (See Section D3-52, below)

G. Temporary off-site residential real estate signs. Portable off-site residential real estate signs within any residential zone which is intended to provide directional assistance for a broker's "open house" shall be:


2. Limited to 48 inches in height and six square feet in total sign face area.

3. Allowed only on the weekends and removed no later than Sunday at sunset. However, the signs may be used on Thursdays and Fridays between the hours of 9:30 a.m. to 2:00 p.m. for broker's open house only, unless otherwise specified by the Zoning Administrator.

4. Placed behind the sidewalk, and shall not encroach within the public rights-of-way (e.g., bicycle paths, medians, or sidewalks). Signs shall not be placed on fences, utility poles, or walls.

5. Allowed only for residential real estate developments that are located within the City of San Ramon.

6. Limited to one sign for each direction at any intersection for each real estate company regardless of the number of listings located in that direction.

7. Limited to a maximum combined total of eight temporary off-site residential real estate signs and temporary off-site subdivision directional signs at major arterial/collector street intersections; provided, motorist visibility is not obstructed. Signs on secondary or residential street intersections shall be limited to a maximum combined total of four temporary off-site residential real estate signs and temporary off-site subdivision directional signs; provided, motorist visibility is not obstructed.

8. Designed to include directional arrows on each sign.

H. Temporary off-site subdivision directional signs. Portable off-site residential subdivision signs which provide directional assistance only shall (See also Off-site directional signs - Section D3-53, below) be:


2. Limited to 48 inches in height and six square feet in total sign face area.

3. Allowed only on weekends between Saturday at 9:30 a.m. and removed no later than Sunday at sunset.

4. Placed behind the sidewalk, and shall not encroach within the public rights-of-way (e.g., bicycle paths, medians, or sidewalks). Signs shall not be placed on fences, utility poles, or walls.

5. Allowed only for developments that are located within the City of San Ramon or the City’s Sphere of Influence.
6. Removed when the remaining, unsold units are turned over to brokers for disposal, or within a 90-day period following the approval of a Master Off-Site Directional Program in compliance with Section D3-53, whichever first occurs.

7. Not be visible from a freeway or along the freeway's on-/off-ramps.

8. Limited to:
   a. One sign for each direction, at any intersection for each subdivision;
   b. Eight signs for each subdivision, placed not less than 1,000 feet apart; and
   c. A maximum combined total of eight temporary off-site residential real estate signs and temporary off-site subdivision directional signs at major arterial/collector street intersections; provided, motorist visibility is not obstructed. Signs on secondary or residential street intersections shall be limited to a maximum combined total of four temporary off-site residential real estate signs and temporary off-site subdivision directional signs; provided, motorist visibility is not obstructed.

9. Designed to include directional arrows.

I. Temporary on-site commercial real estate signs. Temporary on-site commercial real estate signs which are intended to identify a commercial, office, or industrial property for lease, rent, or sale shall be: (See Subsection D3-45 E. [Commercial and industrial real estate signs], above)

1. A maximum of 12 square feet in total sign face area and five feet in maximum height measured from the top of the sign to the ground directly below it. When situated within 30 feet of a permanent monument sign, the maximum sign face area of the temporary sign shall be reduced to 50 percent of the adjoining monument sign face area.

2. Limited to one sign for each site or structure, unless additional signs are authorized by the ARB and Zoning Administrator when necessary for proper identification.

3. Located on the site it is identifying for lease, rent, or sale and not located within any public street right-of-way.

4. Not be visible from a freeway or along the freeway's on-/off-ramps.

5. The Sign Permit shall clearly identify the specific suite, site, or structure for which the permit is issued to ensure compliance with Subparagraph 6 below.

6. Removed no later than 30 days from the issuance of building occupancy unless authorized by an approved Master Sign Program. (See Section D3-52, below)

7. Subject to a Master Sign Program if required by this Chapter before building occupancy. (See Section D3-52, below)
J. **Temporary political signs shall:**

1. Pertain to a ballot measure, candidate, or issue to be voted upon within 90 calendar days of the initial date of posting.
2. Be no larger than 32 square feet in total sign face area and have a maximum height of eight feet measured from the top of the sign to the ground directly below it.
3. Not be placed within the public right-of-way or visible from a freeway or along the freeway's on-/off-ramps.
4. Be removed within seven calendar days following the election.
5. Comply with the requirement that the party responsible for the sign's removal shall, before the sign's installation, file a statement of responsibility with the City Clerk certifying that the temporary political sign will be removed within the required time limits identified in this Subsection.

K. **Temporary construction signs shall be:**

1. No larger than 32 square feet in total sign face area and maximum 10 feet in height measured from the top of the sign to the ground directly below it.
2. Limited to one sign for each project and may identify only the name of the project and the general contractor and/or development company sponsoring the work in-progress as well as one telephone number for each sponsor.
3. Located on the same site as the construction work in progress.
4. Removed upon final certificate of building occupancy or as required by the Zoning Administrator.

L. **Temporary advertising/promotional signs.** Advertising/promotional signs which are intended to advertise or promote a tenant "grand opening", relocation, "going out of business", etc. or a special event within and sponsored by a shopping center/area (e.g., a "sidewalk" sale) or special seasonal sales event (e.g., "back to school" sale), shall be:

1. A banner, flag, pennant, or other similar device without advertising copy other than the tenant and/or center name, and the announcement of the aforementioned allowed events and shall be placed on the structure exterior and secured to or suspended from a building wall or flag pole. The signs and/or flags shall not be affixed/attached to a fence, roof, screen wall, or tree. Tethered balloons and inflatable signs are prohibited.
2. Limited to one sign for each tenant and a maximum of two commercial center-sponsored signs for each commercial center or area.
3. Limited to a 21 consecutive day installation period for each event and a maximum of once each calendar quarter.
4. Professionally designed and fabricated from durable and weatherproof materials.
5. Limited to 12 feet in height measured from the top of the sign to the ground directly below it.
6. Located to ensure that the sign does not block required pedestrian and/or vehicle accessways, create safety hazards, and/or obstruct signs identifying adjoining establishments.
7. Subject to a Master Sign Program if required by this Chapter. (See Section D3-52, below)
M. **Temporary advertisement/promotional window signs.** Signs which are installed on a temporary basis only on the interior of a window to advertise an event, product, sale, and/or services shall be:

1. Limited to 21 consecutive days within each calendar quarter, except they are allowed without the 21-day time restriction between the day before Thanksgiving through January 2nd of the following year.
2. Subject to the window coverage requirements of this Chapter. (See Subsection D3-47 B. [Window signs], above)
3. Located to ensure that the sign does not block or impede the line-of-sight or surveillance as required by Section D3-47 B. [Window signs], above.
4. Subject to a Master Sign Program if required by this Chapter. (See Section D3-52, below)

N. **Portable signs.** Portable signs which are intended to provide directional assistance to a tenant space within a commercial zone shall be:

1. Located within proximity of the tenant’s primary entrance, limited to one sign for each tenant, and shall not be visible from a public street.
2. The maximum sign area shall not exceed 48 inches high by 30 inches wide.
3. Subject to a Master Sign Program if required by this Chapter. (See Section D3-52, below)
4. Prohibited within any location which would block and/or impede vehicular/pedestrian travelways or walkways, obstruct signs identifying adjoining establishments, and/or placed within any required setback or landscaped areas.

O. **Temporary special event signs.** Temporary special event signs, subject to the approval of the Department, for temporary uses which are intended to advertise seasonal events or special exhibitions (e.g., arts and crafts fairs circus/carnivals, etc.), as defined in Municipal Code Division B1, Chapter IV (Special Events) may be authorized by a Special Events Permit when approved by the Parks and Community Services Director. Seasonal events related to the sale of agricultural products require a Special Events Permit issued by the Parks and Community Services Director. Sidewalk sales and similar events related to permanent businesses require a Temporary Use Permit.

P. **Temporary business identification signs.** Temporary business identification signs, which are intended to provide identification of a business before installation/placement of a permanent identification sign, shall be:

1. Generally conforming to the temporary advertising/promotional sign locational regulations identified in Section D3-47 M. [Temporary advertising/promotional signs], above and as modified below.
2. Allowed for a maximum period of 90 consecutive days with the prior approval of the Zoning Administrator.
3. Removed and replaced with a permanent business identification sign approved by the ARB and/or the Zoning Administrator.
4. Temporary banner signs may be used in compliance with Subsection L. (Temporary advertising/promotional signs), above.
Q. **Office structure identification sign(s) shall be:**

1. Subject to the same sign area regulations identified for wall signs in Subsection D3-47 A. [Wall signs], above.

2. Limited to one wall-mounted sign or logo which is intended to identify a structure complex name. One sign shall be allowed for each structure elevation that fronts a public street or freeway.

3. Located below the roofline or parapet at a height and scale architecturally in harmony with the structure unless an increased height is authorized by the Planning Commission. (See Section D3-47 C. [Roof signs], above)

4. Constructed of individual channel letters or internally-illuminated letters and/or logo.

5. Subject to a Master Sign Program if required by this Chapter. (See Section D3-52 below).

R. **Freeway-oriented signs.** Freeway-oriented signs which are intended to identify a structure name, address, a structure or corporate logo, and tenant names shall be:

1. Prohibited on windows and/or as free-standing signs. Only allowed as “building mounted” freeway-oriented signs; no modification or waiver of this prohibition may be allowed.

2. Allowed for a commercial or office center consisting of six or more tenants, or a single-tenant structure having a gross floor area of 50,000 square feet or more.

3. Limited to building walls having direct physical freeway frontage.

4. Limited to one wall sign for each tenant on a building wall physically located adjacent to and visible from the freeway.

5. Subject to the same sign area regulations identified for wall signs in Subsection D3-47 A. [Wall signs], above.

6. Constructed of individually illuminated channel letters rather than can-type signs.

7. Subject to a Master Sign Program if required by this Chapter. (See Section D3-52, below)

S. **Theatre or cinema signs shall be:**

1. Subject to the Zoning Administrator's approval if the signs deviate from the regulations of this Chapter (e.g., brighter lights, increased sign area and height, etc.) and only if the modifications are compatible with the structure design and character of the area. (See Subsection D3-47 C. [Roof signs], below)

2. Limited to the name of the establishment and the changeable copy type of sign for the show listings.
T. Public transit shelter signs shall be:

1. Prohibited within any residential zone and limited to the commercial, industrial, office, and public zones.

2. Authorized only on shelter structures approved by the Council as part of a Citywide master plan.

3. Subject to the sign area, design, and locational criteria established by the Citywide master plan.

4. Installed only by the vendor(s) authorized by the Citywide master plan.

5. Removed immediately when required by the Zoning Administrator based on non-compliance with this Chapter or when in response to general public complaint(s).

6. Subject to the required findings established by the adopted Council policy for advertisement/display standards in compliance with the following:
   a. All advertisement shall adhere to decency in text and photography;
   b. Advertisements on alcohol, political, religious, pornographic, tanning, or tobacco material are prohibited;
   c. Offensive language and colors (e.g., neon colors) are prohibited; and
   d. Excessive violence and adult themes are prohibited.

D3-48 - Miscellaneous Signs

A. Noncommercial murals and displays. Noncommercial murals, large graphic designs, and statuary are permissible with approval by the Zoning Administrator; provided, they do not contain advertising messages, and further provided, the displays will not pose a hazard to public health, safety, or welfare.

B. Zoning Administrator and ARB approval required. The painting or decorating of a structure in a manner designed to convey a message to viewers shall be considered a sign for the purposes of this Zoning Ordinance and shall first require both Zoning Administrator and ARB review and approval.

D3-49 - Illumination of Signs

A. No exposed tubes or bulbs. Signs shall not have exposed fluorescent tubes or incandescent bulbs.

B. Shielding of light fixtures required. All fixtures shall be shielded and properly focused to minimize glare and excessive nighttime illumination.

C. Limitation on illumination. Signs immediately contiguous to and adjoining with any residential zone shall not be illuminated between the hours of 10:00 p.m. and 6:00 a.m. unless they identify an establishment open for business during those hours, and further provided the lighting is subdued to minimize potential impacts (e.g., glare).
D3-50 - Prohibited Locations, Sign Types, and Messages

The following locations and types of signs or advertising devices are prohibited within the City:

A. **Banners, flags, pennants, and similar advertising devices.** Banners, flags, pennants, and similar advertising devices with advertising copy mounted to an exterior building wall or suspended from a building wall, flag pole, or similar structure, except when authorized as part of a Master Sign Program (See Section D3-52) or allowed as a temporary sign. (See Sections D3-47 L. [Temporary advertising/promotional signs], M. [Temporary advertisement/promotional window signs], O. [Temporary special event signs], and P. [Temporary business identification signs])

B. **Flashiing, moving, or rotating signs.** Flashing, moving, or rotating signs, except for barber poles and changeable copy for theater and cinema marquee signs and scoreboards and reader boards on public property.

C. **Freeway exposed signs.** Free-standing signs, window signs, and "for sale/rent/lease" signs of any type which are designed, oriented, or placed for freeway exposure and which are visible from the freeway or a freeway on- and off-ramp.

D. **Home occupations.** Signs identifying a home occupation.

E. **Off-site directional signs.** Off-site signs or off-site directional signs, except signs allowed for a site or business not fronting on a public or private street (See Subsection D3-47 E. [Off-site signs]), as a temporary sign (See Subsections D3-47 G. [Temporary off-site residential real estate signs] and H. [Temporary off-site subdivision directional signs]) or allowed by a Master Off-Site Directional Sign Program (See Section D3-53).

F. **Off-site signs.** Off-site signs or billboards are prohibited anywhere within the City.

G. **Outdoor advertising signs.** Outdoor advertising signs, except as authorized as a temporary advertising/promotional sign or window sign, portable sign, or as allowed as a temporary special event sign. (See Subsections D3-47 L. [Temporary advertising/promotional signs], M. [Temporary advertisement/promotional window signs], N. [Portable signs], and O. [Temporary special event signs])

H. **Penthouse signs.** Penthouse signs and signs projecting above a roofline except as allowed as a roof sign. (See Subsections D3-47 C. [Roof signs] and S. [Theatre or cinema signs])

I. **References to obscene matter.** Signs containing pictures, statements, words, or other representations which are in reference to obscene matter which violate the California Penal Code, Section 311 et. seq.

J. **Searchlights.** The use of outdoor searchlights when used for advertising or "attention-getting" purposes, except when authorized with a Temporary Use Permit (See Section D6-27).

K. **Signs on public transit shelters.** Signs on public transit shelters when located within a residential zone.

L. **Signs on vehicles.** Signs which are either painted-on, placed on, and/or attached to a vehicle parked on a public or private street for a period exceeding 72 consecutive hours which is clearly intended to provide advertisement and/or directional assistance.
M. **Signs within the public right-of-way.** Signs located within the public right-of-way excluding governmental signs and public information signs, except when authorized by an Encroachment Permit and allowed as a temporary sign. (See Subsections D3-47 F. [Temporary on-site residential real estate signs], G. [Temporary off-site residential real estate signs], and H. [Temporary off-site subdivision directional signs])

N. **Similar to traffic directional signs or devices.** Signs with colors, design, lighting, or text that could be confused with a public traffic directional sign or control device.

O. **Tethered balloons or inflatable signs.** Tethered balloons or inflatable signs.

P. **Use of improper materials.** Exterior signs made of materials which are impermanent and will not stand exposure to weather.

Q. **Window Signs with Opaque Materials/Window Tint.** Window signs with opaque materials, and/or window tint that are positioned in a fashion so that they obscure the vision of the indoor activities by law enforcement personnel. Also prohibited are merchandise displays and similar signage that functional obscure the minimum visibility indoor activities by law enforcement personnel. The standard is not to prohibit all window tinting and display areas, but rather protect the minimum visibility need to promote security.

**D3-51 - Maintenance, Abandonment, and Removal**

A. **Maintenance required.** All signs, including banners, flags, pennants, and awnings with signs, shall be properly maintained in good repair and shall be cleaned, painted, or replaced as necessary to present a neat appearance.

B. **Removal following discontinuance.** An on site sign advertising an activity, business, product, or service shall be removed within 30 calendar days following the actual discontinuance of the activity, business, or service.

**D3-52 - Master Sign Program Required**

A. **Purpose.** Regulations for Master Sign Programs are to:
   1. Identify criteria for the construction, design, and placement of signs (including temporary banners and flags) which are specific to a commercial or multi-family residential development and which would be compatible with the site planning and structure design of the entire area.
   2. Ensure the reasonable compatibility of signs within the development regarding sign color, design theme, location, materials, number, and size.
   3. Provide a coordinated approach to providing adequate directional signs and/or identification within the development to ensure pedestrian and vehicle safety and to promote the economic viability of the development.

B. **Applicability/application processing.**
   1. **Applicability.** The following projects shall require a Master Sign Program or Master Sign Program Amendment. A Master Sign Program shall be reviewed by the ARB with a recommendation to the Zoning Administrator. A Master Sign Program Amendment shall be reviewed by the Zoning Administrator.
   
   a. **Residential development.** Any site occupied by a multi-family residential development when more than one permanent sign (e.g., directory and directional signs) is proposed on the site.
b. **Nonresidential development.**

   (1) Any site having six or more nonresidential occupants/tenants.

   (2) Projects involving the construction or renovation of more than 25,000 square feet of gross floor structure area within a nonresidential zone.

2. **Concurrent application processing required.** A Master Sign Program shall be filed with and processed concurrently with the application for any new development identified in Subparagraph B. 1, above.

3. **Effect of Master Sign Program.** Approval of a Master Sign Program shall supersede the regulations of this Chapter. Any aspect of the proposed signs not addressed by the Master Sign Program shall be in compliance with this Chapter.

C. **Required application materials.** Applications for approval of a Master Sign Program shall include the following minimum required information and materials.

   1. It is recommended that the Master Sign Program be prepared by a design professional in consultation with a retail/marketing consultant or analyst who will provide recommendations regarding the specific sign locations, number, and sizes based on the major vehicular and/or pedestrian traffic patterns serving the development. A letter or statement from the design professional and retail/marketing consultant should accompany the application materials verifying their review of the program.

   2. A letter of application explaining how the proposal will modify any of the regulations or standards of this Chapter, including explanations for how these would contribute to a superior site design, structure appearance, and sign program than would otherwise result from the strict compliance with Section D3-47 (Specific Sign Regulations), above.

   3. A detailed and accurate site plan, drawn to scale, delineating the entire site showing the location of all structures, on-site vehicular access, signs, banners and flags, adjoining streets, and/or landscaping to be removed, to remain, and/or proposed for installation.

   4. Drawings and/or sketches, drawn to scale and dimensioned, showing the proposed sign dimensions and location on the building wall(s); the exterior surface details, and materials of the building walls.

   5. Drawings and/or sketches, drawn to scale and dimensioned, showing the proposed sign face dimensions, lettering size and script style, materials, and colors.

   6. Drawings showing the method of illumination, if any. Manufacturer specifications may be submitted in lieu of detailed drawings.

   7. Written provisions outlining the proposed sign criteria to include: the number of signs for each building frontage; lettering size and style; sign colors; sign face area(s); sign materials; window signs; method of illumination, and landscape treatments. Additionally, guidelines for individual tenant window signs and center-sponsored temporary advertisement/promotional signs shall be provided along with any other written provisions the Zoning Administrator may determine to be necessary.

   8. The Zoning Administrator may require additional information as necessary to properly describe and analyze the application.
D. **Design guidelines.** The following guidelines shall be considered when proposing sign location, design, and construction. While compliance is not mandatory, adherence to the guidelines is always strongly encouraged.

1. **Deviation from identified standards.** Sign face area and sign heights may deviate from Section D3-47, above, based on the required findings contained in Subsection D3-52 E., below.

2. **Directory signs for multi-tenant centers.** For multi-tenant centers with six or more tenants, directory signs are encouraged to direct internal pedestrian and vehicle circulation. However, the directory signs shall not be so prominent as to call attention to themselves from the public street.

3. **Free-standing signs.**
   a. More than one free-standing sign may be allowed for each site frontage when the requirements identified in Subsection D3-47 D. [Free-standing or monument signs], above are met.
   b. Free-standing signs should be designed to accommodate the structure name, address, and/or anchor tenants, and leasing information.

4. **Kiosks or bulletin boards.** Kiosks or community bulletin boards should be provided and properly located within the development.

5. **Landscaping.** Site landscaping shall be designed to minimize visual obstructions of the structure and/or individual signs, while still enhancing the visual appearance of the structures and signs.

6. **Leasing information.** Leasing information shall be designed as an integral part of the Master Sign Program.

7. **Portable signs.** Uniform size, graphic, design, and materials for portable signs within a center are strongly encouraged. (See Subsection D3-47 N. [Portable signs], above)

8. **Single-tenant free-standing signs discouraged.** Single-tenant free-standing signs within multi-tenant centers are strongly discouraged. However, single-tenant free-standing signs may be allowed:
   a. If the requirements identified in Subsection D3-47 D. [Free-standing or monument signs], above are met; and
   b. More than one free-standing sign may be allowed for each site frontage when the requirements identified in Subsection D3-47 D. [Free-standing or monument signs], above are met.
   c. When it can be demonstrated that the sign is necessary to provide business awareness and enhance pedestrian and vehicle safety.

9. **Sufficient wall or facade area to be provided.** The structure should be designed so that sufficient wall or facade area is provided for the structure name and logo (if any), as well as to address tenant signs and/or leasing information.

10. **Wall-mounted signs and/or logos.** A maximum of one wall-mounted sign and/or logo for each tenant for each building elevation is allowed which should be physically related to the tenant entrance. The total number and locations of tenant signs on a wall or structure visible from the freeway should be determined based on design considerations of scale and proportion, the ability of the signs to provide identification and directional assistance, and the enhancements to the structure’s appearance.
E. **Required findings.** In approving a Master Sign Program, the ARB and/or the Zoning Administrator shall first find that:

1. The plan’s contribution to the design quality of the site and surrounding area will be superior to the quality that would result under the regulations and standards identified in Sections D3-45 and D3-47, above; and

2. The plan is generally consistent with the criteria identified in Section D3-43 (Criteria and Guidelines) and achieves the purposes identified in Subsection D3-52 A. (Purpose), above.

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**D3-53 - Off-Site Directional Signs**

A. **Purpose.** The purpose of establishing regulations for the location and design of off-site directional signs is to direct the public to major residential areas and major commercial retail shopping and office areas thereby:

1. Promoting economic viability and community identity;

2. Ensuring traffic safety and traffic flow; and

3. Creating a unified sign program which contributes to the high quality image and character of the City’s streetscape.

B. **Off-site directional signs defined.** Off-site signs refer to a directional sign representing a major residential subdivision, multi-family residential development, or major commercial retail shopping or office area which is located on a site other than the one on which the sign is located. A sign structure consists of multiple keyboard or identification sign panels which is permanently affixed to the ground and sited in compliance with this Section.

C. **Applicability.** A Master Off-Site Directional Sign Program shall require ARB and Planning Commission review for the following:

1. **Major residential subdivisions and multi-family residential developments.** Residential subdivisions and multi-family residential developments consisting of 100 or more dwelling units.

2. **Major commercial retail and/or office centers.** Commercial retail and or office centers consisting of 200,000 gross square feet or more of leasable tenant space. However, commercial retail and/or office centers with less than 200,000 gross square feet of leasable tenant space shall also be eligible for a Master Off-Site Directional Sign Program, but only when all of the following findings can first be made:

   a. Aggregation of the subject commercial retail and/or office centers with adjacent commercial retail and/or office centers to achieve the minimum required 200,000 square feet is not physically possible due to the surrounding development patterns and/or land use classification(s);

   b. The subject commercial retail and/or office center is located more than one-quarter mile from a community-serving or neighborhood-serving commercial retail shopping center within the San Ramon City limits;

   c. The subject commercial retail and/or office center consists of no less than 95,000 gross square feet of leasable tenant space; and
d. The identity of the commercial retail and/or office center does not interfere with the identity of surrounding commercial retail and office centers.

D. Design standards.

1. The approved sign structure(s) shall be constructed and painted in a consistent color scheme.

2. Each sign structure, including the top of the logo, shall not exceed a height of 12 feet when measured from the top of the sign to the ground directly below it.

3. The ground within a three-foot radius of the sign structure shall be landscaped or paved, and maintained in a manner that prevents weed growth under the sign structure.

4. Individual keyboard for seven signs on the approved sign structures shall be no greater than 12 inches high by 48 inches long in size and feature a uniform background color. No more than seven signs with a maximum of six-inch high letters shall be located on each sign structure and the lowest sign shall be a minimum of two feet above grade.

5. Individual keyboard signs shall be allowed various compatible colors on a uniform background and shall be consistent with the marketing colors used to advertise or identify the subdivision, multi-family residential development, and/or commercial retail and/or office center.

6. A directional arrow measuring five inches high by 12 inches long shall be shown on each individual sign, and shall be located on the side of the sign closest to the street right-of-way.

7. Each sign structure shall be designed to include the City of San Ramon’s logo at the top of the sign structure, or as recommended by the ARB and approved by the Commission.

8. As determined by the Director, requests for modification(s) to the design of the off-site directional sign(s) following review by the ARB and the review and approval of the Commission shall require subsequent review and approval by the same review authorities.

E. Locations.

1. The general locations of the off-site directional signs shall be indicated on a master off-site directional sign map approved as part of a Master Off-Site Directional Sign Program. The exact sign structure locations shall be determined by the ARB and the Commission so that the sign structures create an attractive streetscape.

2. The locations of the off-site directional signs shall be typically limited to the major arterial streets within the City (as defined by the General Plan) and shall be located no closer than one-quarter of a mile apart, unless an exception is necessary to properly identify a City or public facility. The precise location of these structures shall comply with the "driveway visibility" requirements in Section D3-37 (Driveways and Site Access).

3. Before installation of the off-site directional signs, all required permits shall be obtained from affected public jurisdictions by the management company, including any City-issued Encroachment Permits, in order to establish off-site directional sign structures within the public rights-of-way.

F. Implementation.

1. The City shall license a management company to administer, implement, install, and maintain the off-site directional signs. This provision does not preclude the City from acting as the management company.
2. Before the construction and installation of the approved off-site directional signs, the authorized management company shall obtain City approval of a leasing program which will include a sign keyboard rental price structure and the specific lease terms including on-going maintenance responsibilities.

3. It shall be the responsibility of the authorized management company to ensure that all sign structures under its control, as approved by the City, are well maintained and are not allowed to become unsightly and/or hazardous. Noncompliance will be reported to the respective management company for correction with 14 days and if the situation does not improve, the City shall have the right to perform corrective actions at the management company's expense, and may cancel the management company's license for good cause.

4. The City may require a refundable cash deposit in the amount to be determined by the City Engineer for each sign installation in order to ensure the removal or replacement of the off-site directional sign key blades for a residential subdivision within 14 days of the closing of the subdivision model home complex. If the sign has not been completely removed/replaced within the specified period, the City shall have the right to remove/replace the sign and deduct the costs from the cash deposit(s). Additional costs shall be charged to the developer or the management company.

5. Before the construction and installation of the approved off-site subdivision direction signs, the approved management company shall demonstrate to the satisfaction of the City that lease arrangements have been secured with development representatives to utilize keyboard or sign blades for advertisement purposes. The City may delay the installation of one or more signs if sufficient interest or lease(s) has not been secured by the management company.

6. Each approved sign structure shall require a City-issued Building Permit. The individual keyboard signs shall be subject to City administrative review and approval before placement on the individual sign structures to determine exact sign blade locations.

7. The written consent of the affected property owner(s) shall be provided to the City by the authorized management company before sign construction and installation.

8. Individual keyboard signs shall not be modified to identify different subdivisions/developments without first obtaining ARB approval from the City.

9. Individual keyboard signs shall be allowed on the approved sign structures until the model home complex for the subdivision has been closed.

10. The approved off-site directional sign structures shall be allowed for a maximum period of five years. After which, if additional time is required, the management company shall first apply for and receive an extension of the program from the City.

11. Off-site directional sign structures identifying developments located outside of the City limits are prohibited unless first authorized by the City, to provide direction to a regionally-serving cultural facility or other public facility.
D3-54 - Approvals Required

Non-exempt signs may be subject to ARB review and approval when required by the Zoning Administrator or the Commission in compliance with this Section. At the discretion of the Zoning Administrator, any non-exempt sign may be referred to the Commission.

A. Zoning Administrator review and action required. The Zoning Administrator shall review and take action on the following types of signs, unless otherwise required by this Chapter.

1. All free-standing signs.
   a. See Subsection D3-47 D. [Free-standing or monument signs], above.
   b. Free-standing monument signs with less than 30 feet of separation from another free-standing monument sign.
   c. Free-standing monument signs exceeding more than one sign for each site frontage.

2. Freeway-oriented signs. (See Subsection D3-47 R. [Freeway-oriented signs], above)

3. Master Sign Programs. (See Section D3-52, above)

4. Amendments to Master Sign Programs.

5. Miscellaneous signs. (See Section D3-48 [Miscellaneous Signs], above)

6. Public transit shelter signs. Public transit shelter sign design, size, and location standards. (See Subsection D3-47 T. [Public transit shelter signs], above)

7. Roof, wall, and window signs. (See Subsections D3-47 A. [Wall signs], B. [Window signs], and C. [Roof signs], above)

8. Temporary signs. (See Subsections D3-47 F. [Temporary on-site residential real estate signs], G. [Temporary off-site residential real estate signs], H. [Temporary off-site subdivision directional signs], I. [Temporary on-site commercial real estate signs], L. [Temporary advertising/promotional signs], N. [Portable signs], O. [Temporary special event signs], and P. [Temporary business identification signs], above)

9. Theatre and cinema signs. (See Subsection D3-47 S. [Theatre or cinema signs], above)

B. Planning Commission review and action required. The Planning Commission shall review and take action on the following types of signs, unless otherwise required by this Chapter.

1. Off-site signs. (See Subsection D3-47 E. [Off-site signs], above)

2. Off-site directional signs (Master Off-Site Directional Sign Program). (See Section D3-53, above)

3. Wall signs exceeding a sign area of 0.75 square feet for each one linear foot of wall length. (See Subsection D3-47 A. [Wall signs], above)

4. Wall/window signs higher than the allowed structure height. (See Subsection D3-47 A. [Wall signs], above)
D3-55 - Required Findings

A. Master Sign Programs. In approving a Master Sign Program, the Zoning Administrator shall make the required finding identified in Section D3-52, above.

B. Public transit shelter signs. In approving a public transit shelter sign, the Zoning Administrator shall make the required finding identified in Subsection D3-47 T. [Public transit shelter signs], above.

C. Sign Permits. In approving a Sign Permit, the Zoning Administrator shall make the required findings that the application is in general compliance with the criteria identified in Section D3-43 (Criteria and Guidelines).

D3-56 - Sign Permit Required

No sign regulated by this Chapter shall be erected or displayed unless a Sign Permit is first approved by the Zoning Administrator, unless otherwise required by this Chapter. Exempt signs shall not require a Sign Permit.

A. Signs not in compliance with this Chapter. All legally erected/installed signs not in compliance with this Chapter, existing on the date of adoption of this Zoning Ordinance, are allowed to remain in use until there is a request to change the sign or an application for a new Sign Permit is submitted for any sign related to the subject business or development. Sign Permits for new signs may be conditioned upon removal of an existing sign(s) made nonconforming by this Chapter. Any other signs not otherwise legal shall be removed.

B. Alteration or change to an existing sign face.

1. Any alteration to or change of an existing sign face shall be subject to the applicable provisions of this Chapter.

2. The owner, or assigned agent, shall obtain a Sign Permit before making the alterations or changes to an existing sign face.

3. No Sign Permit is required for repainting a sign the same color(s), cleaning, or other normal maintenance or repair of a sign, as long as the sign is not structurally modified in any manner.

C. Signs granted an exception by the City. Any sign in existence on the date of adoption of this Zoning Ordinance which has been granted an exception by the City, may undergo a change to the sign face; provided, the factors justifying the original exception still apply.

D3-57 - Owner’s Consent Required

No sign shall be placed on a property without the written consent of the property owner.
D3-58 - Sign Permit Applications

A Sign Permit application form shall be filed with the Department. The application shall contain the name, address, and telephone number of the applicant, signature or letter of authorization from the property owner, and the location of the structure or property on which the proposed sign(s) is to be placed. Sign plans shall be drawn to scale and shall be clear and legible and consistent with professional standards. The sign application shall include the following:

A. **Architectural details, site plan information and elevations.** Architectural details, site plan information, and elevations of the structure in context to the project architecture. The site plan shall show the location of all sign(s) existing, proposed, and to be removed.

B. **Other information required by the Zoning Administrator.** The application shall include other information, attachment details or exhibits, colors, and material samples as the Zoning Administrator may require.

C. **Application fee.** The application shall be accompanied by an application fee in compliance with the City's Fee Schedule.

D. **Consistency with Master Sign Program materials.** Consistency with the Master Sign Program required application materials. (See Section D3-52, above)

D3-59 - Building Permit Required

All signs shall require a Building Permit, except for those signs identified in Section D3-45 (Exempt Signs - Signs Not Requiring a Sign Permit) as determined by the Chief Building Official, above.

D3-60 - Required Inventory of Illegal or Abandoned Signs

A. **Inventory required.** In compliance with State Law, the Zoning Administrator shall compile an inventory of all illegal or abandoned signs within the City.

B. **Identify location of each illegal or abandoned sign.** The inventory shall specifically identify the location of each illegal or abandoned sign by lot and block number and by street address, the sign's legal owner or leaseholder, and the specific standards that are violated or the approximate date of abandonment, as the case may be.

C. **Establishment of an initial date for amortization.** This inventory shall be used to establish an initial date for amortization of nonconforming signs under the provisions of this Chapter.

D. **Inventory to be updated twice annually.** The inventory shall be updated at least twice annually to include additional illegal signs resulting from Zoning Map amendments and additional abandoned signs, as needed.

D3-61 – Reserved

D3-62 – Reserved

D3-63 – Reserved
Chapter V – Portable Outdoor Storage Units

Sections:

D3-64 - Purpose of Chapter
D3-65 - Definitions
D3-66 - Number, Size, Duration, and Location
D3-67 - Signage
D3-68 - Maintenance and Prohibition of Hazardous Materials
D3-69 - Reserved
D3-70 - Reserved
D3-71 - Permits
D3-72 - Reserved
D3-73 - Reserved

D3-64 - Purpose of Chapter

A. Purpose of Chapter.

This Chapter provides standards and regulation for the use of portable outdoor storage units on residential and non-residential properties.

D3-65 - Definitions

Portable outdoor storage unit. Any container designed for the transportation and/or storage which is typically rented to owners or occupants of property for their temporary use and which is delivered and removed by truck.

Volume. A volume of portable outdoor storage unit is calculated with exterior measurements of each unit.

Total Volume. A total volume is the sum of volumes of multiple portable outdoor storage units to be kept on a site under a single temporary use permit.

D3-66 – Number, Size, Duration, and Location

A. Residential Properties.

There shall be no more than a total volume of 1,050 cubic feet of outdoor storage units, which shall be no more than eight (8) feet in width and eight (8) feet six (6) inches in height, per site. No portable outdoor storage units shall remain at a site in excess of 30 consecutive days in a 12-month period. The Zoning Administrator may authorize the use of portable outdoor storage units up to 90 consecutive days as long as a building permit has been obtained and construction diligently commenced or upon the findings that an unusual circumstance exist as determined by the Zoning Administrator. A portable outdoor storage unit shall be placed in a driveway, on a paved surface, or in the rear yard if alley access exists at the rear of the site, with a minimum setback of 1 foot from the front property line and 3 feet from the side and rear property lines.
B. Non-Residential Properties.

The allowed number and sizes of portable outdoor storage units shall be determined by the Zoning Administrator. No portable outdoor storage unit shall be placed at any site in excess of fifteen (15) consecutive days, and in excess of thirty (30) days in a 12-month period. Portable outdoor storage units shall be placed only in the rear or side portion of a site. Under no circumstances shall a portable outdoor storage unit be placed in an area fronting a street or road, or in the front parking lot of a commercial establishment. The placement of portable storage units in fire lanes, passenger loading zones, or commercial loading zones shall be strictly prohibited unless approved by the Zoning Administrator.

Any portable outdoor storage unit(s) to be placed at any site in excess of fifteen (15) consecutive days, and/or in excess of thirty (30) days in a 12-month period shall be subject to the provision of Section D6-28 Minor Use Permit.

D3-67 – Signage

A portable outdoor storage unit shall have no signage other than the name, address, and telephone number of the person or firm engaged in the business of renting or otherwise placing the portable outdoor storage unit.

D3-68 – Maintenance and Prohibition of Hazardous Materials

The owner and operator of any site on which a portable outdoor storage unit is placed shall be responsible to ensure that the portable outdoor storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not in use, the portable outdoor storage unit shall be kept locked. The owner and operator of any site on which a portable outdoor storage unit is placed shall also be responsible that no hazardous substances, as defined in Section D3-5 of this Code, are stored or kept within the portable outdoor storage unit.

D3-69 – Reserved

D3-70 – Reserved

D3-71 – Permits

It shall be unlawful for any person to place, or permit the placement of, one or more portable outdoor storage unit(s) on property which he or she owns, rents, occupies, or controls without first having obtained a temporary use permit. Application for a temporary use permit shall be made to the Zoning Administrator in accordance with Section D6-16 and Section D6-27 of this Code. The issuance of a permit shall allow the applicant to place portable outdoor storage units on the property in conformance with the requirements of this chapter. The permit shall be posted in plain view at the site.

D3-72 – Reserved

D3-73 – Reserved
Division D4

Standards for Specific Land Uses

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Chapter I - Adult Business Regulations

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D4-1 - Purpose

A. Intent. It is the intent of this Chapter to provide special design guidelines, standards, and development regulations to regulate the time, place, and manner of the operation of Adult-Oriented Businesses in order to minimize the negative secondary effects associated with these business including, but not limited to, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of Adult-Oriented Businesses in close proximity to each other or proximity to other incompatible uses, including churches, parks, playgrounds, schools, and residential zones or uses. The Council finds that it has been demonstrated in various communities that the concentration of Adult-Oriented Businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above can cause other businesses and residents to move elsewhere.

B. Purpose. It is, therefore, the purpose of this Chapter to:

1. Establish reasonable and uniform regulations to prevent the concentration of Adult-Oriented Businesses or their close proximity to incompatible uses, while allowing the location of Adult-Oriented Businesses in certain areas; and

2. Regulate Adult-Oriented Businesses in order to promote the health, safety, and general welfare of the citizens of the City.

C. Not purpose, intent, or effect. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is not the intent nor effect of this Chapter to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.
D4-2 - Definitions

Definitions of the technical terms and phrases used in this Chapter are under “Adult Oriented Business” in Division D8 (Glossary).

D4-3 - Permitted Areas and Minimum Proximity Requirements

A. MW (Manufacturing/Warehousing) zone. Subject to the limitations set forth in this Chapter, Adult-Oriented Businesses may be established in the MW (Manufacturing/Warehousing) zone.

B. Specified distance separation requirements. Notwithstanding the above, no Adult-Oriented Business shall be established or located within certain distances of certain specified land uses or zones as set forth below. No Adult-Oriented Business shall be established or located:

1. Within a 500-foot radius from: any existing residential zone or use. The distance between a proposed Adult-Oriented Business use and a residential zone or use shall be measured from the nearest exterior wall of the facility housing the Adult-Oriented Business use or proposed Adult-Oriented Business use to the nearest property line included within a residential zone or property in current residential use, along a straight line extended between the two points; or

2. Within 1,000 feet of any other Adult-Oriented Business as defined in this Chapter which is located either inside or outside the jurisdiction of the City. The distance between the two Adult-Oriented Business uses shall be measured between the nearest exterior wall of the facility housing the Adult-Oriented Business use and proposed Adult-Oriented Business use along a straight line extended between the two points; or

3. Within a 500-foot radius from any existing park, playground, religious facility, or school use or property zoned Open Space (OS) Parks and Recreation (P), or Public and Semi-Public (PS). The distance between a proposed Adult-Oriented Business use and park, playground, religious facility or school uses or property zoned Open Space (OS), Parks and Recreation (P), or Public and Semi-Public (PS), shall be measured from the nearest exterior wall of the facility housing the Adult-Oriented Business use or proposed Adult-Oriented Business use to the nearest property line where the park, playground, church or school use is located, or property zoned Open Space (OS), Parks and Recreation (P), or Public and Semi-Public (PS) along a straight line extended between the two points.

C. Separation requirements also apply to the General Plan. The above distance limitations shall also apply to residential zones or uses and parks, playgrounds, schools, and religious uses or property so designated in the General Plan Land Use Element of an adjacent jurisdiction.

D4-4 - Use Permit Required

A. Use Permit and Business License required. It shall be unlawful for any person to engage in, conduct, establish, carry on, or to permit to be engaged in, conducted, established, or carried on, in or upon any premises in the City, the operation of an Adult-Oriented Business unless the person first obtains and continues to maintain in full force and effect both an Use Permit and a Business License from the City.

B. Not allowed by right. No Adult-Oriented Business may be established within the City by right. All persons wishing to establish an Adult-Oriented Business within the City shall first apply for and receive a Use Permit in compliance with this Chapter.

C. Applicant to supply sufficient evidence. It is the burden of the applicant for an Use Permit to supply sufficient evidence to justify the grant of an Use Permit.
D4-5 - Application Requirements

A. Application submittal. A person desiring to operate or establish an Adult-Oriented Business within the City shall file with the Department a Use Permit application on a standard application form supplied by the Department.

B. Required information. All applications shall include the following information:

1. If the applicant is an individual, the individual shall state his or her legal name, including any aliases, address, and submit satisfactory written proof that he or she is at least 18 years of age.

2. If the applicant is a partnership, the partners shall state the partnership's complete name, address, the names and current addresses of all partners, whether the partnership is general or limited, and attach a copy of the partnership agreement, if any.

3. If the applicant is a corporation, the corporation shall provide its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of California, the names, addresses, and capacity of all officers and directors, the name of the registered corporate agent and the address of the registered office for service of process.

4. The notarized signature of the property owner and proof of ownership via submittal of a Title Report.

5. A non-refundable deposit or fee as set forth by the City’s Fee Schedule.

6. Signed statement by the applicant verifying that applicant intends to and will comply with all of the adult-oriented business development standards of this Chapter.

7. A description of the Adult-Oriented Business for which the permit is requested and the proposed address where the Adult-Oriented Business will operate, plus the names and addresses of all the owners and lessors of the Adult-Oriented Business site.

8. The address to which notice of action on the application is to be mailed.

9. The names of all employees, independent contractors, and other persons who will perform/work at the Adult-Oriented Business.

10. A floor plan showing the interior configuration of the premises, including a statement of the total floor area occupied by the Adult-Oriented Business, and exterior premises lighting per D4-12.D. The floor plan need not be professionally prepared, but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

11. A site plan prepared within 30 calendar days before application depicting the building and the portion thereof to be occupied by the Adult-Oriented Business, and:

   a. The property line of any residential zone or use within 1,000 feet of the nearest exterior wall of the Adult-Oriented Business;

   b. The property line of any other Adult-Oriented Business within 1,000 feet of the nearest exterior wall of the Adult-Oriented Business for which a Business Permit is requested; and

   c. the property lines of any church, school, park, or playground within 1,000 feet of the nearest exterior wall of the Adult-Oriented Business.
12. A diagram of the off-street parking areas and premises entries of the Adult-Oriented Business showing the location of the lighting system required by this Chapter.

C. **Signature of applicant required.** If the applicant is an individual, he or she shall sign the application. If the applicant is other than an individual, an officer of the business entity or an individual with a 10 percent or greater interest in the business entity shall sign the application.

D. **Fictitious name, if applicable.** If the applicant intends to operate the Adult-Oriented Business under a name other than that of the applicant, the applicant shall file the fictitious name of the Adult-Oriented Business and show proof of registration of the fictitious name.

E. **CEQA compliance.** Each applicant for a Use Permit shall comply with the California Environmental Quality Act (CEQA) as required by the City.

F. **Director’s determination of completeness.** The Director shall determine whether the application contains all the information required by this Chapter. If it is determined that the application is not complete, the applicant shall be notified, in writing, within 30 days of the date of receipt of the application that the application is not complete and the reasons therefore, including any additional information necessary to render the application complete. The applicant shall have 30 calendar days to submit additional information to render the application complete. Failure to do so within the 30-day period shall render the application automatically void. Within 30 days following the receipt of an amended application or supplemental information, the Director shall again determine whether the application is complete in compliance with the procedures set forth in this Subsection. Evaluation and notification shall occur as provided above until the time the application is found to be complete. All notices required by this Chapter shall be deemed given upon the date that they are either deposited in the United States mail or the date upon which personal service of the notice is provided.

G. **Other permits or licenses.** The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a Use Permit.

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**D4-6 - Investigation and Action on Application**

A. **Appropriate investigation and inspection.** Upon the filing of a completed application, the Commission shall cause to be made by its own members, or members of its staff, an appropriate investigation, including consultation with the building, police, fire and health departments and inspection of the premises as needed. Consultation is not grounds for the City to unilaterally delay in reviewing a completed application.

B. **Public hearing within 45 days.** Within 45 days of receipt of the completed application, the Commission shall hold a public hearing on the application for a Use Permit. Notice of the public hearing shall be given in compliance with California Government Code Section 65091, as the same may be amended from time to time.

C. **Relevant evidence.** In reaching a decision on an application for a Use Permit, the Commission shall not be bound by the formal rules of evidence. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

D. **Commission’s decision within 60 days.** The Commission shall grant, conditionally grant or deny an application for a Use Permit (“permit”). The Commission shall render a written decision on the application for a Use Permit within 60 days of receiving a completed application. The failure of the Commission to render a decision within this time frame shall be deemed to constitute a denial of the application. Any conditions imposed upon the permit shall be in keeping with the objective development standards of this Chapter and the underlying zone in which the property is located.

E. **Transmittal of decision to applicant.** The Commission’s decision shall be mailed to the applicant.
D4-7 - Appeal

A. **Appeal of Commission's decision.** Any interested person may appeal the decision of the Commission to the Council in writing within 10 calendar days after the Commission's written decision. In addition, within 10 calendar days after the Commission's written decision, any member of the Council shall have the authority to direct that the Council review the decision of the Commission on the grounds that the individual council member believes that the matter should be decided by the Council.

B. **De novo public hearing.** Consideration of an appeal of the Commission's decision shall be at a de novo public hearing which shall be noticed in the same manner as the public hearing of the Commission and shall occur within 30 days of the filing of the appeal or initiation of review by the Council.

C. **Council's action on appeal.** The Council action on the appeal of the Commission's decision shall be by a majority vote of the quorum, and upon the conclusion of the public hearing, the Council shall grant, conditionally grant, or deny the application. The Council's decision shall be final and conclusive.

D. **Relevant evidence.** In reaching its decision, the Council shall not be bound by the formal rules of evidence. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

D4-8 - Judicial Review of Decision to Grant, Deny, or Revoke

A. **Court challenge.** The time for court challenge to a decision by the Council to grant, deny, or revoke, a Use Permit is governed by California Code of Civil Procedure Section 1094.6.

B. **Transmittal of decision to applicant.** Notice of the Council's decision and its findings shall be mailed to the applicant and shall include citation to California Code of Civil Procedure Section 1094.6.

C. **Prompt judicial review.** The Petitioner may seek prompt judicial review of the Council's action in compliance with California Code of Civil Procedure Section 1094.8.

D4-9 - Permit Expiration

Any Use Permit approved in compliance with this Chapter shall become null and void unless the proposed use is established within 180 days of the date from the approval. As to facilities that are a reuse of existing facilities, the Use Permit shall become null and void unless the proposed use is established within 180 days from the date of approval, unless before the expiration date the permittee demonstrates to the satisfaction of the Commission that the applicant has a good faith intent to presently commence the proposed use. The extensions shall not exceed a total of two 180-day extensions.

D4-10 - Findings

A. **Required findings.** The Commission, or Council appeal shall approve or conditionally approve an application for a Use Permit where the information submitted by the applicant substantiates all of the following findings:

- The applicant is over the age of 18 years;
- The required application fee has been paid;
3. The proposed use complies with the development and design requirements of the underlying zone in which it is located and with the applicable development standards of this Chapter;

4. The proposed site is not located within a 500-foot radius from any existing residential zone or use. The distance between a proposed Adult-Oriented Business use and a residential zone or use shall be measured from the nearest exterior wall of the facility housing the Adult-Oriented Business use or proposed Adult-Oriented Business use to the nearest property line included within a residential zone or property in current residential use, along a straight line extended between the two points;

5. That the proposed site is not located within 1,000 feet of any other Adult-Oriented Business as defined in this Chapter which is located either inside or outside the jurisdiction of the City. The distance between the two Adult-Oriented Business uses shall be measured between the nearest exterior wall of the facility housing the Adult-Oriented Business use and proposed Adult-Oriented Business use along a straight line extended between the two points;

6. The proposed site is not located within 500 feet from any existing park, playground, religious facility, or school uses or property zoned Open Space (OS) or Public Facilities (PF). The distance between a proposed Adult-Oriented Business use and park, playground, church, or school uses or property zoned Open Space (OS) or Public Facilities (PF), shall be measured from the nearest exterior wall of the facility housing the Adult-Oriented Business use or proposed Adult-Oriented Business use to the nearest property line where the park, playground, church, or school use or property zoned Open Space (OS) or Public Facilities (PF) is located, along a straight line extended between the two points;

7. The proposed site is not located within 500 feet of a residential zone or use or within 500 feet of a park, playground, church, or school use located in or property so designated in the General Plan Land Use Element of an adjacent jurisdiction; and

8. Neither the applicant, if an individual, or any of the officers or general partners, if a corporation or partnership, have been found guilty or pleaded nolo contendere (no contest) within the past four years of a misdemeanor or a felony classified by the State as a sex or sex-related offense.

B. **Conditions imposed on the permit.** Any conditions imposed upon the permit shall be in keeping with the objective development standards of this Chapter and the underlying zone in which the property is located.

### D4-11 - Registration of New Employees

A. **Employee registration required.** As a further condition of approval of every Use Permit issued in compliance with this Chapter, every owner or operator of an Adult-Oriented Business shall register every employee with the Police Department within five business days of the commencement of the employee’s period of employment at the Adult-Oriented Business.

B. **Color photographs and other information required.** Each Employee shall be required to provide two recent color passport-quality photographs and, at the discretion of the Police Chief, shall allow himself or herself to be fingerprinted and subject to a background check by the Police Department for purposes of identification. In addition, each new employee shall provide the following information in a form provided by the Police Department:

1. Name, current resident address, and telephone number;

2. Date of birth;

3. Social Security number;
4. Height, weight, color of eyes and hair; and

5. Stage name, if applicable, and other aliases used within the previous two years.

C. **Current employee register required.** Each owner or operator of an Adult-Oriented Business shall maintain a current register of the names of all employees currently employed by the Adult-Oriented Business, and shall disclose the registration for inspection by any Police Officer for the purposes of determining compliance with the requirements of this Section.

D. **Failure to comply.** Failure to register each new employee within five days of the commencement of employment, or to maintain a current register of the names of all employees shall be deemed a violation of the conditions of the Use Permit and may be considered grounds for suspension or revocation of the permit in compliance with Section D4-16 (Permit Revocation).

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### D4-12 - Adult-Oriented Business Development Standards

A. **Unlawful hours of operation.** It shall be unlawful for any operator or employee of an Adult-Oriented Business to allow the adult business to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 10:00 p.m. and 10:00 a.m. of any day.

B. **Compliance with building and fire regulations.** Maximum occupancy load, fire exits, aisles, and fire equipment shall be regulated, designed, and provided in compliance with the Fire District and building regulations and standards adopted by the City.

C. **Observation of activities or materials outside prohibited.** No Adult-Oriented Business shall be operated in any manner that permits the observation of any material or activities depicting, describing, or relating to specified sexual activities or specified anatomical areas from any public way or from any location outside the building or area of the establishment. This provision shall apply to any display, decoration, sign, show window, or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.

D. **Outdoor lighting level required.** All off-street parking areas and other exterior areas of the Adult-Oriented Business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot candle of light evenly distributed at ground level. The required lighting level is established in order to provide sufficient illumination of the parking areas, walkways, and outdoor areas serving the Adult-Oriented Business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises; a photometrics plan shall be submitted with the application.

E. **All areas shall be readily accessible.** The operator of an Adult-Oriented Business shall not permit any doors on the premises to be locked during business hours and, in addition, the operator shall be responsible to see that any room or area on the premises shall be readily accessible at all times and shall be open to view in its entirety for inspection by any law enforcement official.

F. **Posting of California Penal Code Section 314 required.** The Adult Oriented Business shall post in plain view inside the front portion of the business, a sign, in two-inch print which shall reference California Penal Code Section 314 which shall read as follows:

1. Every person who willfully and lewdly either: (1) exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or (2) procures, counsels, or assists any person so as to expose himself or take part in any model artist exhibition, or to make any other exhibition of himself to public view or the view of any number of persons, which is offensive to decency, or is adapted to excite to vicious or lewd thoughts or acts, is guilty of a misdemeanor.
2. Upon the second and each subsequent conviction under Subparagraph 1., above, or upon a first conviction under Subparagraph 1., above after a previous conviction under California Penal Code Section 288, every person so convicted is guilty of a felony, and is punishable by imprisonment in State prison. (California Penal Code Section 314.)

G. Open to view by management. All indoor areas of the Adult-Oriented Business within which patrons are permitted, except rest rooms and customer changing rooms, if any, shall be open to view by the management at all times.

H. Additional "Adult Arcade" provisions. Any adult-oriented business which is also an "Adult Arcade" (see definition in Glossary), shall comply with the following additional provisions:

1. The interior of the premises shall be configured in such a way that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms and customer changing rooms. Restrooms and customer changing rooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured so that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this Subparagraph shall be direct line of sight from the manager's station.

2. The view area specified in Subparagraph 1., above shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times. No patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

3. No viewing room or changing room may be occupied by more than one person at any one time.

4. The walls or partitions between viewing rooms or booths, changing rooms, restrooms, and stalls or spaces contained therein shall be maintained in good repair at all times, with no openings in the walls between any two of the rooms that would allow viewing from one booth or room into another or that would allow physical contact of any kind between the occupants of any two of the booths or rooms.

5. Customers, patrons, or visitors who are not actively engaged in shopping for or reviewing the products available on display for purchaser viewing, shall not be allowed to stand idly by in the vicinity of any video booths, or to remain in the common area of the business, other than the restrooms. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.

6. The floors, seats, walls, and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen, or saliva in any of the booths shall be evidence of improper maintenance and inadequate sanitary controls; instances of these conditions may justify suspension or revocation of the Use Permit.

I. Indoor lighting level required. All interior areas of the Adult-Oriented Business shall be illuminated at a minimum of the following foot-candles, minimally maintained and evenly distributed at ground level:
<table>
<thead>
<tr>
<th>Location</th>
<th>Minimum Illumination Level (foot-candles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult arcades</td>
<td>10</td>
</tr>
<tr>
<td>Bookstores and other retail establishments</td>
<td>20</td>
</tr>
<tr>
<td>Modeling studios</td>
<td>20</td>
</tr>
<tr>
<td>Motels/hotels</td>
<td>20 in public areas</td>
</tr>
<tr>
<td>Theaters and cabarets</td>
<td>5, except that a minimum of 1.25 shall be required during performances</td>
</tr>
</tbody>
</table>

J. **Separate restrooms required.** The Adult-Oriented Business shall provide and maintain separate restrooms for male patrons and employees, and female patrons and employees. Male patrons and employees shall be prohibited from using a restroom for females, and female patrons and employees shall be prohibited from using a restroom for males, except to carry out duties of repair, maintenance, and cleaning of the rest room facilities. The rest rooms shall be free from any Adult-Oriented Material. Rest rooms shall not contain television monitors or other motion picture or video projection, recording, or reproduction equipment. The foregoing provisions of this Subparagraph shall not apply to an Adult-Oriented Business that deals exclusively with sale or rental of sexually oriented material or merchandise that is not used or consumed on the premises and which does not provide rest room facilities to its patrons or the general public.

K. **Additional requirements for live entertainment.** The following additional requirements shall pertain to Adult-Oriented Businesses providing live entertainment depicting specified anatomical areas or involving specified sexual activities, except for businesses regulated by the Alcoholic Beverage Control Commission:

1. No employee, owner, operator, responsible managing employee, manager, or permittee of an Adult-Oriented Businesses providing live entertainment shall allow any person below the age of 18 years upon the premises or within the confines of the business if no alcoholic beverage is served, or under the age of 21 if alcoholic beverages are served.

2. No entertainer shall dance with or otherwise be within four feet of a patron while performing for compensation or while on the Adult-Oriented Businesses premises. This four-foot separation shall be marked by a railing or other physical barrier designed to obstruct any contact between the entertainer and the patron(s).

3. No owner, operator, responsible managing employee, manager, or permittee shall permit or allow at licensed premises any patron to approach within four feet of an entertainer, or permit or allow an entertainer to approach within four feet of a patron.

4. All employees, other than entertainers while performing, shall, at a minimum while on or about the licensed premises, wear an opaque covering which covers their specified anatomical areas.

5. The Adult-Oriented Business shall provide separate dressing room facilities for entertainers which are exclusively dedicated to the entertainers' use.

6. The Adult-Oriented Business shall provide an entrance/exit for entertainers which is separate from the entrance/exit used by patrons.
7. The Adult-Oriented Business shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons. If a separate access is not physically feasible, the Adult-Oriented Business shall provide a minimum three-foot wide walk aisle for entertainers between the dressing room area and the stage, with a railing, fence, or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers.

8. No entertainer, either before, during, or after performances, shall have physical contact with any patron and no patron shall have physical contact with any entertainer either before, during, or after performances by the entertainer. This Subparagraph shall only apply to physical contact on the premises of the Adult-Oriented Business.

9. No patron shall directly pay or give any gratuity to any entertainer and no entertainer shall solicit any pay or gratuity from any patron.

L. Security guards required. Adult-Oriented Businesses shall employ security guards in order to maintain the public peace and safety, consistent with the following standards:

1. Adult-Oriented Businesses featuring live entertainment shall provide at least one security guard at all times while the business is open. If the occupancy limit of the premises is greater than 35 persons, an additional security guard shall be on duty.

2. All Adult-Oriented Businesses shall have a responsible person who shall be at least 18 years of age, or 21 years of age if serving alcohol, and shall be on the premises to act as manager at all times during which the business is open. The individual designated as the on-site manager shall be registered with the Police Chief by the owner to receive all complaints and be responsible for all violations taking place on the premises.

3. All Adult-Oriented Businesses shall provide a security system that visually records and monitors the exterior premises of the property including all parking lot areas, or in the alternative, uniformed security guards to patrol and monitor the exterior premises of the property, including the parking lot areas during all business hours. These recordings are to be kept available for a minimum period of 72 hours. A sign indicating compliance with this provision shall be posted on the premises. The sign shall not exceed two by three feet and shall at a minimum be one foot by one and a half feet.

4. Security guards shall be uniformed in a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of State law. No security guard required in compliance with this Subparagraph shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.

M. X-rated movies or videos. The availability of X-rated movies or videos shall be restricted only to persons over 18 years of age. If an establishment that is not otherwise prohibited from providing access to persons under 18 years of age sells, rents, or displays videos or other motion picture media that have been rated "X" or rated "NC-17" by the motion picture rating industry ("MPAA"), or which have not been submitted to the MPAA for a rating, and which consist of images which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas, the videos shall be located in a specific Section of the establishment where persons under the age of 18 shall be prohibited. All access to sexually oriented material or merchandise shall be restricted to persons over 18 years of age.

N. Disposal in locked garbage receptacles only. Any and all sexually oriented materials or sexually oriented merchandise discarded by an Adult-Oriented Business shall be fully contained within a locked garbage receptacle at all times so that minors are not exposed to sexually oriented materials or sexually oriented merchandise.
The foregoing applicable requirements of this Section shall be deemed conditions of Use Permit approvals, and failure to comply with every requirement shall be grounds for revocation of the permit issued in compliance with these regulations.

### D4-13 - Display of Permit

Each Adult-Oriented Business shall display at all times during business hours the Use Permit issued in compliance with the provisions of this Chapter for an Adult-Oriented Business in a conspicuous place so that the same may be readily seen by all persons entering the Adult-Oriented Business.

### D4-14 - Persons Under 18 Prohibited

It shall be unlawful for any permittee, operator, or other person in charge of any Adult-Oriented Business to employ, or provide any service for which it requires a Use Permit, to any person who is not at least 18 years of age.

### D4-15 - Transfer of Adult-Oriented Business Regulatory Permits

**A. Only at approved address.** A permittee shall not operate an Adult-Oriented Business under the authority of a Use Permit at any place other than the address of the Adult-Oriented Business stated in the application for the Adult-Oriented Permit.

**B. No transfer without permit amendment.** A permittee shall not transfer ownership or control of an Adult-Oriented Business or transfer a Use Permit to another person unless and until the transferee obtains an amendment to the permit from the Commission stating that the transferee is now the permittee. The amendment may be obtained only if the transferee files an application with the Commission in compliance with Sections D4-4 (Use Permit Required) and D4-5 (Application Requirements), above, accompanies the application with a transfer fee as set forth in the City’s Fee Schedule, and the Commission determines in compliance with Sections D4-6 that the transferee would be entitled to the issuance of an original Use Permit. The transfer fee shall be paid in lieu of the filing fee required by Section D4-5.

**C. No transfer when subject to suspension or revocation.** No Use Permit may be transferred when the permittee has been notified that the Use Permit has been or may be suspended or revoked.

**D. No transfer in violation of this Section.** Any attempt to transfer a Use Permit either directly or indirectly in violation of this Section is hereby declared void, and the Use Permit shall be deemed revoked.

### D4-16 - Permit Revocation

**A. Findings required for revocation.** Any Use Permit issued in compliance with the provisions of this Chapter may be revoked by the City on the basis of any of the following:

1. The business or activity has been conducted in a manner which violates one or more of the conditions imposed upon the issuance of the permit or which fails to conform to the plans and procedures described in the application, or which violates the occupant load limits for the building in which the use is located set by the Fire Marshall;

2. The permittee has misrepresented a material fact in the application for permit or in any report required to be filed with the City or has not answered each question in the application truthfully;
3. The permittee has failed to obtain or maintain all required City, County, and State licenses and permits;

4. The permit is being used to conduct an activity different from that for which it was issued;

5. The building or structure in which the Adult-Oriented Business is conducted is hazardous to the health or safety of the employees or patrons of the business or of the general public under the standards set forth in the Uniform Building, Uniform Plumbing, or Uniform Fire Code;

6. The permitted business creates sound levels which violate the City’s noise regulations (Section D3-8);

7. The permittee, if an individual, or any of the officers or general partners, if a corporation or partnership is found guilty or pleaded nolo contendere to a misdemeanor or felony classified by the State as a sex or sex-related offense after the Adult-Oriented Business has commenced operation;

8. The permittee, employee, agent, partner, director, stockholder, or manager of an Adult-Oriented Business has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the Adult-Oriented Business:
   a. Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation;
   b. Use of the Adult-Oriented Business site as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur;
   c. Any conduct constituting a criminal offence which requires registration under Section 290 of the California Penal Code;
   d. The occurrence of acts of lewdness, assignation, or prostitution including any conduct constituting violations of California Penal Code Sections 315, 316, 318, or 647(b);
   e. Any act constituting a violation of provisions of the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including, but not limited to, Sections 311 through 313.4; or
   f. Any conduct prohibited by this Chapter.

9. Failure to abide by any action previously imposed by an appropriate City official; and

10. The use for which the approval was granted has ceased to exist or has been suspended for 180 days or more.

B. **Transmittal of notice.** Written notice of hearing on the proposed permit revocation, together with written notification of the specific grounds of complaint against the permittee shall be sent by certified mail to the permittee at least 10 days before the hearing.

C. **Relevant evidence.** The Commission shall hold a public hearing on the proposed revocation of the permit. Notice of the public hearing shall be given in compliance with California Government Code Section 65091, as the same may be amended from time to time. In reaching a decision on the proposed revocation, the Commission shall not be bound by the formal rules of evidence. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.
D. **Commission’s action.** The Commission shall revoke, not revoke, or not revoke but add additional conditions to, the permittee’s Use Permit. Any additional conditions imposed upon the permit shall be in keeping with the objective development standards of this Chapter and the underlying zone in which the property is located.

E. **Transmittal of Commission decision.** The Commission's decision shall be in writing, and shall be mailed to the applicant and all property owners within 300 feet of the use.

F. **Decision within 30 days.** The Commission shall make its final decision within 30 days of the public hearing.

G. **Appeal of Commission’s decision.** Any interested person may appeal the decision of the Commission to the Council in writing within 10 days after the Commission's written decision. In addition, within 10 days after the Commission's written decision, any member of the Council shall have the authority to direct that the Council review the decision of the Commission on the grounds that the individual council member believes that the matter should be decided by the Council.

H. **De novo public hearing.** Consideration of an appeal of the Commission's decision shall be at a de novo public hearing which shall be noticed in the same manner as the public hearing of the Commission and shall occur within 30 days of the filing of the appeal or initiation of review by the Council. In reaching its decision, the Council shall not be bound by the formal rules of evidence. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

I. **Council’s action on appeal.** The Council action on the appeal of the Commission's decision shall be by a majority vote of the quorum, and upon the conclusion of the public hearing, the Council shall revoke, not revoke, or not revoke but add additional conditions to, the permittee's Use Permit. Any additional conditions imposed upon the permit shall be in keeping with the objective development standards of this Chapter and the underlying zone in which the property is located. The Council's decision shall be final and conclusive.

J. **No new permit within 12 months after revocation.** In the event a permit is revoked pursuant to this Chapter, another adult use development permit to operate an adult business shall not be granted to the permittee within 12 months after the date of the revocation.

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**D4-17 - Violations**

Any person who violates any section of this Chapter shall be guilty of a misdemeanor and is subject to a fine and/or imprisonment in compliance with the limits set forth in California Government Code Section 36901, as it may be amended from time to time, or any other legal remedy available to the City.

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**D4-18 - Applicability to Other Regulations**

The provisions of this Chapter are not intended to provide exclusive regulation of the Adult-Oriented Business uses. These uses shall comply with any and all applicable regulations imposed in other articles of this Land Use Code, other City ordinances, and State and Federal law.

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**D4-19 - Conduct Constituting a Public Nuisance**

The conduct of any business within the City in violation of any of the terms of this Chapter is hereby found and declared to be a public nuisance, and the City Attorney or the District Attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal, and enjoinder thereof, in the manner provided by law; and shall take other steps and shall apply to other courts as may have jurisdiction to grant relief that will abate or remove the Adult-Oriented Business and restrain and enjoin any person from conducting, operating, or maintaining an Adult-Oriented Business contrary to the provisions of this Chapter.
D4-20 - Inspections

An applicant or permittee shall permit representatives of the Police Department, Health Department, Planning Department, or other City Departments or Agencies to inspect the premises of an Adult-Oriented Business for the purpose of ensuring compliance with the law and the development standards applicable to Adult-Oriented Businesses, at any time it is occupied or opened for business. A person who operates an Adult-Oriented Business or his or her agent or employee is in violation of the provisions of this Section if he/she refuses to permit the lawful inspection of the premises at any time it is occupied or open for business.
Chapter II - Alternative Energy Structures

Sections:

D4-21 - Purpose
D4-22 - Solar Energy System
D4-23 - Wind Energy Equipment

D4-21 - Purpose

This Chapter provides regulations for alternative energy structures and equipment, including solar power equipment and windmills (wind energy conversion systems), to assist residents and businesses in reducing the consumption of electricity produced by sources outside of the community.

D4-22 - Solar Energy System

The provisions of this Section are intended to ensure that solar energy systems are protected from shading, conform in appearance to the surrounding neighborhood, and to provide design guidelines and installation standards.

A. Definitions.

Solar Energy System means either:

1) Any solar collector whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

2) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

(CA Civil Code Section 801.5)

Solar Collectors include:

1) Solar Photovoltaic (PV) System,
2) Building Integrated Photovoltaics (BIPV),
3) Solar Thermal Panels, and like systems; or
4) other solar energy device

Small Residential Rooftop Solar Energy System means all of the following:

1) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

2) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, and meets all applicable safety and performance standards established by the State.

3) A solar energy system installed on a single or duplex family dwelling unit
4) A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

B. **Protection of solar access.** A structure, fence, or wall shall not be constructed or modified in a residential zone, and vegetation may not be placed or allowed to grow after the effective date of this Chapter, so as to obstruct more than 10 percent of the absorption area of a solar energy system on a neighboring parcel at any time.

C. **Solar Energy System design and installation standards.** Solar energy system, except Small Residential Rooftop Solar Energy System, shall be designed and installed in compliance with the following standards:

1. **Solar collectors.**
   
a. Roof-mounted collectors shall be placed in the location least visible from public streets without reducing the operating efficiency of the collectors, unless they are integrated into the design of the structure as an architectural element.
   
b. Wall-mounted and ground-mounted collectors shall be screened from public view.
   
c. Roof-mounted collectors shall be mounted at the same angle or as close as possible to the pitch of the roof.

2. **Appurtenant equipment.** Equipment appurtenant to solar collectors, including plumbing, and related fixtures, shall be installed within a structure on which the collectors are mounted, where feasible, or shall be screened from public view. Appurtenant equipment outside of a building shall comply with applicable setback requirements.

3. **Accessory fixtures.** Large accessory fixtures that generally require exposure (e.g., storage tanks) shall be screened through architectural features that harmonize with other elements of the structure.

4. **Exterior finishes.** Where feasible, exterior surfaces should have a matte finish and should be color-coordinated to harmonize with roof materials or other dominant colors of the structure.

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**D4-23 - Wind Energy Equipment**

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), a windmill proposed for the generation of electricity, hereafter referred to as a "windmill," shall comply with the requirements of this Section.

A. **Application requirements.** The Use Permit application shall include all information and materials required by Section D6-16, and the following:

1. Standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code (UBC), and certification by a California-licensed professional mechanical, structural, or civil engineer. A "wet stamp" shall not be required on the drawings and analysis if the application demonstrates that the system is designed to meet the most stringent wind requirements (UBC wind exposure D), the requirements for the worst seismic class (UBC Seismic 4), and the weakest soil class, with a soil strength of not more than 1,000 pounds per square foot.

2. Information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
3. Evidence that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states in the application, that the system will not be connected to the electricity grid.

4. Evidence that the proposed height of the windmill tower does not exceed the height recommended by the manufacturer or distributor of the system.

B. **Minimum site area.** A windmill shall only be located on a parcel of one acre or larger.

C. **Limitations on location.** No more than one windmill shall be approved on a single parcel, or closer than 500 feet from another windmill.

D. **Windmill design standards.**

1. **Setback requirements.** A windmill shall not be located closer to a property line than the height of the windmill (the distance from the ground to the topmost point of the windmill blades).

2. **Height limit.** A windmill tower shall not exceed the maximum height allowed by the applicable zone.

3. **Windmill turbine.** The turbine proposed for the system shall have been approved by the California Energy Commission (CEC) as qualifying under the Emerging Renewables Fund of the CEC’s Renewables Investment Plan, or certified by a national program recognized and approved by the CEC.

E. **Noise standards.** A windmill shall be designed, installed, and operated so that noise generated by the system shall not exceed the lesser of 60 decibels (dBA), or the maximum noise levels established by the Noise Ordinance for the applicable zone, as measured at the property line, except during short-term events including utility outages and severe wind storms.

F. **Required findings for approval.** The approval of a Use Permit for a windmill shall require that the Review Authority first find that the location and design of the windmill will not produce excessive visual impact or cause the windmill to be the dominant visual feature on a ridgeline when viewed from a public right-of-way, in addition to the findings required for Use Permit approval by Section D6-28 (Use Permits and Minor Use Permits).
Chapter III - Standards for Specific Land Uses

Sections:

D4-24 - Purpose
D4-25 - Applicability
D4-26 - Accessory Structures
D4-27 - Bed and Breakfast Inns
D4-28 - Card Rooms
D4-29 - Child Day Care Facilities
D4-30 - Commercial Entertainment Facilities
D4-31 - Employee Eating Areas
D4-32 - Heliports
D4-33 - Home Occupations
D4-34 - Live Entertainment
D4-35 - Outdoor Display, Storage, and Vending
D4-36 - Mobile Homes and Mobile Home Parks
D4-37 - Recycling Facilities
D4-38 - Restaurants with Take-Out Service
D4-39 - Second Dwelling Units
D4-40 - Service Stations and Car Washes

D4-24 - Purpose

This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Division D2 (Allowable Land Uses and Zoning Standards) within individual or multiple zones, and for activities that require special standards to mitigate their potential adverse impacts.

D4-25 - Applicability

The land uses and activities covered by this Chapter shall comply with the provisions of each Section applicable to the specific use, in addition to all other applicable provisions of this Zoning Ordinance.

A. Where allowed. Each use shall be located only where allowed by Division D2 (Allowable Land Uses and Zoning Standards).

B. Planning permit requirements. Each use shall be authorized by the planning permit required by Division D2, except where a planning permit requirement is established by this Chapter for the specific use.

C. Development standards. The standards for specific uses in this Chapter supplement and are required in addition to all other applicable provisions of this Zoning Ordinance (e.g., Divisions D2 and D3, etc.).

1. The land use tables in Division D2 determine when the standards of this Chapter apply to a specific land use.

2. In the event of any conflict between the requirements of this Chapter and those of Divisions D2 or D3, the requirements of this Chapter shall control.
D4-26 - Accessory Structures

The purpose of this Section is to establish standards for usage, construction timing, projections into required setbacks, siting, design, and lot coverage of accessory structures. Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), accessory structures shall comply with the requirements of this Section.

A. Requirements for all accessory structures.

1. Relationship to primary use. An accessory use and/or structure shall be incidental to the primary use of the site, and shall not alter the character of the primary use.

2. Timing of installation. An accessory structure shall only be constructed concurrent with or after the construction of the primary structure on the same site except that construction trailers may be placed on a site at the time site clearance and grading begins, and may remain on the site only for the duration of construction.

3. Allowed projections into setbacks. An architectural feature of an accessory structure may extend into a required front, side or rear setback in compliance with Table 4-1.

<table>
<thead>
<tr>
<th>Projecting Feature</th>
<th>Allowed Projection into Required Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front/Street Side Setback</td>
</tr>
<tr>
<td>Awnings and canopies</td>
<td>6 ft</td>
</tr>
<tr>
<td>Balcony, landing, porch, stairway - Uncovered, unenclosed, and less than 30 in. above grade</td>
<td></td>
</tr>
<tr>
<td>Balcony, landing, porch, stairway - Covered and enclosed by roof and walls</td>
<td></td>
</tr>
<tr>
<td>Balcony, landing, porch, stairway - Covered but unenclosed</td>
<td>6 ft</td>
</tr>
<tr>
<td>Bay window, or similar projecting feature</td>
<td>30 in</td>
</tr>
<tr>
<td>Chimney/fireplace, 6 ft. or less in breadth, media niche</td>
<td>24 in</td>
</tr>
<tr>
<td>Chimney/fireplace, more than 6 ft. in breadth, media niche</td>
<td>Not allowed</td>
</tr>
<tr>
<td>Cornice, eave, mechanical equipment, roof overhang</td>
<td>24 in</td>
</tr>
</tbody>
</table>

Notes: (1) Feature may project an additional 6 inches if the minimum provided setback is greater than 5 feet.

B. Exemptions - Decks. A deck shall be exempt from the provisions of section D4-26 only if constructed with an approved Development Plan.
C. **CC, CT, CCMU, CR, CS, MU, OA, and OL zones.** An accessory structure shall comply with the following standards, in addition to those in Subsection A.

1. **Setback requirements.** An accessory structure shall not occupy a required front or corner side setback, or project beyond the front building line of the primary structure on the site. In addition, an accessory structure located to the rear of a primary structure shall be set back from the interior side and rear property lines by a minimum of five feet, unless the accessory structure complies with the height limit requirements of Subsection C.2.

2. **Height limit.** An accessory structure shall not exceed a maximum height of 16 feet, provided that:
   a. A structure placed at a property line shall not exceed six feet in height at the property line, and shall not intercept an inclined daylight plane sloping inward from a point six feet above the property line and rising one foot for each foot of distance from the property line.

D. **MW, AG, OS, P, GC, M-1, and M-2 and PS zones.** Accessory structures shall comply with all regulations applicable to the principal primary structure. Off-site accessory uses may be allowed only with a Minor Use Permit approval.

E. **R zones.** Each accessory structure within a residential zone shall comply with the following requirements.

1. **Maximum total floor area.** The total floor area of all accessory structures on the site with a solid roof over four feet in height and/or deck structures over four feet in height shall not exceed three percent of the lot area. Common areas owned by homeowners’ associations are exempt from the maximum floor area (i.e. pool house, etc.).

   An accessory structure with operable louver roofing, which is capable of opening the roof to the sky, is exempt from this total floor area limitation.

2. **Height limit.** An accessory structure shall not exceed the height limit as stated in Table 4-2. See Section D3-6.D. (Height Limits and Exceptions) to determine how height is measured.

<table>
<thead>
<tr>
<th>Table 4-2</th>
<th>Maximum Accessory Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HR, RE-B, RS, RM, RMH, RH and RVH</strong></td>
<td><strong>RC, RE-A and RR</strong></td>
</tr>
<tr>
<td>Accessory structure within front setback</td>
<td>3 feet, plus an additional 18 inches for decorative features or lighting</td>
</tr>
<tr>
<td><strong>Decks</strong></td>
<td><strong>Floor plate of the top story of the residence (1) (2)</strong></td>
</tr>
<tr>
<td><strong>Floor plate of the top story of the residence (1) (2)</strong></td>
<td><strong>Floor plate of the top story of the residence (1) (2)</strong></td>
</tr>
<tr>
<td><strong>Notes:</strong></td>
<td></td>
</tr>
<tr>
<td>(1) Maximum railing/screen height shall be the minimum required under the Uniform Building Code.</td>
<td></td>
</tr>
<tr>
<td>(2) Decks constructed with an approved Development Plan shall be exempt from height regulations in Table 4-2.</td>
<td></td>
</tr>
</tbody>
</table>
3. **Setback requirements.** Accessory structures shall comply with the following setback requirements.

   a. **Front setback.** An accessory structure shall be set back from a front property line by a minimum distance:

      (1) As required by Subsection D.3.c for animal structures.

      (2) An accessory structure in a required front yard setback shall comply with the driveway visibility requirements of Section D3-10 (Setback Requirements and Exceptions), and the site obstruction requirements of Section D3-37 (Driveways and Site Access).

   b. **Side and rear setbacks.** An accessory structure shall be set back from the side and rear property line as follows.

      (1) If the structure is of 18 inches or less in height, no setback is required;

      (2) If the structure is greater than 18 inches but 6 feet or less in height, a three-foot setback is required; and

      (3) If the structure is greater than 6 feet in height, the setback shall be equal to the height less three feet.

   c. **Setbacks for animal keeping structures.**

      (1) **Small animal structures.** The minimum setback for structures housing small domestic animals shall be 60 feet from the front property line; and 40 feet from both the side and rear property lines (small structures housing dogs are excluded from this standard). For chicken coops, see Division D4, Chapter VII.

      (2) **Large animal structures.** The minimum setback for barns, stables, and similar accessory structures housing large animals shall be 100 feet from the front property line; and 50 feet from both side and rear property lines.

F. **PD zone.** The size and location of accessory structures shall comply with the requirements of the adopted PD or specific plan for the applicable PD zone. If the PD standards do not address standards for accessory structures, then the requirements of R zone apply to residential developments and C zone standards apply to commercial developments.

### D4-27 - Bed and Breakfast Inns

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), bed and breakfast inns, including Short Term Rentals (internet based or otherwise) for less than 30 consecutive days, shall comply with the requirements of this Section.

A. **Owner occupancy required.** A bed and breakfast inn shall be operated by the property owner living on the site. This requirement may be waived by the Planning Commission.

B. **Limitation on number of guest rooms.** A bed and breakfast inn shall be limited to a maximum of six guest rooms for lodging.

C. **Signs.** Signs shall be limited to a single sign with a maximum area of six feet. The face of the sign may be indirectly illuminated by an exterior light source entirely shielded from view, but no internal illumination from an interior light source shall be permitted.
D4-28 - Card Rooms

Card rooms shall comply with the requirements of Municipal Code Division B1, Chapter I (Cardrooms).

D4-29 - Child Day Care Facilities

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), large family day care homes shall comply with the requirements of this Section.

A. **Purpose.** The intent of these regulations is to prescribe reasonable standards for large family day care homes in San Ramon.

B. **Permit required.** A Use Permit issued by the Zoning Administrator shall be required before operating a large family day care home.

C. **Hearing.** If requested in writing after a 15-day notice from the City, a hearing will be held on the application for a large family day care home.

D. **Contents of application.** An application for a Large Family Day Care Home Permit shall contain the information as outlined by the Zoning Administrator with the General Submittal Requirement List.

E. **Findings required.** The Zoning Administrator shall issue a Use Permit only when the following findings can be made:

1. The proposal adheres to all State of California Department of Social Services requirements for large family day care homes; and

2. The large family day care home is not within 300 feet of any other legally established large family day care home; and

3. The Fire and Building Departments approve clearance for use of the residential structure as a large family day care home; and

4. The primary use of the structure is as a residence; and

5. Operation of the large family day care home at the proposed location will not result in hazardous traffic circulation, traffic conditions, and parking; and

6. Operation of the large family day care home at the proposed location will be in compliance with adopted noise standards applicable to the site.

F. **Standards.** All large family day care homes shall comply with all applicable State standards and requirements for family day care homes. In addition, all large family day care homes shall comply with the following standards:

1. **Outdoor play area.** Outdoor play areas shall be provided at all large family day care homes.
   
   a. All outdoor play areas shall be enclosed by a natural barrier, wall, solid fence, or other solid structure at least 6 feet in height.
   
   b. All outdoor play areas shall be adequately separated from driveways, streets, and parking areas.

2. **Parking.** Adequate parking shall be provided for employees of the large family day care home and for pick-up and drop-off of children at the home in accordance with the following standards:
a. In addition to the off-street parking spaces required for the residential zone, one additional off-street parking space shall be provided per employee, and can be within the setback and/or in the driveway.

b. Adequate space shall be available for the safe pick-up and delivery of children to the day care home. This space shall be off-street, and can be in the driveway or off-street parking area.

1. Overconcentration. A large family day care home shall be a minimum of 300 feet from any other legally established large family day care home. The 300-foot minimum distance shall be measured from the subject site property lines to the property lines of any other legally established large family day care home. Small family day care homes and day care centers are not included when determining overconcentration.

2. Noise. The applicant shall address noise impacts on neighboring properties consistent with the noise standards of the City.

D. Appeals. Decisions of the Zoning Administrator may be appealed to the Planning Commission in accord with Chapter D7-II (Appeals and Calls for Review).

D4-30 - Commercial Entertainment Facilities

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), commercial entertainment facilities shall comply with the requirements of this Section.

A. Purpose. The intent of these regulations is to control the location and hours of operation of game centers so as not to allow school children to play the games during school hours nor to encourage minors to congregate in areas close to commercial establishments that sell alcoholic beverages.

B. Permit required. A Use Permit shall be required to install, operate or maintain six or more games.

C. Duration and renewal of permit. Initially, the permit shall be valid only for one year; thereafter, the Zoning Administrator may renew the permit for periods of not more than two years. The procedure for renewal is the same as that for the initial application, and the same factors considered for the initial application shall be considered for the renewal.

D. Adult manager. At least one adult manager (18 years of age, or 21 or over if serving alcohol) shall be on the premises during the time a game center is open to the public.

E. Location criteria.

1. A game center shall not be permitted within 300 feet of a school site or the boundary of an R zone, or within 500 feet of a liquor store, a cocktail lounge or bar. The distance shall be measured in a straight line from the main public entrance to the game center to the property line of the school site, the zone boundary, or the main public entrance of the liquor store or cocktail lounge, as the case may be. Exits not limited to emergency use only shall generally be directed away from an R zone adjoining the site.

2. Within the CC Zone, game centers with not more than five games shall be permitted, subject to the restrictions that may be imposed pursuant to Subsection F below.

F. Restrictions. The Zoning Administrator may impose reasonable restrictions on the physical design, location, and operation of a game center in order to minimize the effects of noise, congregation, parking, and other nuisance factors that may be detrimental to the public health, safety and welfare of the surrounding community.
G. **Appeals.** Any person may appeal the decision of the Zoning Administrator on an application for an initial permit or a renewal of a game center permit to the Planning Commission in accord with Chapter D7-II (Appeals and Calls for Review)

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### D4-31 - Employee Eating Areas

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), outdoor employee eating areas shall comply with the requirements of this Section.

**A. Standards.**

1. A minimum of 150 square feet of outdoor eating facilities shall be provided for office buildings of 10,000 gross sq. ft. or greater, excluding warehouse and storage space. A larger outdoor eating area shall be required for larger buildings in an amount to be determined by the Zoning Administrator. Credit toward the required amount of square footage will be given for indoor eating facilities as determined by the Zoning Administrator.

2. The area shall be easily accessible to employees and shall be located to offer a sense of privacy.

3. The area shall be landscaped and provided with attractive outdoor furniture, i.e., metal, wood, or concrete picnic tables, benches/chairs and trash receptacles.

4. A site plan showing the location, landscaping and facilities required above shall be submitted to the Zoning Administrator for approval as part of the development application.

**B. Exceptions.** This Section shall not apply to industrial/office buildings that are located within 1,000 feet of an approved mini-park or a City park that include facilities for eating and are accessible by walking as determined by the Zoning Administrator.

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### D4-32 - Heliports

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), heliports shall comply with the requirements of this Section.

**A. Purpose.** These regulations establish location criteria and development standards for helicopter takeoff and landing areas to protect the public health, safety and welfare, and to minimize land-use conflicts, noise impacts, and operational hazards.

**B. Permit required.** A Use Permit shall be issued by the Planning Commission, for the construction and operation of a heliport, helipad, or helistop upon finding that:

1. The helipad, heliport, or helistop conforms to the location criteria and standards established in Subsections D. and E., and the requirements of the California Department of Transportation, Division of Aeronautics;

2. The heliport, helipad, or helistop is compatible with the surrounding environment; and

3. The proposed operation of the helicopter facility does not pose a threat to public health, safety or welfare.

The Planning Commission may impose conditions on approval of the Use Permit to prevent adverse impacts on surrounding properties; if such impacts cannot be mitigated to an acceptable level, the Use Permit application shall be denied.
C. Location criteria.

1. **Relation to transportation system.** The heliport, helipad, or helistop shall be located within 3,000 feet of a freeway as designated on the General Plan.

2. **Minimum separation.** Minimum separation between heliports, helipads, and helistops shall be 1.5 miles, except for facilities specifically intended for emergency use, such as medical evacuation, and temporary landing sites.

3. **Protected areas.** No heliport, helipad, or helistop shall be located within 1,000 feet of an R zone or the site of a public or private school or within 500 feet of a park provided that heliports, helipads or helistops specifically intended for emergency use may be within 500 feet of an R zone, a park or a public or private school. Temporary landing sites within 1,000 feet of a public or private school may be allowed with a temporary Use Permit subject to approval of: (a) the City of San Ramon; (b) the San Ramon Valley Unified School District; and (c) the California Department of Transportation.

D. Site development standards.

1. Approach and departure paths 65 feet wide shall be free of obstruction for a minimum distance of 400 feet.

2. Setbacks from property lines shall be as follows:
   a. Takeoff and landing area - 100 feet;
   b. Helicopter maintenance facilities - 25 feet;
   c. Administrative or operations building - 15 feet.

3. Any lighting used for nighttime operations shall be directed away from adjacent properties and public rights-of-way.

4. A telephone shall be provided on or adjacent to the heliport, helipad or helistop.

5. Helipads, heliport or helistops intended for emergency use shall have a landing pad with a standard landing area designated and the words "Emergency Only". The initial direction of the departure routes shall be indicated on the takeoff and landing area.

E. Application requirements. The following additional information shall be submitted with a Use Permit application:

1. An area map, at a scale of 1” = 800’ showing existing land use within a two-mile radius of the facility site and the proposed flight paths.

2. A plot plan of the site and vicinity, including all land within a 400-foot radius of the takeoff and landing area, that shows clearly the height of the takeoff and landing area; the height of existing, approved and proposed structures and trees within 100 feet of the approach and takeoff flight paths; and the maximum allowable building height under existing zoning.

3. A description of the proposed operations, including the type of use, names and descriptions of helicopters expected to use the facility, and anticipated number and timing of daily flights.

4. A helicopter noise study including a map of the approach and departure flight paths at a scale of 1” = 800’ showing existing day/night average noise levels in decibels (LDN noise contours), future day/night average noise levels with the proposed facility and anticipated flight operations, and single-event maximum sound levels associated with the types of helicopters expected to use the facility.
Standards for Specific Land Uses

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F. Appeals. Decisions of the Commission may be appealed to the Council in compliance with Chapter D7-II (Appeals and Calls for Review).

D4-33 - Home Occupations

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), home occupations and Cottage Food Operations shall comply with the requirements of this Section.

A. Permit required. A home occupation or Cottage Food Operation in a residential zone shall require a home occupation permit unless a minor use permit is required by subsection D4-33.D (Minor Exceptions) or subsection D4-33.E (Cottage Food Operation). The Zoning Administrator shall issue the permit upon determining that the proposed home occupation complies with the requirements of this section.

B. Application contents. An application for a home occupation permit shall contain the information as required by the Zoning Administrator.

C. Required conditions. Home occupations shall comply with the following regulations:

1. No clients may come to the home.
2. The use is incidental to the residential use of the dwelling.
3. The use shall be conducted entirely within a portion of the main building, not within any required parking facility and shall not exceed 20 percent of the building's floor area, excluding garage square footage. No outside storage shall be permitted.
4. No article shall be sold or offered for sale on the premises.
5. No person other than a resident of the dwelling shall be employed on-site or report to work at the site in the conduct of the home occupation. This prohibition also applies to independent contractors.
6. The use will not generate vehicular or pedestrian traffic in excess of that which is normally associated with residential uses in the same zone.
7. No parking space will be obstructed and no additional parking space will be required for the home occupation.
8. There is no exterior indication of the home occupation, including signs.
9. The use will not create noise, odor, dust, fumes, vibration, smoke, electrical interference, or any other interference with residential uses of adjacent property.
10. No motor vehicle repair shall be permitted at operator's residence. Auto cleaning, detailing, and minor replacement or repair of glass or accessory parts may be performed off-site.
11. No personal services shall be permitted on-site.
12. The address of the home occupation will not be advertised in any publication. Business cards and letterhead are not included in this requirement.

D. Minor Exceptions. Any minor exception to a home occupation such as, but not limited to client visits, outdoor uses, etc. shall require a Minor Use Permit in accordance with Chapter D6-28 (Use Permits and Minor Use Permits). The Zoning Administrator may impose conditions as deemed necessary to protect the best interests of the surrounding area for a home occupation requiring approval of a Minor Use Permit.
1. **Factors to be considered.** The Zoning Administrator may consider factors such as, but not limited to the following during review of a home occupation requiring a Minor Use Permit:

   a. Parking;
   b. Traffic control;
   c. Noise Control;
   d. Operating characteristics;
   e. Hours of operation;

E. **Cottage Food Operation.** A Cottage Food Operation with client visits and/or up to one non-resident employee in a residential zone shall require a Minor Use Permit, in accordance with Chapter D6-28 (Use Permits and Minor Use Permits).

1. **Standards.** The Zoning Administrator may consider reasonable standards, restrictions, and requirements related to the following:

   a. **Spacing and Concentration.** A Cottage Food Operation with client visits and/or up to one non-resident employee shall be a minimum of 300 feet from any other legally established Cottage Food Operation with client visits and/or up to one non-resident employee. The 300 foot minimum distance shall be measured from the subject site property lines to the property lines of any other legally established Cottage Food Operation with client visits and/or up to one non-resident employee;
   b. **Traffic control;**
   c. **Parking;**
   d. **Noise Control**

F. **Discontinued Use.** As determined by the Zoning Administrator, all permits issued pursuant to this section may become null and void if the business license for a home occupation or Cottage Food Operation is discontinued for a period of one year.

G. **Revocation.** A permit granted pursuant to this section may be revoked by the Zoning Administrator pursuant to the procedures established by Zoning Ordinance Division D7, Chapter V (Enforcement).

H. **Appeals.** In accord with Chapter D7-II (Appeals and Calls for Review), decisions of the Zoning Administrator may be appealed to the Planning Commission.

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**D4-34 - Live Entertainment**

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), live entertainment shall comply with the requirements of this Section.

A. Exits not limited to emergency use only shall generally be directed away from an R zone adjoining the site.

B. A Use Permit shall establish conditions ensuring that no litter problem will exist.

C. A Use Permit for live entertainment shall apply only to the type of entertainment approved, and a different type of entertainment shall require approval of a separate Use Permit.

D. **Noise requirements and other limitations.** Approval shall include conditions addressing:

   1. Hours of operation;
   2. Transferability; and
   3. The temporary vs. permanent nature of the use.
D4-35 - Outdoor Display, Storage, and Vending

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), outdoor display and sales shall comply with the requirements of this Section.

A. Outdoor display and storage.

1. Where permitted. The outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up may occur only where allowed by the allowable land use tables in Division D2 for the specific zone applicable to the site.

2. Permit conditions, grounds for denial. A Minor Use Permit for outdoor storage, display, or food service may require yards, screening, or planting areas necessary to prevent adverse impacts on surrounding properties and the visual character of scenic areas as identified in the General Plan. If these impacts cannot be prevented, the Zoning Administrator shall deny the Minor Use Permit application.

3. Exceptions. Notwithstanding the provisions of Subsections A.1 and A.2 above, outdoor storage and display shall be permitted in conjunction with plant nurseries in zones where plant nurseries are allowed by Division D2, provided that the outdoor storage and display is limited to plants only.

4. Screening. Except for the land uses excepted by Subsection A.3 above, each outdoor storage and display area shall be screened from the view of streets by a solid fence or wall. The height of merchandise, materials, and equipment stored or displayed in the MW zone shall not exceed the height of the screening fence or wall. In other zones, screening shall be provided as prescribed by the Minor Use Permit.

5. Coin-Operated Vending Machines. Each machine located in an R zone or within 300 feet of an R zone, except for machines located on the site of a service station, shall be buffered from view from public rights-of-way.

6. Outdoor eating areas. Sidewalk cafes and outdoor food service accessory to an Eating and Drinking Establishment shall include no outdoor preparation of food or beverages.

7. Appeals. Decisions of the Zoning Administrator may be appealed to the Planning Commission in compliance with Chapter D7-II (Appeals and Calls for Review).

B. Outdoor vending.

1. Purpose. To provide opportunities for outdoor vendors to operate in the MU, CCMU, CC, CS, CR, CT, OA, and OL Zones and to ensure that such operations are properly regulated in such a manner that their benefits to the City are realized and at the same time adverse impacts are minimized.

2. Definitions.

   a. Vendor. A person with a current business license who sells, or offers to sell any type of merchandise, including food, beverages or edibles of any type whether hot, cold, fresh, prepared or packaged, from a mobile food truck, or at an approved location other than within a building or structure constructed on a permanent foundation that is rented, leased, or owned by that person.
b. **Vending.** Selling or offering to sell any type of merchandise, including food, beverages or edibles of any type, at any location other than within a building or structure constructed on a permanent foundation, which is rented, leased, or owned by the person selling or offering to sell the merchandise.

c. **Vending equipment.** Includes, but is not limited to any materials, merchandise, tools, vehicles, carts, tables, chairs, or other items owned by, in the possession of or associated with a licensed vendor.

3. **Permits required.**

a. **Minor Use Permit.** A Minor Use Permit issued by the Zoning Administrator shall be required for any vending locations in accordance with Chapter D6-28 (Use Permits and Minor Use Permits).

b. **Business License.** Every vendor shall obtain a City Business License prior to operation.

c. **County Health Department.** If food and/or beverages are being sold, a valid permit from the County Health Department is required.

d. **Building and Fire Departments.** All necessary permits and approvals from the Building and Fire Departments shall be obtained prior to operation of a vending business.

e. **Permit and license display.** At all times while vending, a valid Business License and Minor Use Permit shall be displayed at the vending site.

f. **Adverse Impacts.** The Zoning Administrator may impose conditions of approval on the Minor Use Permit to prevent adverse impacts on surrounding uses.

4. **Location criteria and hours of operation.**

a. **Hours.** Hours of operation for vending businesses shall be as determined by the Minor Use Permit.

b. **Location.** Vending shall be allowed with an approved Minor Use Permit on private property in the MU (Mixed Use) and CCMU (City Center Mixed Use), C (Commercial) and O (Office) zones only.

c. **Vendors shall not operate:**

   1. at a location where space for pedestrian passage will be reduced to less than four feet;

   2. at a location which obstructs access to any entrance to any building or facility used by the public, including but not limited to doors and emergency exits;

   3. within 10 feet of any handicap access ramp, pedestrian crosswalk, or fire hydrant;

   4. within any landscaped area;

   5. within the public right-of-way including streets and sidewalks;

   6. within 100 feet of the frontage of a store or restaurant selling food and/or beverages for on-site consumption, in the case of a vendor selling food and/or beverages; or within 100 feet of the frontage of a store selling a similar commodity, in the case of a vendor selling commodities other than food and/or beverages;
(7) within a public park or recreation area, except when licensed by the City as a
ccessionaire or when authorized by the City to vend at special events; and

(8) within 200 feet of another approved vending location.

5. Standards and design criteria.
   a. Vendors shall maintain their immediate sales location in a clean and hazard free
      condition; failure to so maintain and failure to clean the vending location of all waste
      shall be cause for revocation of the Use Permit.
   b. Vendors selling food and/or beverages shall maintain garbage container(s) immediately
      adjacent to the vending location for use by customers.
   c. No vendor shall use, play or employ any sound, outcry, amplifier, loudspeaker, radio or
      any other instrument or device for the production of sound in connection with the
      promotion of a vending operation.
   d. No vendor shall sell any merchandise to any person who is in a motor vehicle at the time
      of sale.
   e. Every food vendor shall be required to have a written agreement giving the vendor the
      right to use permanent sanitary facilities located no more than 200 feet from the
      approving vending location.
   f. No off-site signage advertising the vending operation is permitted.
   g. The maximum sign area is eight square feet per vendor.
   h. All signage shall be located on the vending equipment.
   i. Vending equipment shall be easily moved and self-supporting; at no time shall vending
      equipment be attached, tied, or locked to trees, hydrants, or other permanent vertical
      structures or benches.
   j. After the permitted hours of operation, all vending equipment shall be stored off-site or
      within an enclosed structure on-site.
   k. No vendor shall sell alcoholic beverages.
   l. Vendors cooking food shall maintain a fire extinguisher at the vending location at all
      times.
   m. Vendors operating within a parking lot shall not inhibit traffic circulation and shall
      maintain the minimum required on-site parking stalls during operation.

6. Exceptions. The Zoning Administrator may grant minor exceptions to the regulations
   contained in Subsections D. and E. above, provided that the Required Findings can still be
   made.

7. Contents of application. An application for a Minor Use Permit shall
   contain the information as required by the Zoning Administrator in
   compliance with Section D6-28 (Use Permits and Minor Use Permits).

8. Findings required. In addition to the required Findings for Use Permits and Minor Use
   Permits contained in Section D6-28.F, the Zoning Administrator shall make the following
   additional findings:
a. The proposed vendor operation will not adversely impact adjacent businesses including the creation of unfair competition with merchants in fixed locations.

b. The vending equipment and operation will be aesthetically pleasing.

c. The vending operation will not adversely impact automobile and pedestrian safety, and will have minimal impacts on parking.

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D4-36 - Mobile Homes and Mobile Home Parks

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), mobile homes and mobile home parks shall comply with the requirements of this Section.

A. Purpose.
   It is the intent of the City to provide opportunities for the placement of mobile homes in R zones and to insure that such mobile homes are designed and located so as to be harmonious within the context of the surrounding houses and neighborhood.

B. Definitions:

   Mobile Home: A Mobile Home means a Manufactured Home as defined in the California Health and Safety Code Section 18008, which is a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight feet or more in width, or 40 feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. (Recreational Vehicles are not classified as Mobile Homes.)

   Tiny House: A Tiny House is considered as a Recreational Vehicle when it is designed and built on a single chassis to be towed and used as a dwelling unit, provided that it contains less than 320 sq. ft. of interior living room area including wardrobe, closets, cabinets, kitchen fixtures, and bath or toilet room (see Section D3-41 E.). If a Tiny House is designed and constructed on a permanent foundation with a minimum floor area of 150 sq. ft. including a kitchen sink, cooking appliance and refrigeration facilities, it is considered as an efficiency unit (see Section D4-39 Accessory Unit).

   Mobile Home Park: A Mobile Home Park is a site planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

C. General Requirements

1. Mobile home parks are allowed by Division D2 (Allowable Land Uses and Zoning Standards) and shall comply with the requirements of this Section, except:

   a. On substandard lots that do not meet the dimensional standards of Division D2.; or

   b. On lots with an average slope of more than 10 percent, or on any portion of a lot where the slope exceeds 15 percent.

2. A mobile home may be used for residential purposes if:

   a. Such a mobile home has been approved with an Architectural Review application as a primary structure in an R zone; or
b. Such a mobile home has been approved with an applicable building permit as an Accessory Dwelling Unit in an R zone; or

c. Such a mobile home has been approved with a Minor Use Permit by the Zoning Administrator as caretaker housing for their locations in an AG zone, PS zone, or MW zone.

3. Mobile homes may be used for temporary uses, subject to the requirements of a Temporary Use Permit issued under Chapter D6-27 (Temporary Use Permits).

D. **Design Criteria**

The location and design of mobile homes for permanent installation shall comply with the following criteria in order to protect neighborhood integrity, provide for harmonious relationship between mobile homes and surrounding uses, and minimize problems that could occur as a result of locating mobile homes on residential lots.

1. Installation of mobile homes shall be consistent with the same restrictions on density and to the same property development standards and shall meet the following standards:

   a. A mobile home must have been constructed on or after June 15, 1976, and must be certified under the National Manufactured Home Construction and Safety Act of 1974;

   b. A mobile home must be built on a permanent foundation approved by the Chief Building Official;

   c. The unit’s skirting must extend to the finished grade;

   d. Exterior siding must be compatible with adjacent residential structures, and shiny or metallic finishes are prohibited;

   e. The roof must have a pitch of not fewer than three inches vertical rise per 12 inches horizontal distance; and

   f. The roof must be concrete or asphalt tile, shakes or shingles complying with the most recent edition of the Uniform Building Code fire rating.

2. For a mobile home park, or in a case where a mobile home is used as the primary structure on a single-family residential property, mobile homes shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:

   a. Each mobile/manufactured home (once assembled) must be at least 24 feet wide;

   b. The roof should have eaves or overhangs of not less than one foot, unless it would be incompatible with the existing architectural characteristics of the community;

   c. Required covered parking shall be compatible with the mobile home design and with other buildings in the area.

3. If a mobile home is used as an Accessory Dwelling Unit, as per Section D4-39 of this division, the location and the size shall be consistent with the applicable setback requirements for the subject property and shall be compatible in design and appearance with the primary residential structure on the subject property.
E. **Surrender of State Vehicle Registration**

Whenever a mobile home is installed on a permanent foundation, any registration of said mobile home with the State of California shall be surrendered, pursuant to California Health and Safety Code Section 185519. Prior to issuance of any certificate of occupancy for the use of the mobile home, the owner shall provide the Chief Building Official with an evidence showing that the state registration of the mobile home has been or will be surrendered with certainty. If the mobile home is new and has never been registered with the state, the owner shall provide the Chief Building Inspector with a statement to that effect from the dealer selling the mobile home.

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**D4-37 - Recycling Facilities**

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), recycling facilities shall comply with the requirements of this Section.

A. **Definitions.**

1. **Recyclable Material.** Reusable material including, but not limited to metals, glass, plastic and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable Material may include electronic waste and universal waste provided that it is collected, handled, transported and recycled in accordance with California Universal Waste Regulations. Recyclable material does not include clothing and small goods covered under D4-37(A)(5) or refuse or hazardous materials, but may include used motor oil collected and transported in accordance with California Health and Safety Code Sections 25250.11 and 25143.2(b)(4).

2. **Recycling Facility.** A center for the collection and/or processing of recyclable materials.

3. **A Certified Recycling Facility or Certified Processor.** A recycling facility certified by the California Department of Resources Recycling and Recovery (CalRecycle) as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

   a. **Collection Facility.** A center for the acceptance of donation, redemption, or purchase of recyclable materials from the public.

      (1) Small collection facilities occupy less than 500 square feet and may include:

      - A mobile unit;

      - Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;

      - Kiosk-type units that may include permanent structures; or

      - Unattended containers placed for the donation of recyclable materials.

      (2) Large collection facilities occupy more than 500 square feet and may include permanent structures as well as mobile units, bulk reverse vending machines, Kiosk-type units.

   b. **Processing Facility.** A building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.
Standards for Specific Land Uses

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(1) A light-processing facility occupies less than 45,000 square feet and includes equipment for baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials, except ferrous metals other than food and beverage containers, and repairing of reusable materials.

(2) A heavy-processing facility is any processing facility larger than a light-processing facility.

4. Reverse Vending Machine. An automated mechanical device that accepts at least one or more types of empty containers including aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically, provided that the entire process is enclosed within the machine.

   a. A single-feed revenue vending machine is designed to accept individual containers one at a time.

   b. A bulk reverse vending machine is designed to accept more than one container at a time and to compute the refund or credit due on the basis of weight.

5. Mobile Recycling Unit. An automobile, truck, trailer, or van and appurtenant bins, boxes or containers used for the collection of recyclable materials.

6. Unattended Donation and Collection Boxes. Unattended donation and collections box or bin means any unattended container, receptacle, or similar device that is located on any lot within the City and that is used for soliciting and collecting donations of clothing or other small scale salvageable personal property. This term does not include recycle bins for the collection of “recyclable material” as defined by Section D4-37 A. (1) or any unattended donation or collection box located inside a building.

B. Permits required. No person shall place, construct, or operate any recycling facility without first obtaining a permit as follows:

**TABLE 4-3 - RECYCLING FACILITIES PERMITS REQUIRED**

<table>
<thead>
<tr>
<th>Type of Facility</th>
<th>Zones Permitted</th>
<th>Permit Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Feed Reverse Vending Machine(s)</td>
<td>MU, all C and MW</td>
<td>Use Permit</td>
</tr>
<tr>
<td>Bulk Reverse Vending</td>
<td>CC, CS, CT, and MW</td>
<td>Use Permit</td>
</tr>
<tr>
<td>Small Collection</td>
<td>CS, CT, MW, and PS</td>
<td>Minor Use Permit</td>
</tr>
<tr>
<td>Large Collection</td>
<td>CS, CT, MW, and PS</td>
<td>Use Permit</td>
</tr>
<tr>
<td>Light Processing</td>
<td>MW</td>
<td>Use Permit</td>
</tr>
<tr>
<td>Heavy Processing</td>
<td>MW</td>
<td>Use Permit</td>
</tr>
<tr>
<td>Unattended Donation and Collection Boxes</td>
<td>MU, all C, PS, and MW</td>
<td>Minor Use Permit</td>
</tr>
</tbody>
</table>

C. Permits for multiple sites.

1. A Use Permit or Minor Use Permit as indicated in Table 4-3 may be granted to allow more than one reverse vending machine or small collection facility located on different sites under the following conditions:

   a. The operator of each of the proposed facilities is the same;

   b. The proposed facilities are determined by the Zoning Administrator to be similar in nature, size and intensity of activity; and
c. All the applicable criteria and standards set forth in this Chapter are met for each such proposed facility.

2. Unattended Donation and Collection Boxes shall require a Minor Use Permit for each commercial property or shopping center for which a box or boxes are located.

D. Design criteria and standards.

1. Reverse vending machines.
   a. Each machine shall be located within 30 feet of the entrance to the primary commercial use on the site and shall not obstruct pedestrian or vehicular circulation, not within a landscaped area.
   b. No required parking space for the development shall be used for the reverse vending machine.
   c. Each machine shall occupy no more than 50 square feet of space, including any protective enclosure, and shall not exceed eight feet in height.
   d. Each machine shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
   e. The maximum sign area is four square feet per machine, exclusive of operating instructions of Subsection D.1.d.
   f. Adequate nighttime lighting shall be provided, if warranted.

2. Small collection facilities.
   a. Small collection facilities shall be no larger than 500 square feet, shall be set back at least 10 feet from a front or side property line, and shall not obstruct pedestrian or vehicular circulation.
   b. No power-driven processing equipment shall be used except for reverse vending machines.
   c. All containers shall be constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected.
   d. All recyclable material shall be stored in containers or in a mobile unit vehicle.
   e. Personnel attended facilities located within 100 feet of the boundary of an R zone shall operate only between 7 a.m. and 7 p.m.
   f. Containers for the 24-hour donation of materials shall be at least 100 feet from the boundary of an R zone unless there is a recognized service corridor and acoustical shielding between the containers and residential use.
   g. Containers shall be clearly marked to identify the type of material that may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.
h. The maximum sign area shall be 16 square feet exclusive of informational requirements and operational instruction of Subsection D.2.g. above. Directional signs bearing no advertising message may be installed with the approval of the Zoning Administrator if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

i. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed.

j. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

k. No required parking spaces shall be occupied by the facility.

3. Large collection facilities.

a. A large collection facility shall be located at least 250 feet from an R zone.

b. Each facility shall be in an enclosed building or within an area enclosed by an opaque fence at least six feet in height with landscaping.

c. Six parking spaces shall be for customers and one parking space shall be provided for each commercial vehicle operated by the recycling facility.

d. Power-driven processing, including aluminum foil and can compacting, baling, plastic

e. shredding, or other light-processing activities necessary for efficient temporary storage and shipment of material may be allowed if noise and other conditions are met.

4. Processing facilities.

a. Processors will operate in a wholly enclosed building except for incidental storage, or within an area enclosed on all sides by an opaque fence or wall not less than eight feet in height and landscaped on all street frontages located at least 250 feet from an R zone.

b. Power-driven processing shall be permitted provided all noise-level requirements are met. Light-processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.

c. If the facility is open to the public, space will be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the Zoning Administrator determines that allowing overflow traffic is compatible with surrounding businesses and public safety.

d. One parking space will be provided for each commercial vehicle operated by the processing center.

5. All collection and processing facilities.

a. No facility or storage area shall occupy a required front or corner side yard, and all regulations applicable to the principal structure on the site shall apply to collection and processing facilities except as provided in this section.

b. A large collector or processing facility may accept used motor oil for recycling from the generator in compliance with California Health and Safety Code Section 25250.11.
c. All exterior storage of material shall be in sturdy containers or enclosures that are fully covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.

d. Noise levels generated by the facility shall not exceed 60 dBA as measured at the property line of an R zone or otherwise shall not exceed 70 dBA.

e. All facilities shall be administered by on-site personnel during hours the facility is open. If a large collection or processing facility is located within 500 feet of an R zone, it shall not be in operation between 7 p.m. and 7 a.m.

f. Any containers provided for after-hours donation of recyclable materials shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials.

g. The site of the facility shall be kept free of litter and any other undesirable material. Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

h. Sign regulations shall be those provided for the zone in which the facility is located. In addition, each facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation.

i. No dust, fumes, smoke vibration or odor above ambient level may be detectable on neighboring properties.

6. Unattended Donation and Collection Boxes.

a. No more than two (2) unattended donation and collection boxes shall be located on each parcel of real property.

b. Unattended donation and collection boxes shall be no more than eighty-two (82) inches high, fifty-six (56) inches wide and forty-nine (49) inches deep.

c. Unattended donation and collection boxes shall be located in a well-lit area that is visually unobtrusive and minimizes any negative aesthetic and view impact to the property and public right of way. Boxes should not be located in the front setback, unless no practical alternative is available and findings are included as part of the approval.

d. No unattended donation and collection box shall be placed in required parking spaces, required landscaping, ADA path of travel, stormwater detention area or the public right of way.

e. Unattended donation and collection boxes shall be subordinate and accessory to the principal use of the property.

f. Unattended donation and collection boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti;

g. Unattended donation and collection boxes shall be locked or otherwise secured;

h. Unattended donation and collection boxes shall be marked clearly to identify the type of material to be deposited.
i. Unattended donation and collection boxes shall contain the following contact information in two (2") inch type visible from the front of each unattended donation box: the name, address, and phone number of both the permittee and operator;

j. The front of every unattended donation and collection box shall display conspicuously a statement in at least two-inch font that either reads, "This collection box is owned and operated by a for-profit organization." or "This collection box is owned and operated by a nonprofit organization." A commercial fundraiser shall be classified as a for-profit organization.

k. Unattended donation and collection boxes shall be free of any advertising which is unrelated to the business of the operator of the unattended donation and collection box.

l. Unattended donation and collection boxes shall be serviced and emptied as needed, but not less than once every seven (7) days.

m. The permittee shall maintain or cause to be maintained the area surrounding the unattended donation and collection box(es) free of any junk, debris or other material and shall be responsible to the extent provided by law for the cost to abate any violation.

n. The Applicant for unattended donation and collection boxes shall provide and maintain a $2,000 dollar per site maintenance or removal deposit should it become necessary for the City or property owner to abate a maintenance violation. The Applicant will be refunded the balance of the deposit provided upon removal of the box(es).

o. Unattended donation and collection boxes shall remain only in the exact location for which they have been permitted and may not be relocated on the property without prior property owner and City approval.

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**D4-38 - Restaurants with Take-Out Service**

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), restaurants with take-out service shall comply with the requirements of this Section.

A. **Minimum separation.** Establishments on separate freestanding sites that are outside retail complex and have their own parking shall not be closer than 500 feet to a public or private school, park, or playground.

B. **Litter control.** Identifiable containers and napkins shall be used for all carry-out food, and all litter resulting shall be promptly removed. The area within a 300-foot radius shall be maintained free of debris originating from said establishment. The Zoning Administrator may require the operator to retain a contract litter cleanup service.

C. **Sidewalk cafes and outdoor service.** See Section D4-35 (Outdoor Display, Storage, and Vending).
D4-39 - Accessory Dwelling Units

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), accessory dwelling units shall comply with the requirements of this Section. An accessory dwelling unit in compliance with this Section is an accessory use or an accessory building and shall not be considered to exceed the allowable density for the property upon which it is located. (Government Code 65852.2)

A. Definitions.

1. Attached dwelling unit. A dwelling unit that has one or more party walls in common with another dwelling unit.

2. Detached dwelling unit. A dwelling unit that does not share any walls in common with another dwelling unit.

3. Accessory dwelling unit. An attached or detached subordinate dwelling unit located on a lot which contains a single-family dwelling. An accessory dwelling unit shall include provisions for living, eating, sleeping, cooking and sanitation. An accessory dwelling unit may also include an efficiency unit, as defined in Section 17958.1 of Health and Safety Code or manufactured home, as defined in Section 18007 of the Health and Safety Code. An accessory unit is not considered an accessory building as defined in Division D2 and Division D8 (Glossary).

B. Applicability. Accessory dwelling units are permitted in the RC, HR, RE, RS, RM, RMH, and in PD zones for residential uses on lots with a single-family dwelling.

C. Design and development Standards

1. Unit size.
   a. An accessory dwelling unit attached or constructed within an existing dwelling, shall contain at least 150 square feet, but not more than 50 percent of the net floor area of the existing dwelling up to a maximum of 1200 square feet.
   b. A detached accessory dwelling unit shall contain at least 150 square feet and shall not exceed a maximum of 1,200 square feet.
   c. An accessory dwelling unit shall include no more than two bedrooms and two bathrooms.
   d. The existing dwelling may be considered the accessory dwelling unit, and a new dwelling unit built, if all applicable standards and requirements of this Zoning Ordinance are met.

2. Required setbacks.
   a. In all R zones or a PD zone, an attached accessory dwelling unit or detached two-story accessory dwelling unit must conform to the setbacks generally applicable to residential development in the applicable zone.

   No setback shall be required for the conversion of an existing garage and no more than five (5) feet from the side and rear property lines for an accessory dwelling unit constructed above an existing garage (Second Story).
b. In the RS-6 and RS-7 zones, a detached one-story accessory dwelling unit shall be set back a minimum of twenty (20) feet from the front property line, five (5) feet from the interior side property lines, seven (7) feet from the corner side property line, and seven (7) feet from the rear property line.

c. In all other R zones or a PD zone, a detached one-story accessory dwelling unit shall be setback a minimum of twenty (20) feet from the front property line, seven (7) feet from the interior side property lines, seven (7) feet from the corner side property line, and seven (7) feet from the rear yard property line.

3. **Height.** As generally applicable to residential construction in the applicable zone.

4. **Garage Conversions.** When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, off-street parking spaces shall be replaced. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. Replacement parking spaces shall be in addition to any required spaces described in Section 5 below.

5. **Parking.** An accessory dwelling unit shall require that one covered or uncovered parking space be provided in addition to the parking required for the primary unit. The additional space may be located within a required setback on a compliant parking surface or as a tandem space on an existing driveway. The use of mechanical lifts for additional parking shall also apply.

   **Exception:** Additional parking shall not be required under any of the following conditions:

   a. The accessory dwelling unit is located within one-half mile of public transit. (For the purpose of this paragraph, public transit means any established bus stop associated with the bus services available for general public, such as but not limited to County Connection.)

   b. The accessory dwelling unit is located within an architecturally and historically significant historic district.

   c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

   d. When on-street parking permits are required, but not offered to the occupant of the accessory dwelling unit.

   e. When there is a car share vehicle located within one block of the accessory dwelling unit. (For the purpose of this paragraph, car share vehicle means a passenger vehicle available at a designated location for general public by reservation and with a fee, such as but not limited to vehicles managed by Zipcar.)

6. **Design.**

   a. The exterior design shall be in harmony with the immediate neighborhood. Building form, materials, colors and exterior finishes should reflect and be substantially the same as those of the existing primary dwelling.

   b. Outside access to the accessory unit shall not be in the front of the existing dwelling. Side or rear access shall not be visible from the front or street.

   c. Utility connections shall be required based on the service provider’s standards for accessory dwelling units.
d. Accessory dwelling units shall be designed to minimize potential privacy issues with the neighboring properties, and additional landscape screening may be required.

D. Occupancy. The primary dwelling or accessory unit shall be owner occupied. Rental of the primary or accessory dwelling unit shall not be for a term of less than 30 days unless approved for “lodging uses” pursuant to the site zoning designation.

E. Non-conforming units. Where the existing dwelling unit constitutes a legal non-conforming unit, a accessory unit may be constructed only if the non-conformity is not expanded and the accessory unit meets all current applicable zoning standards.

F. Subdivision. No subdivision or land or air rights shall be allowed of the subject parcel. Accessory units shall not be offered for separate sale from the primary residence but may be rented.

D4-40 - Service Stations and Car Washes

Where allowed by Division D2 (Allowable Land Uses and Zoning Standards), service stations and car washes shall comply with the requirements of this Section.

A. Minimum separation. Minimum separation between site boundaries shall be 500 feet, except that one such use may be located at each corner of a street intersection.

B. Site layout. Conditions of approval of a Use Permit may require buffering, screening, planting areas, or hours of operation necessary to avoid adverse impacts on properties in the surrounding area.

C. Planting areas. Perimeter planting areas shall be as required for parking lots by Chapter D-33 (Landscape Design Standards) and Chapter D-34 (Parking and Loading), except where a building adjoins an interior property line. Required interior planting areas may adjoin perimeter planting areas.

D. Storage of materials and equipment. The provisions of Section D4-35 (Outdoor Display, Storage, and Vending) shall apply, except that a display rack for automobile products no more than 4 feet wide may be maintained at each pump island of a service station. If display racks are not located on pump islands, they shall be placed within three feet of the principal building, and shall be limited to one per street frontage. The Storage of inoperative vehicles is prohibited. The location of display racks and vending machines shall be specified by the Use Permit.

E. Hours of Operation. The provisions of Subsection D3-8 H. [Hours of operation] shall apply.

F. Unattended Service Stations. Operation of an unattended service station shall be prohibited, except for the dispensing of Alternative Fuels (see Vehicle Fueling-Alternative Fuels) as approved by a Land Use Permit. Unattended Service Stations dispensing Alternative Fuels, when specifically approved as part of a Land Use Permit, shall consider the following factors/plans:

- Location on site, site circulation and relationship to adjacent properties and land uses,
- Hours - Primary facility and accessory fueling,
- Noise control,
- Hazardous materials storage and containment,
- Hazardous Material Business Plan,
- Security Plan - including daytime and afterhours contacts,
- Maintenance and Liter Control Plan,
- Other site specific conditions or programs, as applicable.
Exceptions:

a. Electric Vehicle (EV) Charging Stations (Accessory) in existing commercial, office, mixed use or multifamily developments.

b. Private and restricted access fueling stations (corporate yards and fleet vehicles) are not subject to the Unattended Service Station standards.
Chapter IV - Wireless Telecommunications Facilities

Sections:

D4-41 - Purpose
D4-42 - Process and Applicability
D4-43 - Development Standards
D4-44 - Permit Requirements
D4-45 - Performance Standards and Maintenance
D4-46 - Administration

D4-41 - Purpose

The purpose of this Section is to establish standards for siting, design, modifications and maintenance of telecommunications facilities including, but not limited to, telecommunications antennas and related facilities, and other above-ground structures used for the purposes of transmitting data wirelessly. The standards contained in this Section are designed to promote the following:

A. Protect and promote public safety and community welfare;
B. Protect the visual character of the City of San Ramon and minimize potential adverse impacts of wireless communications facilities development and installation;
C. Protect the environmental resources of San Ramon;
D. Ensure that a competitive, varied and high quality wireless communications service infrastructure is provided to serve San Ramon’s residents and the business community;
E. Ensure that all telecommunications providers or carriers are treated equally, without unduly restricting or discriminating among service providers of functionally equivalent services;
F. Streamline the permitting process, while ensuring compliance with Zoning and Building and Safety regulations;
G. Encourage the managed development of wireless communication service infrastructure to secure San Ramon’s role in the evolution of technology;
H. Retain local responsibility for management of the use of the public right-of-way;
I. Ensure a telecommunications network that will serve an effective role in San Ramon’s emergency response system; and
J. Promote the economic vitality of the City of San Ramon.
D4-42 - Process and Applicability

A. **Applicability.** Except for the exemptions listed under Subsection D, this ordinance shall apply to all types of wireless telecommunications facilities and related structures within any zones, including the PD zone. It shall include any structures used to transfer data wirelessly including, but not limited to, utility data such as PG&E and AT&T cabinets, facilities built for transmittal of wireless digital television, personal communications systems (PCS), and other wireless facilities specifically addressed in this Chapter.

Above ground cabinets housing equipment for fiber optic cables or housing equipment for telecommunications underground equipment shall also be subject to the provisions of this ordinance.

B. **Permitting authority.** Subject to the provisions of Division D7 (Zoning Ordinance Administration), of the Zoning Ordinance, the Planning Commission and the Zoning Administrator are authorized to approve, approve with conditions, or deny applications for telecommunications facilities. The review process may be incorporated as part of a specific development project, provided that the process and applicable standards are in accordance with the provisions of this Chapter.

C. **General requirements.** All telecommunications antenna facilities and related equipment in the City of San Ramon shall conform to the following requirements:

1. Compliance with the General Plan and any other land use plan, policies and guidelines adopted by the City of San Ramon including, but not limited to, the requirements of the Zoning Ordinance and adopted Specific Plans;

2. Compliance with CEQA requirements;

3. Compliance with the requirements of any other governmental agency with jurisdiction over the installation of a telecommunications facilities;

4. Compliance with Federal Aviation Administration (FAA) regulations and permit requirements;

5. Compliance with any applicable easements, restrictions or land use approvals restricting development on any given parcel;

6. The telecommunications facility shall be an accessory use, secondary to the primary use on a parcel, unless the parcel is zoned for Open Space or the parcel is vacant subject to future development to include a primary use;

7. Compliance with radio frequency emission standards adopted by the Federal Communications Commission (FCC), which shall include any combined radio frequency levels produced by antennas located on the same parcel in addition to all antennas within 100 feet distance of the proposed facility; and

8. Compliance with the Uniform Building Code and subject to the building permitting process.

D. **Exemptions.** The following telecommunications facilities are exempt from the discretionary review described in this Section if located outside the public right-of-way. The Zoning Administrator may require that application materials be submitted to the Planning Division and/or the City Attorney to verify compliance with the requirements of this section. All exempt facilities are subject to review by the Building & Safety Division and may require approval of a building permit.
1. The facility is preempted from local regulations, by state or federal law. The owner of the antenna shall provide the Planning Division and/or the City Attorney a copy of applicable regulations, and if applicable, a current FCC or California Public Utility Commission (CPUC) permit prior to installation of the exempt antenna. The City Attorney shall determine if a facility is exempt from local regulations.

2. A single building-mounted receive-only radio or television antenna (excluding parabolic or satellite antennas), not exceeding 15 feet above the roof, including mast, used solely by the tenant of a residential or commercial property on which the structure is located.

3. A single ground or building-mounted Direct Broadcast Satellite (DBS) antenna, Multipoint Distribution Services (MDS) antennas, Television Broadcast Service (TVBS) antennas or substantially similar antennas, which are less than one meter (39 inches) in diameter are subject to the following standards:
   a. The dish/antenna is for the sole use of the occupant of a residential or commercial property on which it is located;
   b. It does not exceed the height of the roof ridge of the main structure on which it is located;
   c. It is located outside of a required front yard setback.

4. Mobile temporary telecommunications facilities operating at various locations to provide public information or coverage of news events. Mobile facilities providing public information of news events may be setup on public property for 72 hours or less subject to City approval.

5. Temporary telecommunications facilities, including mobile facilities, for a period not to exceed 60 days, when deployed during a community-wide emergency or natural disaster as follows:
   a. The Zoning Administrator shall determine whether an event qualifies as a community-wide emergency or natural disaster;
   b. The Zoning Administrator may grant an extension to the maximum 60-day time period on a case-by-case basis.

6. Handheld and mobile personal wireless devices such as cell phones, personal digital assistants, cordless phones, and similar devices as determined by the Zoning Administrator.

7. The facility is located entirely inside a building and serves only that building, including but not limited to wireless and fiber-optic networks.

8. Satellite Earth Station (SES) antennas which are 2 meters (78 inches) or less in diameter if located in a commercial or industrial zone and meeting setback requirements of accessory structures. If mounted on a roof, these facilities shall be of a non-contrasting color preferably closely matching the color of the roof.

9. A temporary testing facility to establish the necessary height of a permanent telecommunications tower for a maximum of 48 hours per year per site upon notification of the Planning Division.

10. Amateur radio antenna and supporting structures which meet the following standards:
    a. Maximum height of 35 feet when fully extended. The use of retractable antennas is encouraged. To the extent feasible, antennas shall remain retracted when not in use, unless used for emergency related operations.
    b. There shall be only one amateur radio tower on a single parcel.
c. There shall be no portions of the amateur tower or antennas, when fully extended, overhanging into the required setbacks for main structures within the applicable zone.

d. The maximum total width of the entire structure, including top mounted antennas shall not exceed 30 ft. when fully extended.

e. The operator shall be licensed by the FCC as an amateur radio operator or shall be permitted to operate as an amateur radio station in the United States by treaty or statute.

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**D4-43 - Development Standards**

Unless otherwise specifically described in this Section, the following development standards shall apply to all telecommunications facilities:

A. **Location standards.** Telecommunications structures are permitted in all zones, provided that the standards listed under Sections B., C., and D. below are met:

B. **Prohibited sites.** Telecommunications structures are prohibited in the following locations:

1. Any areas specifically prohibited by the General Plan, any applicable specific plan, or other site-specific discretionary planning approvals.

2. Properties listed, or eligible for listing, on the National Register of Historic Places, or properties otherwise deemed of local historic significance by the Zoning Administrator, provided that the visual impact of the proposed facility cannot be mitigated.

3. A site of archeological significance, including but not limited to Native-American religious sites, if such facilities will cause a disturbance to the site.

4. An environmentally sensitive site providing habitat to a special status animal or plant species, or containing wetlands, vernal pools, 100-year floodplains, etc., if such facilities will cause a disturbance to the site.

5. Within a 100 ft. vertical distance of any major ridgeline and a 50 ft. vertical distance from any minor ridgeline within the City and its sphere of influence, and provided that the telecommunications tower does not extend above the ridgeline seen as a backdrop to the facility, as seen from vantage points specified by the Zoning Administrator.

C. **Preferred sites.** The following is a list of preferred sites for locating telecommunications structures:

1. Any new facility co-located on an existing approved telecommunications structure or on a building roof or facade already containing approved antennas, often broadcasting at different frequencies and operated by different providers.

2. Any new facility located on an existing tall building or structure provided it is positioned strategically and not visible from the public right-of-way and designed to fully mitigate its visual impacts.

3. Located in properties zoned for Commercial, Office, Industrial, Medical, Public and Semi-Public uses.

4. Located on existing structures including, but not limited to, PG&E towers, light poles, water tanks, bell towers, existing flagpoles, etc.
5. Located on a City-owned property used or designated for public/semi-public use as deemed appropriate by the Zoning Administrator.

D. **PG&E transmission line corridor.** Telecommunications facilities proposed within the PG&E transmission line easement shall comply with the following minimum standards:

1. The proposal shall include design mitigation strategies to avoid an “antenna farm” effect and reduce visual impacts to the adjoining neighborhoods. These strategies may include, but are not limited to, strategically positioning of the antennas, placement of smaller antennas, limiting the number of antennas per PG&E tower, stealth antenna design, decorative landscaping, etc. In addition, the City may require participation in any existing master landscaping plan for the PG&E corridor.

2. The proposal shall specify any new lighting, parking and/or noise associated with the project and applicable mitigation measures submitted for the Zoning Administrator review.

3. All equipment shelters shall be screened from view. Screening methods may include a combination of decorative landscaping and fencing.

4. The Zoning Administrator may require additional site improvements on the property or nearby to further mitigate for the visual effects of the antennas. These mitigation measures may include, but are not limited to landscaping improvements along the boundaries of PG&E property and residential properties, decorative fencing, public art, etc.

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**D4-44 - Permit Requirements**

All wireless telecommunications facilities not specifically exempted from these regulations in accordance to this Ordinance are subject to one of the following permitting requirements:

A. **Minor Use Permit.** Telecommunications facilities meeting all the applicable standards of this Subsection require Minor Use Permit approval.

A notice of application will be sent to all property owners within a minimum 300 foot radius of the proposed site. Additional notification may be authorized by the Zoning Administrator consistent with Chapter D6-28 (Use Permits and Minor Use Permits). If neighborhood interest is identified by submittal of a written request for a public hearing, the zoning administrator shall require a Zoning Administrator hearing.

1. The proposal meets the applicable “preferred sites” criteria in Section D4-43.C;

2. The proposal presents no visual impact, is completely hidden from right-of-way view, is built below parapet line, or is fully screened and/or mitigated with a stealth design;

3. The proposal meets the setback and height limit requirements of the applicable zone;

4. The proposal meets all applicable design and development standards of this section; and

5. Proposals for utility cabinets (i.e. PG&E, phone company) containing a wireless component for data transmittal if cabinets are placed underground or shielded from view as deemed appropriate by the Zoning Administrator.

The Zoning Administrator may refer an application that meets these administrative review requirements, to the Architectural Review Board or to the Planning Commission if it is determined that the project may involve a significant design impact or policy issue.

B. **Design Review.** Applications for telecommunications facilities meeting all of the applicable standards of this Subsection are subject to design review and will be forwarded to the Architectural Review Board.
A notice of application will be sent to all property owners within a minimum 300 foot radius of the property. Additional notification may be authorized by the Zoning Administrator consistent with Subsection A. If neighborhood interest is identified, the Zoning Administrator may require a Zoning Administrator hearing.

Standards:

1. Telecommunications structures or building-mounted antennas extending above the maximum allowed height of a zone by no more than 10 ft.
2. The proposed facility is architecturally integrated or stealth fully designed as seen from sensitive areas such as residential areas, public right-of-way, scenic vistas and recreational areas;
3. The proposal includes artificial lighting;
4. The proposal meets all applicable design and development standards of this section;
5. Utility cabinets containing a wireless component (i.e. PG&E) proposed within a City right-of-way;
6. Satellite dishes over one meter in diameter or exceeding the maximum allowed height in residential zones;
7. Satellite dishes over two meters in diameter in commercial, industrial and office zones; and
8. Amateur radio antennas exceeding 35 feet, but less than 50 feet in height.

The Zoning Administrator may refer an application that meets the above design review requirements to the Commission if it is determined that the project may involve a significant design impact, policy issue, or deemed to be highly controversial.

C. **Use Permit.** A Use Permit application shall be required for all telecommunications facilities meeting any applicable standards of this Subsection. The Commission shall be the decision-maker for the Land Use Permit application.

The Zoning Administrator shall be responsible for determining whether a project subject to a Use Permit shall also be reviewed by the Architectural Review Board for design recommendations.

Standards:

1. Telecommunications facilities projecting over 10 ft. above the maximum zone height;
2. New telecommunications structures, not meeting the co-location standards and without proper justification as established in Subsection D.1;
3. Telecommunication facilities visible from the right-of-way which would require design mitigation;
4. Telecommunications facilities located within residentially zoned properties;
5. Amateur radio antennas exceeding 50 ft. in height;

D. **Modification to approved project.** The following modification criteria streamline the process by establishing an appropriate level of review for changes to plans, operating standards, and design of previously approved telecommunications facilities.
The Zoning Administrator is responsible for making any interpretations required to determine which level of modification is applicable, whether a modification application meets the intent of this Section or if a new application is required.

1. **Minor modification.** Any proposed modifications deemed to be in substantial compliance with the original project may be approved administratively if it meets the following applicable criteria:

   a. Changes are consistent with the requirements of this Chapter; Ordinance;

   b. The changes are part of standard maintenance, which could include equipment replacement of substantially equal appearance provided it uses identical technologies. The applicant would be responsible for providing a written statement by the appropriate professional demonstrating compliance with this requirement;

   c. Changes result in an insignificant revision to the floor plan, physical details or site layout not affecting compliance with the original project approval and the provisions of this Ordinance;

   d. The changes are not noticeable or insubstantial such as:

      (1) Minor color changes,

      (2) Minor landscaping changes,

      (3) Minor material specification or architectural detail changes, if of equal or greater quality.

   e. Changes comply with FCC requirements. The applicant would be responsible for demonstrating compliance with this requirement;

   f. Proposal does not reflect changes to a condition of project approval;

   g. Changes do not involve issues of public policy and are not likely to generate neighborhood interest or concern;

   h. If there is an increase in the number of antennas proposed, not to exceed 25 percent the original approval, provided the increase does not create a negative visual impact, and an updated RF Emissions Evaluation Report is submitted specifically addressing the proposed increase;

   i. Proposal does not involve increase of more than 10 percent in antenna height;

   j. Proposal does not reflect changes to an item specifically approved or discussed during the original project hearing as reflected on meeting minutes or tapes; and

   k. Changes meet the intent of original project approval and do not involve significantly different design concepts. Any architectural or design changes shall maintain or upgrade the quality of the original approval;

The Zoning Administrator shall be responsible for determining which of the submittal materials are necessary for modification evaluation, other than those documents described in this Subsection, in addition to plans demonstrating the proposed change.

2. **Major modification (ARB, ZA or PC).** If an application does not meet the criteria to be considered a minor modification as specified in this Section, then the proposal requires a new application.
3. **Modification findings.** An approval of a modification to a facility shall adopt findings of fact to include all findings listed in Section F. in addition to the following:

   a. The proposed change is consistent with the original telecommunications facility and does not require the complete redesign and submittal of a new project; and

   b. That the proposed change does not result in lack of compliance with the development standards approved with the original telecommunications facility project.

E. **Variance.** The applicant of a telecommunications facility proposal not meeting the standards established in this Ordinance is entitled to request a Variance in compliance with Section D6-29 (Variances). The variance process is subject to the Zoning Administrator or Commission review and may be approved, denied, or approved with conditions.

F. **Findings for approval or denial.** The decision maker, as determined by this ordinance, when approving or denying an application for a telecommunications facility, shall adopt findings of fact.

1. Findings for approval shall include, but not be limited to:

   a. That the proposed telecommunications facility complies with the intent of this Chapter and shall not result in conditions that would be detrimental to the public health, safety or welfare of the community;

   b. That the facility was designed to protect the visual character of the City of San Ramon, and any adverse visual impacts of development have been mitigated to a level of less than significant;

   c. That the proposal complies with the General Plan and any other land use plan, policies and guidelines adopted by the City including, but not limited to, the Zoning Ordinance and adopted Specific Plans;

   d. That the proposed height of the facility is needed for adequate electromagnetic reception and that a reduced height is not feasible;

   e. That the site is suitable for the type and intensity of development proposed, and that the location, size, design and operating characteristics of the proposed facility are compatible with adjacent uses and natural resources; and

   f. That the proposal complies with the requirements of any other governmental agency with jurisdiction over the installation of a telecommunications facility including, but not limited to, the Federal Communications Commission (FCC) regulations and permit requirements.

2. The decision-maker may deny an application for a telecommunications facility if it is not consistent with the provisions of this Chapter. If the project is denied, findings for denial shall be adopted.
D4-45 - Performance Standards and Maintenance

A. Noise. All telecommunications facilities shall be constructed and operated in such a manner as to minimize the amount of noise impacts to sensitive areas such as residences, schools, churches or hospitals. The use of back-up generators shall be limited to during power outages and for the purposes of maintenance and testing.

The Zoning Administrator may request a noise analysis to evaluate whether noise attenuation measures are needed when a facility is located within 100 feet of a residence, school, church or hospital, and generates noise levels, measured at the property lines, exceeding those established in Section D3-8 (Performance Standards) as follows:

1. Maximum 60 dBA during daytime;
2. Maximum 55 dBA between the hours of 10:00 p.m. and 7:00 a.m. as measured at the closest property line of a residential property; and
3. Sound levels shall be measured in decibels (dBA). Noise descriptors used for analysis shall be in DNL (Day-Night Average Level) or CNEL (Community Noise Equivalent Level) consistent with the Noise Element of the 2020 General Plan.

B. Interference. All telecommunications facilities, including HAM radio antennas, shall be operated in compliance with Federal Communications Commission (FCC) regulations for signal interference, including, but not limited to, interference with other telecommunications facilities and household electronics (radios, phones, TV’s, etc.).

When interference occurs, the Zoning Administrator may require that the carrier responsible for the cell site in question submit an analysis/statement prepared by a licensed Electrical Engineer containing scientific evidence whether the claimed interference is caused by the cell site. If interference is proven to occur, the antenna owner/operator or service carrier shall be responsible for mitigating the effects of the interference. If a reasonable good-faith effort is not made by the antenna owner/operator toward resolving or mitigating the interference problems, revocation proceedings may be initiated.

C. Maintenance & Safety. All telecommunication facilities shall be reviewed and comments provided by the San Ramon Valley Fire Protection District, San Ramon Police Department, and must comply with the Uniform Building Code (UBC) and any conditions imposed by the Building Official, Fire Chief, Police Chief and the Zoning Administrator.

Telecommunications towers and antennas shall be designed to remain in operation during a disaster. All possible measures to protect against fire, flood, earthquake, etc., shall be made.

Wireless communication facilities may be required to provide warning signs, fencing, anti-climbing devices, or other techniques to control unauthorized access and vandalism and shall be maintained graffiti free and in good condition. The design of any fencing and anti-climbing devices shall be subject to the Zoning Administrator review and approval, who may at his/her discretion require a maintenance agreement to address these issues.

D. RF Emission Monitoring. Telecommunication facilities, whether operating alone or in conjunction with other facilities shall not generate radio frequency emissions in excess of the standards established by the Federal Communications Commission (FCC) and in compliance with the standards in this Chapter.

An annual RF exposure report may be required as a condition of approval for all wireless telecommunications projects. The report shall be prepared by a certified NIER Professional and submitted to the Zoning Administrator to ensure that no modifications to the site, surrounding environment, or equipment wear and tear have caused an increase in RF exposure over the years.
In the event an increase over accepted levels is detected, the applicant shall be responsible for immediately making all necessary adjustments to comply with FCC standards; otherwise revocation proceedings shall immediately begin.

An updated RF emission report may be required as part of an administrative ten-year life of approval renewal and for every subsequent ten years required under Section D4-46.C.

E. **Confirmation of Height.** The Zoning Administrator may require, as a condition of project approval, that a licensed surveyor verify the telecommunications facility height within 60 days of the telecommunications tower, antenna or facility installation. If the height confirmation procedure is requested, the applicant shall be responsible for coordinating the procedure and submit the licensed surveyor’s statement of actual height.

F. **Performance and Maintenance Agreement.** The City may require, as a condition of project approval, that the applicant for a telecommunications facility enter into a Performance and/or Maintenance Agreement with the City of San Ramon prior to initiating construction.

The terms of the agreement may include items to ensure compliance with the provisions of this section, as well as a requirement that the applicant post a financial security to ensure that the approved facility is properly installed, maintained and to guarantee that the facility is dismantled and removed in accordance to the provisions of this section.

The financial security may be a bond or letter of credit acceptable to the City of San Ramon. The amount of the bond shall be based on a cost estimate equal to 125% of building permit evaluation based on the amount needed to return the facility and surrounding area to its original condition.

G. **Abandoned Sites.** A telecommunication facility shall be removed and the site restored to its prior condition if the business vacates or no longer operates the facility.

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**D4-46 - Administration**

A. **Notification.** A minimum 10-day notice of public hearing shall be sent to all property owners within a 300-foot radius of the parcel where the proposed facility is to be located. The Zoning Administrator may also require notifying of projects subject to the administrative review process and/or extend the minimum 300-foot radius to include geographic areas immediately outside the 300-foot radius and potentially affected by the project.

B. **Appeal.** A decision of the Zoning Administrator may be appealed in compliance with Chapter D7-II (Appeals and Calls for Review).

C. **Duration of approval.** Unless otherwise established in the project’s conditions of approval, all approvals for telecommunications structures shall be valid unless revoked, abandoned or expired as described below City may require an administrative review to verify compliance with original project approval and all applicable provisions of this section to address any operational concerns associated with an approved telecommunication site. Based on the nature of the review an updated RF Emissions Report may be required. The RF Emissions Report shall be prepared by a NIER Professional and submitted to verify compliance with current State and Federal standards.

D. **Lapse of approval.** The approval of any telecommunications administrative review, Land Use Permit, Design Review or Modification application authorizing installation or changes to a telecommunications structure and related facilities shall become null and void if any of the following occurs:

1. The project is not implemented/constructed within one-year of its approval, or
2. The project is implemented/constructed, and its approval has expired, or an extension not granted beyond the original life of project approval. If the facility is co-located with other carriers approved at different dates, a separate expiration date will be applicable to each carrier/applicant according to their original approval dates.

E. **Expiration or abandonment of permits.** Any discretionary planning approvals shall become null and void if lease or rental agreements pertaining to the property on which the telecommunications structure or related facility is located expires or is terminated, and if the facility is abandoned or use is discontinued for more than six months. After this period, a new permit consistent with the provisions of this ordinance would be required to re-instate the project.

F. **Permit revocation.** In the event of any breach of this Chapter, conditions of approval, or other required agreements of the permit, the City shall notify the applicant and schedule a revocation hearing in accordance with Division D6 (Planning Permit Procedures).

G. **Removal of facilities and change of ownership.** The applicant shall be responsible for notifying the Zoning Administrator in writing upon temporary or permanent cessation of operation, or change of ownership of any telecommunications facility. The applicant and/or property owner shall be responsible for removal of all obsolete or unused facilities, or portions thereof, within six months of termination of lease, cessation of operation, permit expiration or revocation. The site shall be restored to its original condition to the satisfaction of the Zoning Administrator.

H. **Pre-existing & non-conforming uses or structures.** All telecommunications towers and antennas legally approved prior to the date this Chapter was adopted shall be allowed to continue as they presently exist and will be considered legal non-conforming uses and structures, provided that all proper building permits were approved. Some facilities may be considered legal conforming uses and structures depending on the original project approval. However, new construction, other than routine maintenance (as determined by the Director) on the existing facilities, shall comply with the requirements of this Chapter.

All previous discretionary planning approvals shall only remain in effect until its permit expires, is abandoned or revoked in accordance to the provision of this Chapter.

I. **Changes in Federal or State regulations.** All telecommunications facilities shall meet current standards and regulations of the Federal Communications Commission (FCC), California Public Utilities Commission (CPUC), and any other agencies with authority to regulate wireless telecommunications service providers. If existing standards or regulations are changed, the applicant shall bring its facilities into compliance with the new standards within 90 days of the effective date of such standards, unless the Federal or State agency mandates a more restrictive compliance schedule. Changes to approved projects are subject to the Modification process in accordance with this Chapter.

Failure to comply with adopted new State or Federal requirements shall trigger the revocation procedure in accordance to Subsection F.

J. **Map and list of locations.** The City will maintain a map of telecommunications facilities within the city and shall make the information readily available to the public. The facilities mapped shall include those which were subject to the discretionary review process of this Chapter and were ultimately approved and constructed.

Facilities approved and installed prior to the adoption of this Ordinance will be included in the map to the best of staff’s knowledge. It is the responsibility of the telecommunications providers to inform the City of their pre-existing facilities and any changes in the carrier’s status including name, ownership, and whether the wireless business/facility has been discontinued.
K. **Indemnity and liability.** The telecommunications service provider shall defend, indemnify and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceedings against the City, its boards, commissions, agents, officers, and employees to attack, set aside, void, or annul the approval of a project. The City shall notify the telecommunications service provider of any such claim, action or proceeding. The City shall have the option of participating in the defense, if the City bears its own attorney fees and costs, and the City defends the action in good faith.

Telecommunications service providers shall be strictly liable for any and all sudden and accidental pollution and gradual pollution from usage of their service/facilities within the City. This liability shall include cleanup, injury or damage to persons or property. Additionally, telecommunications service providers shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of release of pollutants from their operations.

Telecommunications service providers shall be strictly liable for any and all damages resulting from electromagnetic waves or radio frequency emissions in excess of the Federal Communications Commission (FCC) standards.

L. **Severability.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or applications of the ordinance. To this end, the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

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**D4-47 through D4-54 - Reserved**
Chapter V – Homeless Shelters

Sections:

D4-55 - Purpose
D4-56 - Permit Requirements
D4-57 - Homeless Shelter Standards
D4-58 - Post-Approval Procedures
D4-59 - Reserved
D4-60 - Reserved
D4-61 - Reserved
D4-62 - Reserved
D4-63 - Reserved
D4-64 - Reserved
D4-65 - Reserved

D4-55 – Purpose

The intent of these regulations is to establish a non-discretionary process for homeless shelters that will be permitted within a zone district to meet the requirements of Senate Bill 2 enacted on October 13, 2007.

D4-56 – Permit Requirements

A. Permit required. Prior to operating a homeless shelter, a non-discretionary homeless shelter permit shall be obtained and all other applicable local, State and federal laws, regulations and codes shall be met. The approval shall be specific to a location and shall not be transferable to any other location. The application shall be on a form prescribed for that purpose, and shall include the written consent of the property owner on which the shelter is to be located.

B. Permit Review and Approval. Once an application has been accepted as complete, the Zoning Administrator shall take action within thirty (30) days. The application shall meet all standards as identified in D4-57 (Homeless Shelter Standards), below.

C. Contents of application. An application for a non-discretionary homeless shelter shall contain the information as outlined by the Zoning Administrator with the General Submittal Requirement List.

D4-57 – Homeless Shelter Standards

All homeless shelters shall comply with all applicable State standards and requirements for homeless shelters. In addition, all homeless shelters shall comply with the following standards:

A. Shelter Occupancy.

1. No more than 6 clients may be sheltered on the premises at any one time.

2. The maximum length of stay shall be no longer than that established by the California Health and Safety Code for homeless shelters.

B. Parking. Adequate parking shall be provided for employees and clients of the homeless shelter in accordance with the following standards:
1. One off-street parking space shall be provided per employee (by shift).
2. One parking space for every three beds.
3. One bicycle parking stall for every three beds.

C. **Site Design.** The site shall be designed in accordance with the following standards:
   1. The shelter shall conform to all property development standards of the subject zone.
   2. New construction or exterior alterations shall be reviewed under the provisions of Division D6-22 (Architectural Review).
   3. The shelter shall provide at least 10 square feet per bed of public or communal gathering space, not including hallways.
   4. The entrance of the shelter shall be designed to discourage clients from loitering or congregating in front of the building.

D. **On-site Management.** On-site management shall be present during shelter operating hours.

E. **Overconcentration.** A shelter shall be a minimum of 300 feet from any other legally established shelter. The 300 foot minimum distance shall be measured from the subject site property lines to the property lines of any other legally established homeless shelter.

F. **Noise.** The applicant shall address noise impacts on neighboring properties consistent with the noise standards of the City.

G. **Security and Lighting Plan.**
   1. Prior to operation of the shelter, a security and lighting plan must be submitted to the Zoning Administrator for review and approval. The security plan shall include, but is not limited to: hours of operation and intake period; must provide at least one employee/volunteer of same sex as clients; alcohol, weapons, or illegal substances shall not be allowed; and the operator must notify the Police Department of any crimes that are a threat to the safety of others or to themselves.
   2. The shelter shall provide outdoor lighting sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving the property. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.
   3. If shelter client is disruptive or is responsible for creating any type of nuisance to the neighborhood or facility, the operator must discharge the client.

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**D4-58 – Post Approval Procedures**

A. **Appeals.** Decisions of the Zoning Administrator may be appealed to the Planning Commission in accord with Division D7, Chapter II (Appeals and Calls for Review).

B. **Revocations/Modifications.** A homeless shelter permit may be subject to revocation or modification pursuant to Division D7 (Zoning Ordinance Administration).

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**D4-59 through D4-65 – Reserved**
Chapter VI – Reasonable Accommodation For The Disabled

Sections:

D4-66 – Purpose
D4-67 – Process and Applicability
D4-68 – Reserved
D4-69 – Reserved
D4-70 – Reserved
D4-71 – Reserved

D4-66 – Purpose

The purpose of this Section is to provide a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (hereafter “fair housing laws”) in the application of zoning laws and other land use regulations, policies, and procedures.

D4-67 – Process and Applicability

A. Applicability. To make specific housing available to an individual with a disability, any person may request reasonable accommodation under this chapter when the application of a zoning or other land use regulation, policy or practice under this title acts as a barrier to fair housing opportunities. A request for reasonable accommodation shall be made by filing an application as described in Subsection C.

A reasonable accommodation request may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide an individual with a disability equal opportunity for housing of their choice.

B. Permitting authority. Subject to the provisions of Division D6 (Planning Permit Procedures), of the Zoning Ordinance, the Zoning Administrator is authorized to approve, approve with conditions, or deny applications for reasonable accommodations. An application for reasonable accommodation submitted for concurrent review with another entitlement under this title shall be reviewed by the authority reviewing the other entitlement.

C. Application requirement. An application for reasonable accommodation shall be submitted to the Planning Services Division. The application shall be accompanied by the information identified in the Department handout for reasonable accommodation applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection E (Required findings), below.

D. Review procedure. The Zoning Administrator, or his designee, shall, within 20 days of acceptance of the application as complete, approve, approve with conditions, or deny an application for reasonable accommodaton in accordance with Subsection E (Required Findings), below. If the application for reasonable accommodation is submitted for concurrent review with another entitlement under this title, the decision shall be made by the authority taking action on the other entitlement under this title in accordance with Subsection E (Required Findings), below.

E. Required findings. The Zoning Administrator may approve a reasonable accommodation application, with or without conditions, only after first finding that:
1. The housing will be used by a disabled individual(s) under fair housing law;

2. The request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under fair housing law;

3. The requested reasonable accommodation will not impose an undue financial or administrative burden on the City;

4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;

5. No detrimental impact would result aesthetically;

6. No detrimental impacts to surrounding uses, properties, and/or structures; and

7. No practical alternative exists which may provide an equivalent level of benefit.

F. **Conditions of approval.** In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required in Subsection E, above.

G. **Post decision procedures.** The procedures and requirements relating to changes to approved plans, effective dates, lapse of approval and extensions, and transferability located in Division D6, Chapter III (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation/ modification located in Division D7 (Zoning Ordinance Administration), shall apply following the decision on an application for reasonable accommodation.

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D4-68 through D4-71 – Reserved
Chapter VII – Raising of Chickens

Sections:

D4-72 – Purpose
D4-73 – Applicability and Standards
D4-74 – Reserved
D4-75 – Reserved

D4-72 – Purpose

This Chapter provides standards for the raising of chickens (hens only, roosters are prohibited) for personal and non-commercial purposes within applicable residential properties. Standards for the raising of chickens for commercial purposes are not included in this Chapter and are defined as “Animal Husbandry”.

D4-73 – Applicability and Standards

A. Permitted Areas. The raising of chickens is permitted within residential properties with a lot size of 6,000 square feet or greater and have direct access to a private yard.

B. Number of Hens. Up to five (5) hens may be allowed.

C. Chicken Coop. A chicken coop or a structure for housing chickens shall meet the following standards:

1. A chicken coop shall be located in the backyard and shall meet the minimum required setback of the primary residence. See Figure 4-1 for an example chicken coop area.

2. The maximum height of a chicken coop shall be no taller than six (6) feet.

3. A chicken coop shall be:

   a. Thoroughly ventilated and fully enclosed with a solid roof; and
   b. Designed and constructed in a manner that the flock can be securely contained; and

4. If a chicken coop or a structure for housing chickens is over four (4) feet in height, whether it is an individual structure or an integral part of other structures, the floor area of such a structure for housing chickens is subject to Zoning Ordinance section D4-26.E.1 (Maximum total floor area of accessory structures).

D4-74 through D4-75 – Reserved
Chapter VIII – Density Bonus

Sections:

- D4-76 – Purpose
- D4-77 – Definitions
- D4-78 – Process and Applicability
- D4-79 – Application Requirements
- D4-80 – Density Bonus Housing Agreement
- D4-81 – Reserved
- D4-82 – Reserved
- D4-83 – Reserved
- D4-84 – Reserved

D4-76 – Purpose

The purpose of this Section is to implement the requirements of Government Code 65915 et seq. (“State Density Bonus Law”) by offering density bonuses, incentives, concessions or waivers for the development of housing that is affordable to the types of households and qualifying residents identified in Government Code Section 65915.

D4-77 – Definitions

Unless otherwise specified in this Chapter, the definitions found in State Density Bonus Law shall apply to the terms contained herein.

D4-78 – Process and Applicability

A. **Applicable Zones.** This Chapter applies to all zoning districts that allow residential uses, including mixed use zoning districts. This Chapter applies only to the residential component of a mixed use project and shall not operate to increase the allowable density of the non-residential component of any proposed project.

B. **Density Bonus Qualifications.** All proposed housing developments that qualify under State Density Bonus Law for a density increase, and any qualified land transfer under State Density Bonus Law, shall be eligible to apply for a density bonus (including incentives, concessions and/or waivers) consistent with the requirements, provisions and obligations set forth in State Density Bonus Law, as may be amended.

In accordance with State law, neither the granting of an incentive, concession, and/or waiver, nor the granting of a density bonus shall be interpreted, in and of itself, to require a general plan amendment, zoning amendment, variance, or other discretionary approval.

C. **Permitting Authority.** Subject to the provisions of Division D7 (Zoning Ordinance Administration), of the Zoning Ordinance, application for a density bonus, incentive(s), concession(s), and/or waiver(s) shall be considered by and acted upon by the decision-making body with authority to approve the housing development.
D. **Severability.** If any provision of this Chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provisions or applications of the Chapter. To this end, the provisions of this Chapter are severable. The City Council declares that it would have adopted this Chapter irrespective of the invalidity of any particular portion thereof.

E. **Conflict of Law.** In the event that any provision of this Chapter is found to be in direct conflict with State Density Bonus Law, the provisions of the State Density Bonus Law will apply.

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**D4-79 – Application Requirements**

A. **Written Application.** Applicants requesting a density bonus, incentive(s), concession(s) and/or waiver(s) shall provide the City with a written density bonus proposal. The proposal shall be processed in conjunction with the underlying application(s) and reviewed for compliance with State Density Bonus Law.

B. **Submittal Requirements.** The proposal for a density bonus, incentive(s), concession(s) and/or waiver(s) pursuant to State Density Bonus Law shall include the following information:

1. **Requested density bonus.** A description of the requested density bonus including calculations showing the maximum base density, the number/percentage of affordable units and identification of the income level at which such units will be restricted pursuant to State Density Bonus Law.

2. **Requested incentive(s) or concession(s).** A description of the requested incentive(s) or concession(s) including the number of incentive(s) or concession(s) allowed pursuant to State Density Bonus Law. The request for particular incentive(s) may require a pro forma or other report evidencing that the requested incentive(s) results in identifiable, financially sufficient and actual cost reductions that are necessary to make the housing units economically feasible. The report shall be sufficiently detailed to allow the City to verify its conclusions.

3. **Requested waiver(s).** The written proposal shall include an explanation of the waiver(s) or reduction of development standards requested and why they are necessary to make the construction of the project physically possible.

4. **Fee.** Payment of the processing fee in an amount set by resolution of the City Council to reimburse the City for staff time spent reviewing and processing the density bonus application submitted pursuant to this Chapter.

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**D4-80 – Density Bonus Housing Agreement**

A. **Density Bonus Housing Agreement.** For all housing projects receiving a density bonus, incentive(s), concession(s) and/or waiver(s) under this Chapter, a density bonus housing agreement shall be entered into by the City and applicant/property owner. The density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this Chapter and shall be recorded as a deed restriction on any parcel on which the residential units will be constructed.

B. **Recording of Agreement.** The density bonus housing agreement shall be recorded prior to the final or parcel map approval, or, where a map is not being processed, prior to the issuance of a building permit for any structure in the housing development.

The agreement shall run with the land and be binding on all future owners and successors.
C. **Contents of Agreement.** The density bonus housing agreement shall include, but is not limited to the following:

1. A description of the development, including the total number of units, the number of affordable units, the tenure of the affordable units, the size in square footage and location of affordable units;
2. The term of the agreement and the terms of affordability of the required units in accordance with State Density Bonus Law;
3. A schedule for completion and occupancy of the affordable housing units in accordance with State Density Bonus Law;
4. A description of any incentives, concessions, waivers, or modifications of development standards being provided by the City;
5. Provisions to ensure each affordable unit be kept available only to members of the identified income group at the maximum affordable rent or sales price during the term of the agreement; and
6. Provisions to ensure implementation and compliance with this Chapter

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**D4-81 through D4-84 – Reserved**
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DIVISION D5

Resource Management

Chapter I - Hillside, Creek, and Ridgeline Areas

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Chapter I - Hillside, Creek, and Ridgeline Areas

Sections:

D5-1 - Purpose
D5-2 - Applicability
D5-3 - Exemptions
D5-4 - Hillside, Creek, Ridgeline Area Development Standards
D5-5 - Design Guidelines
D5-6 - Slope Methodology

D5-1 - Purpose

This Chapter provides standards for the protection and preservation of hillside, creek, and ridgeline areas. The purpose of this Chapter is to:

1. Preserve significant features of hillsides, creeks, and ridgeline areas in essentially their natural state;
2. Preserve existing vegetation, soils, geology, slopes, and drainage patterns;
3. Preserve the natural topography, including swales, canyons, knolls, ridgelines, and rock outcrops, wherever feasible;
4. Minimize grading and cut and fill practices to retain the natural terrain and character of the hillsides and ridgelines;
5. Avoid development that would result in unacceptable fire, flood, slide, or other safety hazards;
6. Avoid unwarranted, high maintenance costs for public facilities;
7. Provide a mechanism for flexible design of development projects so that development may be clustered to allow environmentally sensitive areas to be preserved as open space;
8. Encourage design of street systems and driveways that blend with the natural contours and minimize extensive grading; and
9. Provide adequate buffer areas between creek corridors and adjacent development, to retain the creek corridors as valuable natural, scenic, and recreational amenities as appropriate.

Definitions of technical terms and phrases used in this Section may be found in Division D8 (Glossary) under “Resource Management.”
D5-2 - Applicability

The provisions of this Chapter apply to proposed development, other than Public Works projects, on any sites as identified below:

1. The Resource Management Area and Creeks as identified in General Plan Figure 8-3 (Resource Management); or
2. All property over 500 feet in elevation; or
3. Property with a natural gradient in excess of 10 percent; or
4. Property within 1,000 feet of a major or minor ridgeline;

D5-3 - Exemptions

The provisions of this Chapter shall not apply to:

1. The Built Urban Land as identified in General Plan Figure 8-3 (Resource Management), except for creek setback regulations.

D5-4 - Hillside, Creek, and Ridgeline Area Development Standards

A. Development standards. Development proposed within the Hillside, Creek, and Ridgeline Areas shall comply with the development standards of the primary zone, except as follows.

1. Density. The density on all developable and undevelopable land shall be limited to the following densities based upon the existing natural slope as determined by the method described in Section D5-6 (Slope Methodology).

<table>
<thead>
<tr>
<th>Slope</th>
<th>Density</th>
</tr>
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<tbody>
<tr>
<td>Greater than 20 percent</td>
<td>1 dwelling unit per 320 acres</td>
</tr>
<tr>
<td>15 to 20 percent</td>
<td>1 dwelling unit per 5 acres (1)</td>
</tr>
<tr>
<td>10 to 15 percent</td>
<td>1 dwelling unit per 1 acre (1)</td>
</tr>
</tbody>
</table>

Note: (1) Densities may be averaged over the project site (Within these density ranges, units may be transferred so as to create a relatively even density gradient from higher density on 10 percent slopes to lower density on 20 percent slopes, without increasing the total number of units.)

Densities on undevelopable land may be exercised only upon transfer to developable land. Undevelopable land is defined by Zoning Ordinance Division D8 (Glossary) as:

a. Land with an existing, natural slope in excess of 20 percent with a minimum elevation differential of 40 feet and a minimum contiguous area of three acres; or

b. Riparian corridors or associated vegetated areas of creeks, intermittent streams, perennial streams, or lakes.
2. **Height Limit.** Structures shall be limited to 32 feet in height measured from the lowest to the highest points of the structure which are above the ground. The review authority may allow up to a 15 percent increase in height for multi-family development projects that incorporate sustainable building and development practices similar to Leadership in Energy and Environmental Design (LEED) Gold or Platinum certifications.

3. **Building prohibited on “undevelopable land.”** No building shall be allowed on undevelopable land, as defined in Zoning Ordinance Division D8 (Glossary) under “Resource Management,” and the land shall not be included in density calculations that establish the development potential of a site. However, permanent open space dedication may include “undevelopable land” (see General Plan Table 4-4). Streets, driveways, non-residential accessory structures, park and recreation facilities and utilities may be constructed on undevelopable land. The review authority may allow minor grading (three acres or less) with review to create buildable lots on otherwise undevelopable land if a corresponding amount of contiguous land with slopes less than 20 percent is retained by deed restriction as permanent open space.

   a. **Exception:** A single-family dwelling shall be permitted on a lot created prior to October 25, 2012, provided there is a suitable building site and all structures, driveways and grading conform to the standards of this Section.

4. **Ridgeline setback.** No structure shall be located within 100 feet, measured vertically, of the centerline of a major ridge, or within 50 feet, measured vertically, of the centerline of a minor ridge. For purposes of this Section, the ridge centerlines shall be as identified in General Plan Figure 8-3 (Resource Management), unless the review authority approves a more precise delineation, based on a topographic map with a contour interval of not more than 10 feet.

   a. **Exception:** Within pocket areas, as defined in Zoning Ordinance Division D8 (Glossary) under "Resource Management," the vertical ridge setback may be reduced by up to 50 percent and buildings may project, measured vertically, up to 33 percent into the reduced ridge setback area on not more than 25 percent of the lots upon making the following special Variance findings in addition to the Variance findings in Zoning Ordinance Section D6-29 (Variances):

      i. The pocket development will not significantly impact visually, neighboring communities; and
      
      ii. The exception meets the intent of the Zoning Ordinance.

   Where structures are proposed within 1,000 feet of a major ridge as identified in General Plan Figure 8-3 (Resource Management), the building pad shall be graded and the building designed so that the structure maintains a low-profile appearance and conforms to the natural grade of the hillside, as determined by the review authority.

5. **Street and driveway grades.** Maximum street grades shall be 12 percent, and maximum driveway grades shall be 15 percent. Special streets, including one-way streets, split-level streets, and dead-end streets, and minor variations from the maximum grade standard, may be allowed when the review authority determines that their use is justified by detailed engineering and traffic circulation studies submitted by the applicant and approved by the City Engineer finding that the streets are necessary to achieve the purposes of this Section.
6. **Creek setback.** No habitable structure shall be located within 100 feet of the centerline of a creek or stream channel identified in General Plan Figure 8-3 (Resource Management) plus any additional horizontal distance to be determined by an approved drainage report; provided that no habitable structure shall be located midslope or within the 100 year flood plain plus one foot of free board. Improvement within the setback areas shall be limited to open space and recreation amenities and access roads incidental to achieving effective circulation patterns.

   a. **Exception:** A required creek setback may be modified to avoid a “taking” of private property if the review authority can make the following special Variance findings in addition to the Variance findings in Zoning Ordinance Section D6-29 (Variances):

      i. The modification is consistent with the General Plan;

      ii. Riparian vegetation comprises less than 50 percent of the plant species within the normal 100-foot setback area;

      iii. There is no historical evidence that riparian vegetation could be easily reestablished within a five-year period; and

      iv. A reduced setback will not expose structures to bank erosion, or flooding damage, increase downstream flooding, flood hazard or impair access to the creek or stream channel for maintenance.

7. **Creek Setback Development Standards.** Development within a creek setback shall meet the following development standards:

   a. **Alteration of natural features.** No grading or filling, planting of exotic/non-native or non-riparian plant species, or removal of native vegetation shall occur within a creek or creekside setback area, except where authorized for flood control purposes and by the proper permits issued by the California State Department of Fish and Game, all other applicable State and Federal agencies having authority over the creek

   b. **Design of drainage improvements.** Where drainage improvements are required, they shall be placed in the least visible locations and in manners that achieve natural appearance through the use of river rock, earthen concrete, and landscaping with native plant materials.

   c. **Use of permeable surfaces.** The proposed development should incorporate permeable surfaces (for example, wood decks, sand-joined bricks, and stone walkways) where feasible, to minimize off-site flows and facilitate the absorption of water into the ground.

   d. **Creek bank stabilization.** Development or land use changes that increase impervious surfaces or sedimentation may result in channel erosion. This may require measures to stabilize creek banks.

      i. Creek rehabilitation is the preferred method of stabilization, with the objective of maintaining the natural character of the creek and riparian area. Rehabilitation may include enlarging the channel at points of obstruction, clearing obstructions at points of constriction, limiting uses in areas of excessive erosion, and restoring riparian vegetation.
ii. Concrete channels and other mechanical stabilization measures shall not be allowed unless no other alternative exists.

iii. If bank stabilization requires other than rehabilitation or vegetative methods, hand-placed stone or rock rip-rap are the preferred methods.

e. **Physical and visual access.** The following physical and visual access standards shall apply unless a resource agency establishes a different standard for the project:

i. Public access and visibility to creeks should be provided through the use of single-lane width frontage roads adjacent to creeks, but outside of the creek setback. Structures or lots that back-up to creeks or creek frontage roads are discouraged.

ii. The provision of multipurpose creekside trails and public open space is encouraged. Open space areas should include planting for riparian enhancement with native shrubs and trees, paths and trails, lighting, benches, play and exercise equipment, and trash receptacles outside of the riparian habitat area, where appropriate.

iii. Where streets are not used, frequent access to creekside trails and public open space should be provided at least every 300 feet, and may occur at the end of cul-de-sacs.
3. **Building and structure design standards.** The following standards are intended to ensure that the design of structures conform to the natural land form and enhance the character of the site.

   a. The use of multi-level foundations (floor levels separated by a minimum of four feet) shall be encouraged as the standard design for residential structures located on natural hillsides with slopes of 15 to 20 percent. This requirement does not apply to lots created prior to October 25, 2012.

   b. Roof lines shall relate to the surrounding slope and topography.

   c. Second-story levels of structures shall incorporate a variety of bays, recesses, overhangs, or setbacks, at the downhill side of the structure so that the appearance of vertical mass and the visual impact on the surrounding area are reduced.

   d. All fencing shall be designed and located to be compatible with existing and proposed buildings and surrounding open space.

   e. Exterior mechanical equipment shall be screened from public view. Equipment to be screened includes heating, air conditioning, refrigeration equipment, plumbing lines, ductwork, and transformers. Screening of the top of equipment may be required if necessary to protect views from a Residential Zone.

   f. Exterior structural supports and undersides of floors and decks not enclosed by walls or otherwise screened and more than 12 feet high may be approved only if the Review Authority finds that no alternative type of construction is feasible, and fire-safety and design considerations have been adequately addressed.

   g. A driveway serving three or more residences and that is not entirely visible from both ends shall have passing turnouts. Each driveway shall comply with minimum widths prescribed by the City Engineer.

   h. A dwelling unit adjoining a street where parking is prohibited on both sides shall provide adequate guest parking as required by the Zoning Ordinance.
D5-6 - Slope Methodology

A. The purpose of this section is to establish slope methodology standards to achieve consistent application of the Hillside, Creek, and Ridgeline Development Standards in Section D5-4.

1. **Grid.** On a subject property, apply a 200 ft. by 200 ft. grid. Grids shall be placed as close as parallel as possible with the existing contour lines. Contour lines shall be drawn with a maximum interval of 10 ft. with 5 ft. intervals preferable.

2. **Slope.** Determine the average slope of each individual grid square. The average slope is determined by taking three (3) slope measurements within each grid square as follows:
   a. Along the left boundary;
   b. Along the right boundary, and
   c. Along the center.

   Average slope is determined by dividing the sum of the three measurements by three (3).

3. **Allowed Density.** Determine the allowed density for all full grid squares and partial grid squares based upon Section D5-4.A.1. The total density shall equal the sum of the allowed density for all full grid squares and partial grid squares.

4. **Net Developable Area.** Determine the net developable area by deducting from the gross area the following areas on which buildings and/or structures are prohibited:
   a. Existing natural slopes greater than 20 percent;
   b. Major and minor ridge and creek setback areas as identified in General Plan Figure 8-3 (Resource Management)

5. **Net Density.** Determine net density as the Allowed Density divided by the Net Developable Area.

6. **General Plan Density.** Compare the Net Density with the permitted General Plan density.
Chapter II - Tree Preservation and Protection

Sections:

D5-7 - Purpose
D5-8 - Applicability
D5-9 - Tree Permit Application Requirements
D5-10 - Tree Planting and Replacement
D5-11 - Tree Permit Approval or Denial
D5-12 - Post Approval Procedures

D5-7 - Purpose
This Chapter provides regulations for the protection, preservation, maintenance, and replacement of:

A. Native oak trees;
B. The habitat values of oak woodlands;
C. Trees of historic or cultural significance;
D. Groves and stands of mature native trees; or
E. Mature trees and native habitat in general.

D5-8 - Applicability

A. Applicability to protected trees. The provisions of this Chapter shall apply in all zones to the removal or relocation of any protected tree as defined below unless exempt as determined in subsection C of this section. A protected tree is any of the following:

1. A native oak tree with a diameter of six or more inches as measured 54 inches above the ground.
2. A heritage, or landmark tree or grove identified by City Council Resolution.
3. Significant groves or stands of trees identified by City Council Resolution.
4. A tree required to be planted, relocated, or preserved that is specifically identified as a condition of approval for a Tree Removal Permit or other discretionary permit, and/or as environmental mitigation for a discretionary permit.
5. A tree within 100 feet of a perennial stream, or within 50 feet of a seasonal stream that is six inches or more in diameter as measured at 54 inches above the ground.
6. A mature tree other than those listed in Subsections A.1 through A.4, that is eight inches or more in diameter as measured at 54 inches above the ground that is not otherwise exempt from the requirement of this Chapter.

B. Tree Removal Permit required.

1. Activities requiring a permit. A Tree Removal Permit shall be required prior to:

   a. Relocation, removal, cutting-down, or other act that causes the destruction of a protected tree;
b. Issuance of building or grading permits resulting in the removal of a protected tree; or

c. The approval of a, Development Plan, Use Permit, Minor Use Permit, Variance, or subdivision map, hereafter referred to as "discretionary projects" resulting in the removal of a protected tree.

C. Exceptions. The removal or relocation of a protected tree is exempt from the provisions of this Chapter under the following circumstances and shall not require the issuance of a tree removal permit:

1. Trees exempt from a permit. In all zones a willow tree, fruit tree, eucalyptus tree, alder tree, cottonwood tree, pine tree, redwood tree, or similar ornamental tree, as determined by the Director, are not protected trees.

2. Existing trees on single-family residential property that cannot be further subdivided. Within a RC, HR, RE, RS, RM and PD residential zones, the removal of an existing tree of the type described in Subsection A.6 shall be exempt from a tree removal permit.

3. Nursery. Removal of trees planted, grown, or held for sale by a nursery, tree farm, or similar commercial operation.

4. Orchards. Removal of orchards or fruit trees grown, planted, or held for sale for cash crop or commercial purposes.

5. Dead trees. Any protected tree which is determined by the Director, or an arborist approved by the Director, to be dead, has become hazardous or unsightly as a result, and provides limited habitat value.

6. Emergency situation. Cases of emergency where the Director, City Engineer, a member of a law enforcement agency, or the Fire Department determines that a protected tree poses an imminent threat to the public safety, or general welfare such as but not limited to:

   a. Traffic visibility obstructions. Removal or relocation of trees necessary to maintain adequate line-of-sight distances as required by the Director, or City Engineer.

   b. Public utility damage. Removal of trees for the protection of existing electrical power, communication lines, or other utility facilities.

D. Enforcement. Any person who cuts, damages, or moves a protected tree in violation of this Chapter shall be subject to the enforcement provisions of the Municipal Code.

D5-9 - Tree Removal Permit Application Requirements

A. Application contents. An application for a Tree Removal Permit shall contain the information as required by the Director which may include submittal of studies such as an Arborist report or Arborist's statements disclosing the conditions of trees to be removed and reasons for the removal.

B. Application filing.

1. Discretionary Project: An application for a Tree Removal Permit involving a discretionary project shall be included as part of the application for the discretionary project, and the review authority for a discretionary project shall act upon the application.

2. Non-discretionary Project: An application for a Tree Removal Permit not associated with a discretionary project shall be filed with the Planning Services Division, and the Director or Director's designee shall act upon the application.
D5-10 – Tree Planting and Replacement

The City's principal objective for the Tree Removal Permit process is the preservation and replacement of protected trees. Where the review authority determines that preservation is infeasible, replacement plantings or in-lieu fees may be required in compliance with this Section.

Replacement Trees for Existing Development

Removal of protected trees on already improved commercial or single-family residential property may be subject to replacement trees as determined by the Director or an arborist’s recommendation approved by the Director. The tree replacement ratio may depend on the ability of the property to accommodate replacement trees, as determined by the Director or an arborist’s recommendation approved by the Director.

Replacement Trees for Proposed Development

Subsection A through D are applicable to proposed subdivisions, new developments and/or other project requiring discretionary approval.

A. Extent of replacement required. The review authority may condition any Tree Removal Permit for the removal of a protected tree upon the replacement of trees in kind. The replacement requirement shall be calculated as provided by Table 5-1. The review authority may reduce the required number of replacement trees if it is determined that the subject site would not adequately support the total number of required replacement trees. The review authority may approve a replacement program using one of the methods identified in Subsections B. through D., or any combination of the methods.

<table>
<thead>
<tr>
<th>Species of Tree to be Removed</th>
<th>Diameter of Tree to be Removed(1)</th>
<th>Mitigation Value (required number of replacement trees)</th>
<th>Required Size and Species of Replacement Trees for Mitigation Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue oak</td>
<td>6 to 9 inches</td>
<td>8</td>
<td>15-gallon blue oaks</td>
</tr>
<tr>
<td></td>
<td>10 to 15 inches</td>
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<tr>
<td></td>
<td>16 to 25 inches</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>26 or more inches</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>Valley oak</td>
<td>6 to 9 inches</td>
<td>6</td>
<td>15-gallon valley oaks</td>
</tr>
<tr>
<td></td>
<td>10 to 15 inches</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>16 to 25 inches</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td></td>
<td>26 or more inches</td>
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<td>Live oak</td>
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<td>15-gallon oaks</td>
</tr>
<tr>
<td></td>
<td>10 to 15 inches</td>
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<tr>
<td></td>
<td>16 to 25 inches</td>
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<td></td>
<td>26 or more inches</td>
<td>13</td>
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</tr>
<tr>
<td>Other protected tree</td>
<td>19 to 25 inches</td>
<td>12</td>
<td>15-gallon trees</td>
</tr>
<tr>
<td></td>
<td>26 or more inches</td>
<td>15</td>
<td></td>
</tr>
</tbody>
</table>

Notes:
(1) Diameter shall measure at a point 54 inches above the ground at the base of the tree.
B. **Location and specifications for replacement trees.** The replacement trees required by Table 5-1 shall be planted on site (the City’s preferred method of mitigation), except that the review authority may authorize other areas within the City where maintenance to ensure survival of the trees will be guaranteed.

1. All replacement trees shall be of the same native species as the trees being removed. In the case where an approved tree replacement location is characterized as non-native habitat such as an incompatible ornamental landscape, urban development, and/or narrow roadway median, the replacement tree may be non-native species.

2. Up to 50 percent of the required replacement trees may have a 5-gallon container size, where the review authority determines that long-term tree health and survival will be improved by starting with a smaller container size, and that each tree with a container size less than 15 gallons will not be in a location where it will be more subject to damage while it is becoming established than a larger tree.

3. Replacement trees shall be in addition to any trees required by provisions of this Zoning Ordinance other than this Chapter (e.g., required parking lot landscaping or street trees).

C. **Revegetation.** The review authority may, instead of requiring replacement trees, require implementation of a revegetation plan.

1. The Developer shall enter into a written agreement with the City obligating the developer to comply with the requirements of the revegetation program.

2. A performance security or bond for 150 percent of the cost of the revegetation plan shall be required to insure that the agreement is fulfilled.

3. The revegetation program shall propagate native oak trees from seed using currently accepted methods, and shall identify the seed source of the trees to be propagated, the location of the plots, and the methods to be used to ensure success of the revegetation program.

4. A revegetation program shall not be considered complete until the trees to be propagated have survived in a healthy state for a minimum of 10 years, or the Commission has approved a revegetation program which demonstrates the need for alternative success criteria and achieves mitigation on an inch-for-inch basis.

D. **In lieu mitigation fee.** The review authority may determine that the remedies described above are not feasible or desirable and may instead require the payment of an in-lieu fee for the cost of purchasing, planting and irrigating the number of 15-gallon trees required by Table 5-1 and maintaining for five years. The in-lieu fee shall be calculated based on the unit cost (materials and labor) commonly used in estimating the landscape improvements at the time of the subject applications are deemed to be complete. The in-lieu fee shall be deposited into one of the following funds, as determined by the review authority:

1. **Oak Tree Propagation Fund.** This fund shall be used to propagate and protect native oak trees. Uses of the fund include, but are not limited to, purchasing property to plant or protect native oak trees, propagating native oak trees from seed or container stock and maintaining existing native oak trees.

2. **Non Native Tree Fund.** This fund shall be used to purchase and plant non-native trees within San Ramon. Uses of the fund include, but are not limited to, purchasing and propagating non-native trees from seed or container stock and maintaining existing non native trees.
E. Conditions for tree removal to accommodate agriculture. A Tree Removal Permit may be granted to allow tree removal within the HR, RC, and RE, zones to accommodate a commercial agricultural use, which is subject to a Minor Use Permit, without mitigation in compliance with Subsections A. through D., subject to the following conditions:

1. The agricultural use, as proposed and ultimately established, shall be limited to crop production, horticulture, orchards or vineyards, but shall not include grazing or other animal uses;

2. The Tree Permit shall be exercised within one year;

3. Once tree removal is commenced, the proposed replacement agricultural use shall be in place within 24 months of the removal of the first tree, or mitigation shall be required in compliance with Subsections A. through E.;

4. Once the replacement agricultural use is established, it shall be maintained for a minimum of five years. If the agricultural use is terminated before five years, and/or if a subdivision application for non-agricultural development is filed with the City within that period, or mitigation shall be required in compliance with Subsections A. through D.; and

5. The approved tree removal and subsequent agricultural use shall retain existing trees:
   a. Around existing and proposed buildings;
   b. Adjacent to parcel boundaries; and
   c. In significant groves, as determined by the Director.

---

D5-11 – Tree Permit Approval or Denial

Each Tree Removal Permit application shall be reviewed, and approved or denied in compliance with this Section.

A. Application evaluation criteria. The following criteria shall be used to support the findings required by Subsection B. for the approval of a Tree Removal Permit.

1. General criteria.
   a. The gross floor area of proposed buildings in relation to the "usable" size of the site and the amount of usable space on the site that does not require the removal of protected trees;
   b. Design features in comparison with other existing or approved projects in the vicinity and in the same zone that have or had protected trees on their sites;
   c. Factors that are unique to the site, such as topographic constraints, lot configuration and other physical limitations;
   d. The overall health and structural condition of the potentially impacted protected trees;
   e. The approximate age of each protected tree compared with the average life span for each species;
   f. The number of healthy protected trees that the site will support, with and without the proposed development;
   g. The effect of tree removal on soil stability/erosion, particularly near watercourses or on steep slopes;
h. Whether there are any alternatives that would allow for the preservation of the protected tree; and
i. Any other information the review authority finds pertinent to the decision, including any information obtained at a public hearing.

2. **Criteria for removal.**

   a. The age of the protected tree with regard to whether its removal would encourage healthier, more vigorous growth of younger similar trees in the area;
   b. The number of existing protected trees in the area and the effect of removal upon public health, safety and the general welfare of the area;
   c. The potential for the protected tree to be a public nuisance or interfere with utility service, as well as its proximity to existing structures; and
   d. Present and future shade potential with regard to solar heating and cooling.

3. **Criteria for encroachment.** Whether the degree of encroachment is likely to result in the subsequent decline of the affected protected tree or create a future risk to public safety or pose a hazard to adjacent structures.

B. **Required findings for approval.** The approval of a Tree Permit shall require that the review authority first make all the following findings:

   1. The approval of the Tree Permit will not be detrimental to the public health, safety or welfare, and approval of the Tree Permit is consistent with the provisions of this Chapter; and
   2. Measures have been incorporated into the project or permit to mitigate impacts to remaining trees or to replace the trees removed.

C. **Considerations for denial of a Tree Permit.** A Tree Removal Permit shall be denied if the review authority finds that any one of the following situations exists.

   1. Removal or damage of a healthy tree could be avoided by:
      a. Reasonable redesign of the site plan;
      b. Trimming, thinning, tree surgery, or other reasonable treatment, as determined by the review authority.
   2. Adequate provisions for drainage, erosion control, land stability, windscreen, buffers along the road and between neighbors have not been made where these problems are anticipated as a result of the removal.
   3. The tree to be removed contains an active nest of a bird covered by the Migratory Bird Treaty Act, that has been identified through the project environmental review process or that is otherwise known to the review authority, and a qualified professional has determined that the relocation of the nest without damage to the nestlings is not possible. In this case, tree removal shall be delayed until nesting is complete.
D. **Limitation on approved activities.** A Tree Removal Permit shall not be issued for temporary parking, or the storage of vehicles, trailers, equipment, construction materials, or temporary structures within the protected zone of a protected tree.

E. **Conditions of approval.** The approval of a Tree Removal Permit shall include conditions of approval as necessary to ensure compliance with Section D5-8 (Tree Planting and Replacement).

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**D5-12 – Post Approval Procedures**

The following procedures apply after the approval of a Tree Removal Permit application.

A. **Appeals.** The decision of the review authority shall be final unless an appeal is filed in compliance with Chapter D7-II (Appeals and Calls for Review).

B. **Expiration/extension.** Except where otherwise provided by this Chapter, a Tree Permit shall be exercised within six months from the date of approval or other time limit established through a concurrent land use permit approval. Time extensions, for up to a total of two additional years, may be granted in compliance with Chapter D6-III (Permit Implementation, Time Limits, and Extensions). A Tree Permit not exercised within its time limits shall expire in compliance with Chapter D6-III.

C. **Performance guarantee.** The review authority may require that a monetary security deposit be posted and maintained where deemed necessary to ensure:

1. The preservation of protected trees during construction;
2. The completion of required mitigation measures; and
3. In the case of tree removal within the RC zone to accommodate an agricultural use, the establishment of the proposed agricultural use.

The deposit shall be posted in a form approved by the City Attorney prior to any grading or movement of heavy equipment onto the site or issuance of any permits. Each violation of any Tree Removal Permit condition regarding tree preservation shall result in forfeiture of a portion or the entirety of the deposit, at the discretion of the review authority, provided that this determination may be appealed in compliance with Chapter D7-II.

D. **Construction monitoring.** Monitoring of tree protection and restoration measure specified as conditions of approval shall be performed by site inspection conducted by the Director or the Director’s designee.

E. **Revocation.** A Tree Removal Permit may be revoked or modified, as deemed necessary by the Director, with any of the following findings that the tree removal, relocation, or protection activities:

1. Cannot support the original findings;
2. Resulted from misrepresentation or fraud;
3. Has not been implemented in a timely manner;
4. Has not met, or has violated any condition of approval;
5. Is in violation of any code, law, ordinance, or statute;
6. Is detrimental to public health, safety, or welfare; or
7. Constitutes a nuisance.

F. Stop work orders. Whenever any construction or work is being performed contrary to the provisions of this Chapter or applicable conditions of approval, the Director may issue a written notice to the responsible party to stop work on the project on which the violation has occurred or upon which the danger exists. The notice shall state the nature of the violation and the risk to the trees. No further work shall be allowed until the violation has been corrected and approved by the Department.
Division D6

Planning Permit Procedures

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D6-13 - Purpose

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the permit applications required by this Zoning Ordinance.

D6-14 - Authority for Land Use and Zoning Decisions

Table 6-1 (Review Authority), below identifies the review authority responsible for reviewing and making decisions on each type of application required by this Zoning Ordinance.
<table>
<thead>
<tr>
<th>Type of Decision</th>
<th>Procedure in Section</th>
<th>Architectural Review Board (ARB) (1)</th>
<th>Zoning Administrator</th>
<th>Planning Commission</th>
<th>City Council</th>
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<td>Development Agreement</td>
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<td>Subdivision - Major</td>
<td>–</td>
<td>Recommend</td>
<td>Decision</td>
<td>Recommend</td>
<td>Decision</td>
</tr>
<tr>
<td>Subdivision - Minor</td>
<td>–</td>
<td>Recommend</td>
<td>Decision (3)</td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
<tr>
<td>Temporary Sign Permit</td>
<td>D3-56</td>
<td>–</td>
<td>Decision</td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
<tr>
<td>Temporary Use Permit</td>
<td>D6-27</td>
<td>–</td>
<td>Decision</td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
<tr>
<td>Tree Permit</td>
<td>D5-II</td>
<td>–</td>
<td>Decision (3) (4)</td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
<tr>
<td>Use Permit</td>
<td>D6-28</td>
<td>–</td>
<td>Recommend</td>
<td>Decision</td>
<td>Appeal</td>
</tr>
<tr>
<td>Variance</td>
<td>D6-29</td>
<td>–</td>
<td>Decision (3)</td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
<tr>
<td>Zoning Clearance</td>
<td>D6-30</td>
<td>–</td>
<td>Decision (5)</td>
<td>Appeal</td>
<td>Appeal</td>
</tr>
</tbody>
</table>

[Notes on next page]
Notes:
(1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter D7-II (Appeals and Calls for Review).
(2) The Architectural Review Board shall be hereafter referred to in this Zoning Ordinance as the ARB.
(3) The Zoning Administrator may defer action and refer the request to the Commission, so that the Commission may instead make the decision.
(4) If the Zoning Administrator determines that the proposal may have a significant impact the item may be referred to the ARB for review and a recommendation.
(5) The Zoning Administrator may require a Minor Use Permit pursuant to Section D6-30(C)

D6-15 - Multiple Permit Applications

A. **Concurrent filing.** When a single project incorporates different land uses or features so that this Zoning Ordinance requires multiple land use permit applications, the Zoning Administrator may determine that all of the applications shall be filed concurrently, and reviewed, and approved or disapproved, by the highest level review authority assigned by Table 6-1 to any of the required applications. (For example, a project that requires a Zoning Map amendment and a Use Permit may be reviewed, and approved or disapproved by the Council (after a recommendation from the Commission), where a Use Permit application by itself may be reviewed and acted upon by the Zoning Administrator.)

B. **Master application.** The Zoning Administrator may authorize use of a single application form and submittal materials for multiple land use applications required by this Zoning Ordinance.

D6-16 - Application Preparation and Filing

A. **Pre-application conference.** A prospective applicant is strongly encouraged to request a pre-application conference with the Planning Division before completing and filing a planning permit application.

1. The purpose of this conference is to generally:
   a. Inform the applicant of City requirements as they apply to the proposed project;
   b. Review the City's review process, possible project alternatives or modifications; and
   c. Identify the information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project.

2. Neither the pre-application review nor the provision of information and pertinent policies shall be construed as either a recommendation for approval or disapproval of the application or project by any City staff.

3. A failure by City staff to identify all required studies or all applicable requirements shall not constitute a waiver of the requirements.
B. **Application contents.** Each application for a permit, amendment, or other matter pertaining to this Zoning Ordinance shall be filed with the Department on a City application form, together with required fees and/or deposits, and all other information and materials required by the City's list of required application contents, as identified in the Department handout for the specific type of application. Applicants are encouraged to contact the Planning Division before submitting an application to verify which materials are necessary for application filing.

C. **Eligibility for filing.** All land use permit and other applications required by this Zoning Ordinance shall be filed with the Department. Applications may be made by:

1. The owner of the subject property; or
2. Any authorized agent or representative, with the written consent of the property owner.

D. **Zoning Administrator’s determination.** If the Zoning Administrator determines that the application does not support a prima facie right to the granting of the application (e.g., a request for a Zoning Map amendment or Tentative Map that could not be granted in absence of a required General Plan amendment application, or a request for an Use Permit allowing a use that is not allowable in the subject zone, etc.), the City shall not accept the application.

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**D6-17 - Application Fees**

A. **Fee schedule.** The Council shall establish a schedule of fees for the processing of the applications required by this Zoning Ordinance, hereafter referred to as the City’s Fee Schedule.

B. **Multiple applications.** The City's processing fees are cumulative. For example, if a proposed project requires the approval of both a Use Permit and a Variance, both fees will be charged. Large or complex projects may be subject to an hourly rate in addition to the basic application fees, at the discretion of the Zoning Administrator.

C. **Timing of payment.** No application shall be deemed complete, and processing shall not commence on any application until all required fees/deposits have been paid.

D. **Refunds and withdrawals.**

   1. The required application fees cover City costs for public hearings, mailings, staff time, and the other activities involved in processing applications.
   2. No refund due to a disapproval shall be allowed.
   3. In the case of a withdrawal, the Zoning Administrator shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal.

---

**D6-18 - Initial Application Review**

A. **Review for completeness.** The Department shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Department’s determination of completeness shall be based on the City’s list of required application contents (see Section D6-16.B - Application contents, above) and any additional instructions provided the applicant in any pre-application conference.
1. **Notification of applicant.** As required by State law (Government Code Section 65943), within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Department letter, shall be provided.

2. **Appeal of determination.** Where the Department has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Department is not required, the applicant may appeal the Department's determination in compliance with Chapter D7-IIh (Appeals and Calls for Review).

3. **Time for submittal of additional information.** When an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by following Subsection A.4.

4. **Expiration of application.**
   a. If an applicant fails to provide the additional information specified in the Department letter within 30 days following the date of the letter regarding the incomplete application, the application shall expire and be deemed withdrawn, without any further action by the City.
   b. The Department may grant one or more 30-day extensions if the Department determines that circumstances unique to the project justify each extension.
   c. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated fees.

5. **Environmental information.** After an application has been accepted as complete, the Department may require the applicant to submit additional information needed for the environmental review of the project in compliance with Section D6-19 (Environmental Assessment), below.

6. **Violation on the site.**
   a. The Department shall not find an application complete, and shall not process or approve the application, if conditions exist on the site in violation of this Zoning Ordinance or any permit or other approval granted in compliance with this Zoning Ordinance, except for an application for a permit, if any, needed to correct the violation.
   b. The Department authority under this Subsection shall apply whether:
      1. The current applicant was the owner of the subject property at the time the violation occurred; or
      2. The applicant is the current owner of the subject property with or without actual or constructive knowledge of the violation at the time of acquisition of the subject property.
   c. The Department's decision may be appealed in compliance with Chapter D7-II (Appeals and Calls for Review).
B. **Filing date.** The filing date of an application shall be the date on which the Department receives the last submission, map, plan, or other material required as a part of that application by Section D6-16.B. (Application contents), above, and deemed complete by the Department in compliance with this Section.

C. **Revised materials.**

1. Whenever an applicant desires/needs to file revised materials, the materials shall be submitted at least 15 days before the scheduled public hearing on the application.

2. The Department may choose to accept revised materials after that time, upon determining that there is sufficient time to review them before the scheduled hearing date.

3. The review authority may continue an application until the next available meeting date in order to adequately evaluate materials received after the date of receipt of the application package.

D. **Referral of application.** At the discretion of the Department, or where otherwise required by this Zoning Ordinance or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

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**D6-19 - Environmental Assessment**

After acceptance of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) and the City’s Environmental Guidelines.

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**D6-20 - Project Evaluation and Staff Reports**

A. **Staff evaluation.** The Department shall review all discretionary applications filed in compliance with this Division to determine whether they comply and are consistent with the provisions of this Zoning Ordinance, other applicable provisions of the Municipal Code, the General Plan, and any applicable specific plan.

B. **Staff report.** The Department shall provide a written recommendation to the Zoning Administrator, Commission and/or Council (as applicable) on whether the application should be approved, approved subject to conditions, or disapproved.

C. **Report distribution.** Each staff report shall be furnished to the applicant, after being provided to the review authority, before the scheduled hearing on the application.
Chapter II – Permit Review and Decisions

Sections:

D6-21 - Purpose
D6-22 - Architectural Reviews
D6-23 - Development Plans
D6-24 - Minor Exceptions
D6-25 - Planned Development Permits
D6-26 - Preliminary Plan Review
D6-27 - Temporary Use Permits
D6-28 - Use Permits and Minor Use Permits
D6-29 - Variances
D6-30 - Zoning Clearance Clearances

D6-21 - Purpose

A. Permit review procedures. This Chapter provides procedures for the final review, and approval or disapproval of the planning permit applications established by this Zoning Ordinance.

B. Subdivision review procedures. Procedures and standards for the review and approval of subdivision maps are found in Division C5 of the Municipal Code (Subdivision Regulations and Procedures).

C. Application filing and initial processing. Where applicable, the procedures of this Chapter are carried out after those described in Division D6, Chapter I (Permit Application Filing and Processing), for each application.

D6-22 - Architectural Review

A. Purpose and applicability.

1. Purpose. The purpose of Architectural Review is to recognize the interdependence of land values and aesthetics and to provide a method to promote sound land use development.

2. Objectives. Architectural Review is intended to accomplish the following objectives:

   a. Ensure that siting and architectural design of structures, their materials, and colors are visually harmonious with surrounding development and with the natural landforms and vegetation of the areas in which they are proposed to be located;

   b. Ensure that plans for the landscaped areas conform with the requirements of this Zoning Ordinance and Ordinance No. 218 (Landscape Design Guidelines) and that they provide a visually pleasing setting for structures on the site and on adjoining and nearby sites, and blend harmoniously with the natural landscape; and

   c. Prevent excessive and unsightly grading, including hillsides, and preserve natural landforms and existing vegetation, where feasible.

3. Applicability. All building and site plans shall be subject to Architectural Review and Zoning Administrator approval before issuance of a Zoning Clearance and a Building Permit in compliance with this Section.
B. Improvements subject to Architectural Review.

1. Zoning Administrator responsibilities. The Zoning Administrator and his/her designee shall review and approve the design of each improvement for which a Building Permit, Zoning Clearance, certificate, or other approval is required in compliance with Subsection C. (Zoning Administrator responsibilities), below.

2. Architectural Review Board (ARB) responsibilities. The ARB shall review the design of each improvement for which a Building Permit, Zoning Clearance, certificate, and provide recommendation to the Zoning Administrator in compliance with Subsection D. (ARB responsibilities), below.

3. Improvements exempt from Architectural Review. The following improvements are exempt from Architectural Review:

   a. Additions or repairs to any existing improvement if the exterior is not to be altered;

   b. Appurtenances and accessory improvements, and repairs to detached single-family residences;

   c. Exempt signs, as identified in Section D3-45; and

   d. Individual signs conforming to a Master Sign Program approved in compliance with Section D3-52.

4. Improvement defined. The term “improvement” as used in this Section shall be liberally interpreted, and shall include the alteration, construction, and repair of all structures and facilities permanently affixed to real property and all appurtenances to these structures and facilities.

5. Compliance with Architectural Review approval required. No improvement subject to Architectural Review shall hereafter be altered, constructed, located, repaired, or thereafter maintained, except in compliance with an Architectural Review approval granted in compliance with this Section.

C. Zoning Administrator responsibilities. The following improvements shall be subject to Architectural Review by the Zoning Administrator. All other residential and nonresidential improvements shall be subject to the review and recommendation to the Zoning Administrator by the ARB.

1. Residential. The following minor residential improvements and modifications to an existing structure can be reviewed in association with a Building Permit plan check. If new construction, improvements, or modifications are determined to result in a major change/modification, the Zoning Administrator may require an administrative Architectural Review application and/or refer the application to the ARB for review and a recommendation.

   a. Additions to existing single-family dwellings.

      (1) Single-story and second-story additions to existing single-story single-family dwellings; and

      (2) Second story additions to existing two-story single-family dwellings.

   b. Architectural projections into yards (e.g., bay windows, fireplace chimneys, stairs or landings, etc.);
c. Accessory structures (e.g., arbors, balconies, carports, decks, gazebos, greenhouses, patio covers and enclosures, storage sheds, trellises, etc.);

d. Decorative mail boxes and columns located in front yards;

e. Exterior structure modifications and repairs (e.g., balconies, doors, exterior siding, skylights, solar panels, windows, etc.);

f. Retaining walls; and

g. Good neighbor fence that is taller than six feet.

2. **Nonresidential.** An administrative Architectural Review application is required for the following nonresidential new construction improvements or major changes/modifications to an existing structure, unless, in the opinion of the Zoning Administrator, the item may have a significant impact, in which case the item may be referred to the ARB for review and a recommendation. If the improvement/structure is determined to be minor in nature and would not, in the opinion of the Zoning Administrator, cause a significant impact, the review and decision may be conducted by the Zoning Administrator in association with a Building Permit plan check.

   a. Accessory structures;

   b. Exterior structure and parking lot lighting;

   c. Exterior structure modifications and storefront changes (e.g., doors, exterior siding, windows, exterior paint change, etc.);

   d. Fences and walls;

   e. Landscape improvements or modification;

   f. Master Sign Program Amendments;

   g. Parking lot restriping and minor parking lot modifications;

   h. Retaining walls;

   i. Signs in compliance with an approved Master Sign Program;

   j. Signs not regulated with an approved Master Sign Program;

   k. Sign face copy changes; and

   l. Trash and storage areas.

D. **Architectural Review Board (ARB) responsibilities.** The ARB shall be responsible for the review and recommendation to the Zoning Administrator and/or the Commission on all other residential and nonresidential improvements, as that term is defined in Subparagraph B.4. (Improvement defined) above.

E. **Initiation of Architectural Review.**

   1. Architectural Review shall be initiated by the property owner or an authorized agent by filing the number of copies of all plans and materials identified in Subsection F. (Application requirements), below, as required by the Department.
2. Preliminary consultation between the project applicant and the Department to discuss applicable standards and design guidelines may be initiated by requesting an appointment with the Zoning Administrator.

F. Application requirements. An Architectural Review shall be filed in compliance with Division D6, Chapter I (Permit Application Filling and Processing). The Architectural Review shall be accompanied by the information identified in the Department handout for Architectural Reviews. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection I. (Required findings), below.

G. Factors to be considered during Architectural Review.

1. Advisory capacity. The ARB shall function in an advisory capacity to the Zoning Administrator or Commission in compliance with this Section.

2. Factors to be considered. The review authority (e.g., the Zoning Administrator) shall review the design of all improvements subject to the requirements of this Section in relation to the following factors:

   a. Area, bulk, and height of structures;
   b. Colors and types of structures and installations;
   c. The architectural and physical relationship with existing and proposed structures in the area and to the site’s location within the City;
   d. Location, orientation, and site layout of the structures, and their relationship with open space areas, topography, and solar/energy efficiency;
   e. Colors, height, materials, and variations in boundary fences, walls, or screen planting;
   f. Location and type of landscaping including setback areas and the project’s off-street parking areas;
   g. Appropriateness of sign design and exterior lighting, and other building graphics; and
   h. Second story additions to existing single-story homes.
   i. Second story additions that result in creation of a second unit.

3. Recommendations/actions of the ARB. Following review, the Summary of Action shall be kept on file with the Department which duly note the ARB’s recommendations/actions and conditions pertaining to the subject improvement.

4. Department to ensure conformance with approved plans.

   a. Following plan approval, the Department shall review all final plans before issuance of a Building Permit to ensure their conformance to the plans approved by the review authority, and any conditions that were a part of that approval.
   b. Procedures for this review are identified in Section D6-30 (Zoning Clearances).
H. Architectural Review and approval.

1. Time periods for review.
   a. The review authority shall conduct a review of the plans and specifications submitted for review within 45 days following the submittal of a complete application, unless the applicant agrees to an alternative time schedule.
   b. In the case of plans and specifications which are associated with an approved Development Plan, Sign Permit, or subdivision previously reviewed and approved by the Commission, the review authority shall conduct the review within 45 days of the Commission’s decision, unless the applicant agrees to an alternative time schedule.
   c. Following the decision of the review authority’s review, the Department shall mail notice of the decision to the applicant.

2. Action required.
   a. All decisions shall be consistent with the findings identified in Subsection I. (Required findings), below.
   b. Any conditions imposed shall be deemed reasonable and necessary and designed to ensure attainment of the purposes and standards established by this Zoning Ordinance.

3. Appeals. All decisions of the review authority shall be appealable in compliance with Chapter D7-II (Appeals and Calls for Review).

I. Required findings. The review authority may approve or disapprove an Architectural Review only after first making all of the following findings:

1. The project’s design would be:
   a. Consistent with the goals and objectives of the General Plan;
   b. Consistent with the purposes of this Zoning Ordinance;
   c. In compliance with Subparagraph G. 2. (Factors to be considered), above; and
   d. In the best interest of the public health, safety, and general welfare of the community.

2. General site considerations, including site layout, open space and topography, orientation and location of structures, circulation and parking, height, fences and walls, public safety, setbacks, vehicular access, and similar elements have been designed to provide a desirable environment for the subject development;

3. General architectural considerations, including the character, scale and quality of the design, the architectural relationship with the site and other structures, building materials, colors, exterior lighting and signs, screening of exterior appurtenances, and similar elements have been incorporated into the design of the subject development in order to ensure the compatibility of the development with its design concept and the character of adjacent structures; and

4. General landscape considerations, including the location, color, coverage, size, texture, and type of plant materials, provisions for irrigation, maintenance, and protection of landscaped areas and similar elements have been considered to ensure visual relief, to complement structures, and to provide an attractive environment for the enjoyment of the public.
J. **Post decision procedures.** The procedures and requirements relating to changes to approved plans, effective dates, lapse of approval and extensions, and transferability located in Division D6, Chapter III (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation/ modification located in Division D7, Chapter V (Enforcement), shall apply following the decision on an Architectural Review.

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**D6-23 - Development Plans**

A. **Purpose.** This Section provides the flexibility in application of land use and development regulations necessary to achieve the purposes of this Zoning Ordinance by establishing procedures for approval, conditional approval, or disapproval of Development Plan or Development Plan Amendment applications.

B. **Applicability.**

1. Development Plans or Development Plan Amendments are required for all new development and additions to existing structures, unless the Zoning Administrator finds that the addition is non-controversial, minor, and does not involve a substantial alteration to the existing structure.

2. Development Plans or Development Plan Amendments are not required for the construction or alteration of a single-family dwelling unit.

C. **Review authority – Zoning Administrator.** The Zoning Administrator shall approve, conditionally approve, or disapprove applications for Development Plans and Development Plan Amendments. The Zoning Administrator may defer action and refer the request to the Commission, so that the Commission may instead make the decision.

D. **Consistency with the General Plan required.** All approvals or conditional approvals shall be consistent with the General Plan and subject to the general purposes of this Zoning Ordinance, the specific purposes of the base or overlay zone in which a development site is located, and the provisions of this Section.

E. **Application requirements.** An application for a planning permit approval shall be filed in compliance with Division D6, Chapter I (Permit Application Filling and Processing). The application shall be accompanied by the information identified in the Department handout for the specific permit. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection H. (Required findings), below.

F. **Project Review, notice and public hearing.** Each application shall be reviewed by the Zoning Administrator to ensure that the proposal complies with all applicable requirements of this Zoning Ordinance. Before a decision on a Development Plan or Development Plan Amendment, the City shall provide notice as follows:

   **Development Plan**

   1. A public hearing shall be required for the Zoning Administrator’s consideration of a Development Plan application.

   2. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter D7-IV (Public Hearings).

   3. When an application for a Development Plan is submitted concurrently with a Use Permit or Variance application on the same site, the Zoning Administrator shall schedule a combined public hearing.
Development Plan Amendment

1. A public notice shall be required prior to the Zoning Administrator’s decision. The public notice shall state that the Zoning Administrator will decide whether to approve or disapprove the Development Plan Amendment application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

2. When a public hearing is requested, notice of the hearing shall be provided in compliance with Chapter D7-IV, and the Zoning Administrator shall conduct the public hearing before a decision on the application in compliance with Chapter D7-IV (Public Hearings).

G. Duties of the Review Authority.

1. The Zoning Administrator shall conduct a public hearing, if required in subsection F above, and hear testimony for and against the application.

2. Within 30 working days of the conclusion of the public hearing, the Review Authority shall approve, conditionally approve, or disapprove the application.

3. Notice of the decision shall be mailed to the applicant, and any other party requesting notice, after the decision is rendered.

H. Required findings. The Zoning Administrator shall approve an application for a Development Plan or Development Plan Amendment as it was applied for, or in modified form as required by the Zoning Administrator if, on the basis of the application, materials, plans, and testimony submitted, the Zoning Administrator first finds that the proposed development:

1. Will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed development;

2. Will not be injurious or detrimental to property or improvements in the neighborhood;

3. Will not be injurious or detrimental to the general welfare of the City;

4. Will not be inconsistent with the policies and goals of the General Plan or any applicable specific plan; and

5. Is architecturally compatible with other developments in the same vicinity, both inside and outside of the subject zone.

I. Conditions of approval.

1. In approving a Development Plan or Development Plan Amendment the Zoning Administrator may impose conditions that are deemed reasonable and necessary to:

   a. Achieve the general purposes of this Zoning Ordinance or the specific purposes of the subject zone, or to make it consistent with the General Plan or any applicable specific plan;

   b. Protect the public health, safety, and general welfare; or

   c. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.
2. The conditions of approval shall not include bulk, density, height, loading, open space, parking, sign, or use requirements that are less restrictive than those identified by the applicable zone regulations, unless a variance to these regulations is granted.

J. Post decision procedures. The procedures and requirements relating to changes to approved plans, effective dates, lapse of approval and extensions, and transferability located in Division D6, Chapter III (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation/modification located in Division D7, Chapter V (Enforcement), shall apply following the decision on an application for a Development Plan or Development Plan Amendment.

Development Plan Concept Review – Planning Commission Review

Purpose: The Conceptual Review process is intended to serve as an initial screening of a project concept and not a detailed review of a development proposal. The value of the process is in the feedback provided by the Planning Commission and Staff that allows the applicant to make an informed decision regarding potential revisions to their project based on the comments received. The Planning Commission’s feedback is non-binding and no formal or final decisions are issued for a Conceptual Review.

Submittal Requirements: An application for a Concept Review shall be filed in compliance with Division D6, Chapter I (Permit Application Filling and Processing). The application shall be accompanied by the information identified in the Department handout for the specific permit. The specific submittal requirements will be based on the nature of the project for which a Concept Review is being sought.

Public Notice: Notice of the Planning Commission’s consideration of a Concept Review Application will be sent to property owners within 300 feet of the subject property. The purpose of providing public notice on a non-action item is to solicit public input in advance of formal applications and give the potential project applicant a better understanding of public opinion regarding their potential project.

D6-24 - Minor Exceptions

The Zoning Administrator may grant a Minor Exception from specified regulations contained in this Zoning Ordinance in compliance with this Section.

A. Purpose. The purposes of this Chapter are to:

1. Allow the Zoning Administrator to grant a Minor Exception from specified zone or development standards required by this Zoning Ordinance.
2. Provide an appropriate process to enable the Zoning Administrator to grant a requested Minor Exception.
3. Provide appropriate and reasonable findings to allow the Zoning Administrator to grant a requested Minor Exception.

B. Applicability. A Minor Exception application shall be approved for any item identified in Table 6-2, below, if in the opinion of the Zoning Administrator the findings identified in Subsection E. (Required findings), below can be made.
# TABLE 6-2 - ALLOWABLE MINOR EXCEPTIONS

<table>
<thead>
<tr>
<th>Types of Minor Exceptions Allowed</th>
<th>Maximum Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <em>Area requirements.</em> A decrease in the minimum area requirements. (Not including minimum parcel area requirements - See number 6. below.)</td>
<td>15 percent</td>
</tr>
<tr>
<td>2. <em>Fence or wall height.</em> An increase in the maximum allowable height of a fence or wall, in compliance with Section D3-4 (Fences, Hedges, and Walls).</td>
<td>Up to a 1 foot increase</td>
</tr>
<tr>
<td>3. <em>Floor Area Ratio (FAR).</em> An increase in the maximum allowable FAR.</td>
<td>10 percent</td>
</tr>
<tr>
<td>4. <em>Landscaping area.</em> A decrease in the minimum landscaping area requirements.</td>
<td>20 percent</td>
</tr>
<tr>
<td>5. <em>Loading.</em> A decrease in the number of required loading spaces, but not exceeding two spaces.</td>
<td>30 percent</td>
</tr>
<tr>
<td>6. <em>Parcel area.</em> A decrease in the minimum required parcel area.</td>
<td>10 percent</td>
</tr>
<tr>
<td>7. <em>Parcel coverage.</em> An increase in the maximum allowable parcel coverage.</td>
<td>10 percent</td>
</tr>
<tr>
<td>8. <em>Parcel depth or width.</em> A decrease in the minimum required parcel depth or width, only when the total parcel area requirements are met.</td>
<td>10 percent</td>
</tr>
<tr>
<td>9. <em>Parking.</em> A decrease in the number of required parking spaces.</td>
<td>15 percent</td>
</tr>
<tr>
<td>10. <em>Projections.</em> An increase in the allowable projection of canopies, cornices, eaves, fireplaces, landings, masonry chimneys, overhangs, raised porches, stairways, and steps into a required setback areas, but no closer than 3 feet to any property line.</td>
<td>25 percent</td>
</tr>
<tr>
<td>11. <em>Setback areas.</em> A decrease in the required setbacks.</td>
<td></td>
</tr>
<tr>
<td>Front setback: But no closer to the front property line than 15 feet.</td>
<td>25 percent</td>
</tr>
<tr>
<td>Side setbacks: But no closer to the side property lines than 3 feet.</td>
<td>25 percent</td>
</tr>
<tr>
<td>Rear setback: But no closer to the rear property line than 5 feet.</td>
<td>25 percent</td>
</tr>
<tr>
<td>12. <em>Signs.</em> An increase in the maximum allowable sign area or height.</td>
<td>25 percent</td>
</tr>
<tr>
<td>13. <em>Structure height.</em> An increase in the maximum allowable structure height, but not to exceed an increase of five feet.</td>
<td>25 percent</td>
</tr>
<tr>
<td>14. <em>10-year parking restriction.</em> 10-Year Restriction on Off-Site Parking Facility</td>
<td>Case by case</td>
</tr>
<tr>
<td>15. <em>Eating areas.</em> Employee Eating Areas</td>
<td>Case by case</td>
</tr>
<tr>
<td>16. <em>Satellite antennas.</em> Rear Roof Mounting of Satellite Antennas</td>
<td>Case by case</td>
</tr>
<tr>
<td>17. <em>Screening Requirements.</em> Screening Requirement for refuse storage areas in the IG zone</td>
<td>Case by case</td>
</tr>
<tr>
<td>18. <em>Wall requirements.</em> Wall requirement - residential abutting nonresidential</td>
<td>Case by case</td>
</tr>
<tr>
<td>19. <em>Other standards.</em> The Zoning Administrator shall also be allowed to vary other standards including minor operational/performance standards relating to dust, glare, hours of operation, landscaping, light, noise, etc.</td>
<td>Case by case</td>
</tr>
<tr>
<td>20. <em>Required Variance.</em> A request that exceeds the limitations identified in this Section shall require the approval of a Variance in compliance with Section D6-29.</td>
<td></td>
</tr>
</tbody>
</table>
C. **Application requirements.** An application for a Minor Exception shall be filed in compliance with Division D6, Chapter I (Permit Application Filling and Processing). The application shall be accompanied by the information identified in the Department handout for Minor Exception applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection E. (Required findings), below.

D. **Project review, notice, and hearing.** Each application shall be reviewed by the Zoning Administrator to ensure that the proposal complies with all applicable requirements of this Zoning Ordinance. Before a decision on a Minor Exception, the City shall provide notice in compliance with Chapter D7-IV (Public Hearings).

1. **Public notice.** The notice shall state that the Zoning Administrator will decide whether to approve or disapprove the Minor Exception application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

2. **Requested hearing.** When a hearing is requested, notice of the hearing shall be provided in compliance with Chapter D7-IV, and the Zoning Administrator shall conduct the public hearing before a decision on the application in compliance with Chapter D7-IV (Public Hearings).

E. **Required findings.**

1. **General findings.** The Zoning Administrator may approve a Minor Exception application, with or without conditions, only after first finding that:

   a. No practical alternative exists;

   b. The purpose of the subject zone would not be compromised;

   c. No detrimental impact would result aesthetically; and

   d. The proposed construction project would otherwise be in compliance with all applicable Zoning Ordinance standards and requirements.

   In the event the Zoning Administrator cannot make the above findings, the Minor Exception shall be denied and the applicant may instead apply for a variance.

F. **Letter to the applicant required.** Any Minor Exception granted shall be in writing, with a letter sent to the applicant stating the reasons for the Minor Exception along with the supporting findings and any necessary conditions of approval in compliance with Subsection E. (Required findings), above.

G. **Post decision procedures.** The procedures and requirements relating to changes to approved plans, effective dates, lapse of approval and extensions, and transferability located in Division D6, Chapter III (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation/ modification located in Division D7, Chapter V (Enforcement), shall apply following the decision on an application for a Minor Exception.
D6-25 - Planned Development Permits

A. Purpose. Planned Development Permits are intended to promote and encourage quality development within the City’s residential, commercial, industrial, and other zones, while protecting the public health, safety, general welfare, integrity, and character of the City, and ensuring conformance with the General Plan and any applicable specific plan.

1. Comprehensive development. Planned Development Permits are encouraged and expected to produce comprehensive development incorporating more enhanced environmental and architectural excellence than would normally be possible under more standard zone development requirements.

2. Project review. The Review Authority shall determine whether the Planned Development Permit should be approved by weighing the public need for, and the positive benefits to be derived from, the proposed project against any of the potential unavoidable negative effects it may cause.

B. Applicability. An application for a Planned Development Permit shall be required before the issuance of any nondiscretionary building, grading, or other required permits. For a major project that also requires other discretionary permits, these permits shall be processed concurrently.

1. Minimum site area. A Planned Development Permit application may be approved only for a site of 10 acres or larger.

2. Allowable land use. A Planned Development Permit may only authorize a land use that is allowed in the applicable zone by Division D2 (Allowable Land Uses and Zoning Standards).

3. General Plan conformance required. Conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan shall be required.

4. Modify standards.
   a. A Planned Development Permit may adjust or modify, where necessary and justifiable, all applicable development standards (e.g., building envelope [coverage, height, and setbacks], fence and wall heights, landscaping, off-street parking and loading [design and ratios], open space, street layout, etc.) identified in this Zoning Ordinance, with the exception of an increase in the applicable density or intensity provisions.
   b. A Planned Development Permit may allow for the density to be averaged on parcels divided by two or more zones.
   c. Residential development projects with increased density standards may only be approved in compliance with the City’s density bonus procedure in the Municipal Code.

C. Application filing and processing. An application for a Planned Development Permit shall be completed, filed, and processed in compliance with Division D6, Chapter I (Permit Application Filing and Processing), and any requirements of the applicable zone. The application shall be accompanied by the information identified in the Department handout for Planned Development Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection G. (Findings and decision), below.

D. Review authority. Planned Development Permits may be granted by the Commission.
E. **Criteria for approval.** The review authority may approve a Planned Development Permit only when the following criteria are met:

1. The site shall be a minimum of 10 acres, unless the Commission reduces this requirement in lieu of a substantial public benefit received.

2. The proposed development shall be in conformance with the General Plan and any applicable specific plan, and shall result in a comprehensive development incorporating a more enhanced environment and architectural excellence than would normally be possible under more standard zone development requirements.

3. The various elements of the proposed plan, including structures, grounds, and open space, shall relate to one another in a manner that forms a comprehensive plan of sufficient unity to justify exceptions, if any, to the standard zone development requirements identified in this Zoning Ordinance.

4. The proposed development shall not adversely affect adjacent properties.

F. **Project review, notice, and hearing.** Each application shall be reviewed by the Zoning Administrator to ensure that the proposal is consistent with the purpose and intent of this Section.

1. **(Major) Planned Development Permit.** The Commission shall conduct a public hearing on an application for a (Major) Planned Development Permit before a decision on the application. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter D7-IV (Public Hearings).

2. **(Minor) Planned Development Permit.** Before a decision on a (Minor) Planned Development Permit, the City shall provide notice in compliance with Chapter D7-IV (Public Hearings).
   
   a. **Public notice.** The notice shall state that the Zoning Administrator will decide whether to approve or disapprove the (Minor) Planned Development Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

   b. **If hearing is requested.** If a public hearing is requested, the Zoning Administrator shall refer the application to the Commission for a hearing and decision to be conducted in compliance with Chapter D7-IV (Public Hearings).

   c. **If no hearing is requested.** If no public hearing is requested, the Zoning Administrator shall render a decision on the date specified in the notice referred to in Subparagraph 2.a, above.

G. **Findings and decision.** The review authority may approve or disapprove an application for a Planned Development Permit only after first making all of the following findings:

1. The proposed development is:
   
   a. Allowed within the subject zone;

   b. In conformance with the:
      
      (1) Criteria identified in Subsection E. (Review authority criteria), above;

      (2) General Plan and any applicable specific plan; and
(3) Applicable provisions of this Zoning Ordinance relating to both on and off site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose and intent of the subject zone.

2. The proposed project would produce a comprehensive development incorporating a more enhanced environment and architectural excellence (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than would normally be possible under more standard zone development requirements;

3. The design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities (e.g., drainage, fire protection, sewers, water, etc.), would ensure that the proposed development would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and zone in which the property is located;

4. The site is:
   a. Physically suitable for the type and density/intensity of development being proposed;
   b. Adequate in shape and size to accommodate the proposed development; and
   c. Served by streets of adequate capacity to carry the quantity and type of traffic expected to be generated by the proposed development.

5. The public need for, and the positive benefits to be derived from, the proposed project clearly outweigh any of the potential unavoidable negative effects it may cause.

H. Conditions of approval. In approving a Planned Development Permit, the review authority may impose any conditions deemed reasonable and necessary to:

1. Ensure that the approval will comply with the findings required by Subsection G. (Findings and decision), above;

2. Ensure compliance with applicable requirements of this Zoning Ordinance (e.g., allowable land uses and density/intensity) to ensure compatibility with surrounding properties);

3. Accommodate flexibility in site planning and property development;

4. Mitigate all project related adverse effects, unless a statement of overriding considerations is adopted in compliance with Public Resources Code Section 15093; and

5. Protect the public health, safety, and general welfare.

I. Post decision procedures. The procedures and requirements relating to changes to approved plans, effective dates, lapse of approval and extensions, and transferability located in Division D6, Chapter III (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation/modification located in Division D7, Chapter V (Enforcement), shall apply following the decision on an application for a Planned Development Permit.
D6-26 - Preliminary Plan Review

A. Purposes. The purposes of Preliminary Plan Review are to:
   
   1. Familiarize project applicants, not exempt from CEQA, with City regulations and the concerns of City departments before expenditure for the preparation of the required application materials.
   
   2. Familiarize City department representatives with proposed projects and provide an opportunity for an exchange of views on project characteristics that may be of mutual concern.
   
   3. Enable the Zoning Administrator to discuss project impacts with representatives of other City departments before making an environmental determination and determining responsible trustee agencies in compliance with CEQA.
   
   4. Allow City departmental representatives to discuss potentially significant environmental impacts, the nature of mitigation measures, and the need for background studies to be submitted with the project application.

B. Applicability.
   
   1. When required. Preliminary Plan Review shall be required for:
      
      a. Projects requiring a General Plan amendment, specific plan approval, or Zoning Map amendment;
      
      b. Projects involving construction and/or modification of 50,000 square feet or more of gross floor area; and
      
      c. Projects deemed necessary by the Zoning Administrator.
   
   2. Waiver of Preliminary Plan Review. The Zoning Administrator may waive Preliminary Plan Review upon determining that neither the applicant nor the City staff would benefit from the review due to the minimal impact of the proposed project.
   
   3. Changing requirements and procedures. Information and comments provided to an applicant through the Preliminary Plan Review process are subject to change in the event that environmental conditions, applicable laws, or other requirements change prior to a formal permit application being deemed complete.

C. Initiation of Preliminary Plan Review. Preliminary Plan Review shall be initiated by filing the following items with the Department.
   
   1. A completed "pre-application" request for Preliminary Plan Review, stating that the applicant is the property owner or the authorized agent of the owner.
   
   2. A completed Environmental Questionnaire.
   
   3. Five copies of all required plans and materials identified in Subsection D. (Application requirements), below.
   
   4. The required application fee in compliance with the City’s Fee Schedule.
D. **Application requirements.** An application for a Preliminary Plan Review shall be filed in compliance with Division D6, Chapter I (Permit Application Filling and Processing). The application shall be accompanied by the information identified in the Department handout for Preliminary Plan Review applications.

E. **Duties of the Zoning Administrator.**

1. The Zoning Administrator shall:
   
   a. Make a preliminary determination as to whether the project requires a Negative Declaration (ND), Mitigated Negative Declaration (MND), or an Environmental Impact Report (EIR) and, if so, shall recommend the appropriate lead agency;
   
   b. State identified concerns based on the preliminary review of the project plans and materials.
   
   c. Ask questions of the applicant to clarify understanding of the applicant's intent.
   
   d. Discuss potentially significant impacts, the nature of any mitigation measures, and any background studies that may be required with the application.

2. Following Preliminary Plan Review, the Zoning Administrator shall mail the comments to the applicant and a statement outlining the type and sequence of approvals necessary before the issuance of a Zoning Clearance and any other permits or approvals required by this Zoning Ordinance.

F. **Post review procedures.**

1. **Related procedures.** The procedures and requirements relating to changes to approved plans, effective dates, lapse of approval and extensions, and transferability located in Division D6, Chapter III (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation/modification located in Division D7, Chapter V (Enforcement), shall apply following the decision on an application for a Preliminary Plan Review.

2. **Duration.** Administrative decisions on the approval process made during the Preliminary Plan Review process shall be valid for a period of 180 days from their effective date.

3. **Application for a Zoning Clearance.** An application for Zoning Clearance review shall be submitted before expiration of this 180-day period.
D6 - Temporary Use Permits

A. **Purpose.** This Section establishes procedures for the granting of Temporary Use Permits that allow short-term activities to be conducted on private property and that may not meet the normal development or use standards of the applicable zone, but may be acceptable because of their temporary nature.

B. **Applicability.** Temporary land uses shall not be established, operated, or conducted in any manner without the approval and maintenance of a valid Temporary Use Permit granted in compliance with this Section. The following two categories of temporary uses identify the level of permit required, if any, based on the proposed duration, size, and type of use:

1. Exempt temporary uses are identified in Subsection C. (Exempt temporary uses), below; or
2. Temporary Use Permits are identified in Subsection D. (Allowed temporary uses), below.

C. **Exempt temporary uses.** The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Uses that do not fall within the categories defined below shall comply with Subsection D. (Allowed temporary uses), below.

1. **Construction yards – On-site.** On-site contractors’ construction yards, including temporary trailers and storage of equipment, in conjunction with an approved construction project on the same site. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.

2. **Emergency facilities.** Emergency public health and safety needs/land use activities.

3. **Garage sales.** Garage sales are exempt from the requirement for a Temporary Use Permit; provided, the sales occur no more often than three (3) times per year per residence, for a maximum of two (2) consecutive days each. Garage sales or community garage sales are allowed on Saturday, Sunday, and any National Holidays.

   Conduct of garage sales shall require registration with the Planning Services Division.

   Community garage sales requesting public street closure are subject to a Special Event Permit, which is managed by the Parks and Community Services Department.

4. **Temporary model home.** Temporary model homes and related facilities within the area of an approved residential subdivision project, solely for the first sale of homes, approved as part of the overall project.

5. **Temporary real estate sales office.** A temporary real estate sales office within the area of an approved development project, solely for the first sale of homes, approved as part of the overall project.

D. **Allowed temporary uses.** The following temporary uses may be allowed, subject to the issuance of a Temporary Use Permit by the Zoning Administrator. Uses that do not fall within the categories defined below shall comply with the use and development regulations and land use permit review provisions that otherwise apply to the property.

1. **Commercial filming.** The temporary use of an approved site for the filming of commercials, movies, videos, etc. The Zoning Administrator shall make an additional finding: the approval would not result in a frequency of uses likely to create incompatibility between the temporary filming activity and the surrounding neighborhood.
2. **Construction yards – Off-site.** Off-site contractors’ construction yards, in conjunction with an approved construction project. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs. (See also Subsection D.8, below, regarding temporary work trailers.)

3. **Events.** Events on nonresidential property including the following:

   a. Amusement rides, arts and crafts shows, auctions, carnivals, circuses, civic and community events, concerts, fairs, farmers’ markets, festivals, flea markets, food events, live entertainment, outdoor entertainment/sporting events, recreation events, rodeos, rummage sales, second hand sales, street fairs, swap meets, and tent revivals for no more than 15 days total within a 12-month period.

   b. Outdoor meetings or group activities for seven consecutive days or less, within a 90-day period.

4. **Outdoor display/sales.** The temporary outdoor display/sales of merchandise (e.g., parking lot and sidewalk sales), in compliance with Section D4-35 (Outdoor Display, Storage, and Vending) shall be allowed only if the merchandise displayed is otherwise sold within a building on the same site. These activities shall be located immediately adjacent to the structure, and their duration shall not exceed five consecutive days within a 90-day period. Any sales activity proposed within a public right-of-way shall require a Special Events Permit in compliance with the Municipal Code.

5. **Residence.** A mobile home as a temporary residence of the property owner when a valid Building Permit for a new single-family dwelling is in force, or for temporary caretaker quarters during the construction of a subdivision, multi-family, or nonresidential project. The permit may be approved for a specified duration, or upon expiration of the Building Permit, whichever first occurs.

6. **Seasonal sales lot.** Halloween pumpkin sales and Christmas tree sale lots by businesses holding a valid Business License; provided, the activity may only be held from October 1st through October 31st, of the same year for the Halloween pumpkin sales, and from the day after Thanksgiving through December 26th, of the same year for Christmas tree sales. A five day period before and after the event may be used for set-up and clean-up.

7. **Searchlights.** The use of outdoor searchlights when used for advertising or “attention-getting” purposes.

8. **Temporary structure.** A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 12 months, as an accessory use or as the first phase of a development project, in the commercial and industrial zones.

9. **Temporary work trailer.**

   a. A trailer or mobile home may be used as a temporary work site for employees of a business:

      (1) During construction of a subdivision or other development project when a valid Building Permit is in force; or

      (2) 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.
10. **Similar temporary use.** Similar temporary uses which, in the opinion of the Zoning Administrator, are compatible with the zone and surrounding land uses, and are necessary because of unusual or unique circumstances beyond the control of the applicant.

E. **Application filing, processing, and review.** An application for a Temporary Use Permit shall be filed with the Department and processed in the following manner.

1. **Application contents.** An application for a Temporary Use Permit shall be completed, filed, and processed in compliance with Division D6, Chapter I (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Temporary Use Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection G. (Findings and decision), below.

2. **Time for filing.** An application for a Temporary Use Permit shall be submitted for approval at least 10 days before the date that the proposed use is scheduled to take place.

3. **Public hearing not required.** A public hearing shall not be required for the Zoning Administrator’s decision on a Temporary Use Permit unless determined by the Zoning Administrator.

4. **Effective date.** An approved Temporary Use Permit shall be effective on the date of its approval.

F. **Standards.** Standards for floor areas, heights, landscaping, parking, setbacks, and other structure and property development standards that apply to the category of use or the zone of the subject site shall be used as a guide for determining the appropriate development standards for temporary uses.

1. **Adjustment of standards.** The Zoning Administrator may authorize an adjustment from the specific standards deemed necessary or appropriate consistent with the temporary nature of the use.

2. **Removal of materials and structures associated with the temporary use.** All materials and structures associated with the temporary use shall be removed within 10 days from the actual termination of operations, or after the expiration of the Temporary Use Permit, whichever first occurs.

3. **30-day interval before new permit.** A minimum of 30 days shall pass between the issuance of a new Temporary Use Permit and the expiration of a similar Temporary Use Permit for the same property, or the actual removal of the materials and structures associated with the former use, whichever last occurs.

4. **Other permits required.** Temporary uses may be subject to additional licenses, inspections, or permits required by applicable local, State, or Federal requirements.

5. **Issue only four times per year for the same activity (rug sales).**

G. **Findings and decision.**

1. A Temporary Use Permit may be approved, modified, conditioned, or disapproved by the Zoning Administrator.

2. The Zoning Administrator may defer action and refer the application to the Commission for review and decision at a scheduled public hearing.
3. The review authority may approve or conditionally approve a Temporary Use Permit application, only after first finding that:
   
   a. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;
   
   b. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and
   
   c. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Ordinance.

H. **Conditions of approval.** In approving a Temporary Use Permit, the Zoning Administrator may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection G. (Findings and decision), above.

I. **Condition of site following temporary use.** Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used in compliance with the applicable provisions of this Zoning Ordinance. The Zoning Administrator may require appropriate security before initiation of the use to ensure proper cleanup after the use is finished.

J. **Post decision procedures.**

   1. **Related procedures.** The procedures and requirements relating to changes to approved plans, effective dates, lapse of approval and extensions, and transferability located in Division D6, Chapter III (Permit Implementation, Time Limits, and Extensions), and those related to appeals located in Division D7, Chapter V (Enforcement) shall apply following the decision on an application for a Temporary Use Permit.

   2. **Revocation/modification.** A Temporary Use Permit may be revoked or modified by the Zoning Administrator effective immediately upon verbal or written notice for violation of the terms of the permit.
D6-28 - Use Permits and Minor Use Permits

A. Purpose. A Use Permit or Minor Use Permit provides a process for reviewing uses and activities that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.

B. Applicability. A Use Permit or Minor Use Permit is required to authorize proposed land uses identified by Division D2 (Allowable Land Uses and Zoning Standards) as being allowable in the applicable zone subject to the approval of a Use Permit or Minor Use Permit, respectively.

C. Review authority.

1. Use Permit – By the Commission. The Commission may approve, conditionally approve, or disapprove applications for Use Permits in compliance with Division D2 (Allowable Land Uses and Zoning Standards) and other applicable sections of this Zoning Ordinance.

2. Minor Use Permits – By the Zoning Administrator.
   a. The Zoning Administrator may approve, conditionally approve, or disapprove applications for Minor Use Permits in compliance with Division D2 (Allowable Land Uses and Zoning Standards) and other applicable sections of this Zoning Ordinance.
   b. The Zoning Administrator may instead refer any Minor Use Permit application to the Commission for a public hearing and decision.

D. Application filing and processing. An application for a Use Permit or Minor Use Permit shall be filed and processed in compliance with Division D6, Chapter I (Permit Application Filing and Processing). The application shall be accompanied by detailed and fully dimensioned plans, architectural drawings and sketches, and data/materials identified in the Department handout for Use Permits. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F. (Findings and decision), below.

E. Project review, notice, and hearing. Each application shall be reviewed by the Zoning Administrator to ensure that the proposal complies with all applicable requirements of this Zoning Ordinance.

1. Use Permits.
   a. Public hearing required. A Use Permit application shall be reviewed, and approved or disapproved by the Commission at a public hearing.
   b. Notice and conduct of hearing. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter D7-IV (Public Hearings).

2. Minor Use Permits. Before a decision on a Minor Use Permit, the City shall provide notice in compliance with Chapter D7-IV (Public Hearings).
   a. Public notice. The notice shall state that the Zoning Administrator will decide whether to approve or disapprove the Minor Use Permit application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.
   b. Requested hearing. When a hearing is requested, notice of the hearing shall be provided in compliance with Chapter D7-IV, and the Zoning Administrator shall conduct
the public hearing before a decision on the application in compliance with Chapter D7-IV.

F. **Findings and decision.** The review authority may approve a Use Permit or Minor Use Permit application only after first making all of the following findings:

1. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and the Municipal Code;
2. The proposed use is consistent with the General Plan and any applicable specific plan;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
5. Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood, or materially detrimental or injurious to property or improvements in the vicinity and zone in which the property is located.

G. **Conditions of approval.** In approving a Use Permit or Minor Use Permit, the review authority may impose conditions (e.g., the placement, height, nature and extent of the use; buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, time limits, etc.), including conditions which establish standards for development that are more restrictive than the applicable requirements of this Zoning Ordinance, deemed reasonable and necessary to ensure that the approval will comply with the findings required by Subsection F. (Findings and decision), above.

H. **Post decision procedures.** The procedures and requirements relating to changes to approved plans, effective dates, lapse of approval and extensions, and transferability located in Division D6, Chapter III (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation/ modification located in Division D7, Chapter V (Enforcement), shall apply following the decision on an application for a Use Permit or Minor Use Permit.
D6-29 - Variances

A. **Purpose.** This Section allows Variances from the development standards of this Zoning Ordinance only when, because of special circumstances applicable to the subject property, including location, shape, size, surroundings, topography, or other physical conditions, the strict application of the standards denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zone.

B. **Applicability.**

1. **Waive or modify development standards.** A Variance may be granted to waive or modify any development standard of this Zoning Ordinance except for those requirements identified in Subparagraphs 2, 3, and 4, immediately below.

2. **No special privileges.** A Variance shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and in the same zone.

3. **Does not extend to uses.** The power to grant Variances does not extend to allowable land uses. In no case shall a Variance be granted to allow a use of land or structure not otherwise allowed in the zone in which the subject property is located.

4. **Does not extend to procedures.** A Variance shall not be granted to allow an adjustment to the procedural requirements of this Zoning Ordinance.

C. **Review authority.**

1. A Variance application shall be reviewed, and approved or disapproved by the Zoning Administrator.

2. The Zoning Administrator may instead refer any Variance application to the Commission for a hearing and decision.

D. **Application filing and processing.** An application for a Variance shall be completed, filed, and processed in compliance with Division D6, Chapter I (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Variance applications. It is the responsibility of the applicant to provide evidence in support of the findings, as required by Subsection F. (Findings and decision), below.

E. **Project review, notice, and hearing.** Each application shall be reviewed by the Zoning Administrator to ensure that the proposal complies with all applicable requirements of this Zoning Ordinance.

1. **Public notice.** Before a decision on a Variance, the City shall provide notice in compliance with Chapter D7-IV (Public Hearings). The notice shall state that the Zoning Administrator will decide whether to approve or disapprove the Variance application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

2. **Requested hearing.** When a hearing is requested, a notice of the hearing shall be provided in compliance with Chapter D7-IV, and the Zoning Administrator shall conduct the hearing before a decision on the application in compliance with Chapter D7-IV.
F. **Findings and decision.** The Zoning Administrator may approve a Variance application only after first making all of the following findings, as applicable to the application.

1. **General findings.**
   a. There are special circumstances applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zone;

   b. Granting the application is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zone and denied to the property owner for which the application is sought; and

   c. The application is consistent with the General Plan and any applicable specific plan.

2. **Findings for off-street parking Variance.** For a nonresidential development proposing to locate a portion of the required off-street parking on a different site, or to provide fees or facilities in lieu of the required parking spaces, the Zoning Administrator shall first make both of the following findings, as required by Government Code Section 65906.5, instead of those required by Subparagraph F.1., above.

   a. The Variance would be an incentive to, and a benefit for, the subject nonresidential development; and

   b. The Variance would facilitate access to the subject nonresidential development by patrons of public transit facilities.

G. **Conditions of approval.** In approving a Variance, the Zoning Administrator:

1. Shall impose conditions to ensure that the Variance does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zone in which the subject property is located; and

2. May impose conditions (e.g., the placement, height, nature and extent of the use; buffers, landscaping and maintenance, off-site improvements, performance guarantees, screening, surfacing, etc.) deemed reasonable and necessary to ensure that the approval complies with the findings required by Subsection F. (Findings and decision), above.

H. **Post decision procedures.** The procedures and requirements relating to changes to approved plans, effective dates, lapse of approval and extensions, and transferability located in Division D6, Chapter III (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation/ modification located in Division D7, Chapter V (Enforcement), shall apply following the decision on an application for a Variance.
D6-30 - Zoning Clearances

A. **Purpose.** Zoning Clearance is the procedure used by the City to verify that a proposed structure or land use complies with the allowed list of activities allowed in the applicable zone, and the development and performance standards applicable to the use.

B. **Applicability.**

1. Where Division D2 (Allowable Land Uses and Zoning Standards) or other provisions of this Zoning Ordinance requires a Zoning Clearance as a prerequisite to establishing a new or modified land use or structure.

2. A Zoning Clearance shall be required where a land use is determined to be consistent with a (P) permitted use in Division D2 (Allowable Land Uses and Zoning Standards), but the proposed business operation or activity is not clearly associated with the definition of such land use.

3. A Zoning Clearance shall be required before any structure may be altered, constructed, erected, moved, or repaired or before any vacant land may be used or changed in use.

4. A Zoning Clearance shall be required at the time of Department review of any building, grading or other construction permit required by this Zoning Ordinance for the proposed land use or structure.

5. A new Zoning Clearance shall be required if changes are proposed to a land use for which a Zoning Clearance has been previously issued.

C. **Applicable authority.** The Zoning Administrator shall be the applicable authority for issuing Zoning Clearances.

In the event that a proposed use that is subject to the Zone Clearance process and which may be generally consistent with a zone, but whose effects on a site and surrounding properties cannot be readily determined, the Zoning Administrator may require a Minor Use Permit pursuant to section D6-28. Additionally, the Zoning Administrator may refer any Minor Use Permit application to the Planning Commission for a public hearing and decision.

D. **Review and form of approval.**

1. **Zoning Administrator review.** The Zoning Administrator shall issue the Zoning Clearance only after first determining that the request complies with all Zoning Ordinance provisions applicable to the proposed use or structure.

2. **Form of approval.** A Zoning Clearance may be a stamp, City staff signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Zoning Administrator.

E. **Post decision procedures.** The procedures and requirements relating to changes to approved plans, effective dates, lapse of approval and extensions, and transferability located in Division D6, Chapter III (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation/ modification located in Division D7, Chapter V (Enforcement), shall apply following the decision on an application for a Zoning Clearance.
Chapter III – Permit Implementation, Time Limits, and Extensions

Sections:

D6-31 - Purpose
D6-32 - Effective Dates of Permits
D6-33 - Performance Guarantees
D6-34 - Time Limits and Extensions
D6-35 - Changes to an Approved Project
D6-36 - Permits to Run with the Land
D6-37 - Resubmittals
D6-38 - Covenants for Easement

D6-31 - Purpose

This Chapter provides requirements for the implementation or “exercising” of the permits required by this Zoning Ordinance, including time limits, and procedures for extensions of time.

D6-32 - Effective Dates

The approval of a land use permit (e.g., Architectural Review, Development Plan, Planned Development Permit, Temporary Use Permit, Use Permit, or Variance) shall become effective on the 11th calendar day following the date of application approval by the appropriate review authority, where no appeal of the review authority’s action has been filed in compliance with Chapter D7-II (Appeals and Calls for Review).

D6-33 - Performance Guarantees

A permit applicant may be required by conditions of approval or by action of the Zoning Administrator to provide adequate security to guarantee the faithful performance and proper completion of any approved work, and/or compliance with conditions of approval imposed by the review authority. The provisions of this Section apply to performance guarantees for projects authorized by any land use permits required by this Zoning Ordinance.

A. Form and amount of security. The required security shall be in a form approved by the Zoning Administrator, upon recommendation of the City Attorney. The amount of security shall be as determined by the Zoning Administrator to be necessary to ensure proper completion of the work and/or compliance with conditions of approval.

B. Security for maintenance. In addition to any improvement security required to guarantee proper completion of work, the Zoning Administrator may require security for maintenance of the work, in an amount determined by the Zoning Administrator to be sufficient to ensure the proper maintenance and functioning of the improvements.

C. Duration of security.

1. Improvement security. Required improvement security shall remain in effect until final inspections have been made and all work has been accepted by the Zoning Administrator, or until any warranty period required by the Zoning Administrator has lapsed.
2. **Maintenance security.** Maintenance security shall remain in effect for at least 12 months after the date of final inspection.

D. **Release or forfeit of security.**

1. Upon satisfactory completion of work and the approval of a final inspection (or after the end of the required time for maintenance security), the improvement and/or maintenance deposits or bonds shall be released.

2. Upon a determination by the Zoning Administrator that the responsible parties have failed, within a required time or an otherwise reasonable time period, to complete the work, to comply with all of the terms of any applicable permit, or in the event of a failure of the completed improvements to function properly, the City may do the required work or cause it to be done, and collect from the permittee or surety all the costs incurred by the City, including the costs of the work, and all administrative and inspection costs.

3. Any unused portion of the security shall be refunded to the funding source after deduction of the cost of the work by the City.

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**D6-34 - Time Limits and Extensions**

A. **Time limits.**

1. Unless conditions of approval or other provisions of this Zoning Ordinance establish a different time limit, any planning permit or approval granted in compliance with Division D6, Chapter II (Permit Review and Decisions) that is not exercised within 12 months of its approval shall expire and become void, except where an extension of time is approved in compliance with Subsection B. (Extensions), below.

2. The planning permit shall not be deemed "exercised" until:

   a. A Building Permit has been issued and actual construction diligently commenced thereon and has not expired;

   b. A Certificate of Occupancy has been issued;

   c. The use is established (in operation on the site); or

   d. The planning permit or approval is extended in compliance with Subsection B. (Extensions), below.

3. For the purposes of this Zoning Ordinance, actual construction shall mean the placing of construction materials in a permanent manner or demolition of existing structures preparatory to rebuilding; provided, that in all cases construction work shall be diligently pursued until completion of the subject structures.

4. The planning permit or approval shall remain valid after it has been exercised as long as a Building Permit is active for the project, or a final building inspection or Certificate of Occupancy has been issued.

5. If a project is to be developed in pre-approved phases, each subsequent phase shall be exercised within 12 months from the date that the previous phase was exercised, unless otherwise specified in the planning permit, or the planning permit shall expire and be deemed void. If the project also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map and the planning permit or approval shall be exercised before the expiration of the Tentative Map, or the planning permit or approval shall expire and be deemed void.
B. Extensions. Upon request by the applicant, the Zoning Administrator may extend the time for an approved planning permit to be exercised in the following manner.

1. The permittee shall file a written request for each extension of time with the Planning Services Division at least 10 days before the expiration of the permit, together with the filing fee required by the City’s Fee Schedule.

2. The burden of proof is on the permittee to establish with substantial evidence that the permit should not expire. If the Zoning Administrator determines that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner, the Zoning Administrator may grant a time extension to extend the permit, provided that the Zoning Administrator first finds that:

   a. The requested extension is consistent with the General Plan, and any applicable specific plan, and the overall project remains consistent with those plans as they exist at the time the extension request is being considered;

   b. The findings required by the original approval remain valid; and

   c. There are adequate provisions for public services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.), to ensure that the requested extension would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zone.

3. Upon making the findings in subsection B.2., above, the Zoning Administrator may grant a maximum of three, 12-month time extensions from the effective date of an approved planning permit.

C. Hearing on expiration. At the request of the applicant, the review authority may hold a hearing on any proposed expiration of a planning permit, in compliance with Chapter D7-IV (Public Hearings).

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D6-35 - Changes to an Approved Project

A new development project or land use authorized through a permit granted in compliance with this Zoning Ordinance shall be established only as approved by the review authority and subject to any conditions of approval, except where changes to the project, including conditions of approval, are approved in compliance with this Section.

A. Request for change.

1. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.

2. Changes may be requested either before or after construction or establishment and operation of the approved use.

B. Minor changes. The Zoning Administrator may approve changes to an approved site plan, architecture, or the nature of the approved use if the changes:

1. Are consistent with all applicable provisions of this Zoning Ordinance;

2. Do not involve a feature of the project that was specifically addressed in, or was a basis for findings in a Negative Declaration (ND), Mitigated Negative Declaration (MND), or Environmental Impact Report (EIR) for the project;
3. Do not involve a feature of the project that was specifically addressed in, or was a basis for conditions of approval for the project or that was a specific consideration by the review authority in the original approval of the permit; and

4. Do not expand the approved floor area or any outdoor activity area by 10 percent or more over the life of the project.

C. Other changes. Changes to the project that are not included in Subsection B. (Minor changes), above, shall be reviewed by the Zoning Administrator to determine the appropriate process of review.

D6-36 - Permits to Run with the Land

A land use permit (e.g., Architectural Review, Development Plan, Minor Use Permit, Planned Development Permit, Temporary Use Permit, Use Permit, or Variance) granted in compliance with Division D6, Chapter II (Permit Review and Decisions) shall continue to be valid upon a change of ownership (e.g., of the site, structure, or use that was the subject of the permit application), provided that the use remains in compliance with all applicable provisions of this Zoning Ordinance and any conditions of approval.

D6-37 - Resubmittals

A. Resubmittals prohibited within 12 months. For a period of 12 months following the disapproval or revocation/modification of a discretionary land use permit, entitlement, or amendment decided in compliance with this Zoning Ordinance, no application for the same or substantially similar discretionary permit, entitlement, or amendment for the same site shall be submitted, unless the disapproval is made without prejudice, and so stated in the record.

B. Zoning Administrator’s determination. The Zoning Administrator shall determine whether the new application is for a discretionary land use permit or other approval which is the same or substantially similar to the previously disapproved or revoked permit, entitlement, or amendment.

C. Appeal. The determination of the Zoning Administrator may be appealed to the Commission, in compliance with Chapter D7-II (Appeals and Calls for Review).

D. Council waiver. The Council may waive the prohibition in Subsection A., above if the Council first finds that by reason of changed legal, physical, or sociological circumstances, reconsideration would be in the best interests of the City.

D6-38 - Covenants of Easements

A. Applicability. When necessary to achieve the land use goals of the City, the City may require a property owner holding property in common ownership to execute and record a Covenant of Easement in favor of the City, in compliance with State law (Government Code Sections 65870 et seq.)

1. A Covenant of Easement may be required to provide for emergency access, access to an on-site public art feature for maintenance, landscaping, light and air access, ingress and egress, parking, solar access, or for open space.

2. The Covenant of Easement may be imposed as a condition of approval by the review authority.
B. **Form of covenant.** The form of the Covenant shall be approved by the City Attorney, and the Covenant of Easement shall:

1. Describe the real property to be subject to the easement;
2. Describe the real property to be benefitted by the easement;
3. Identify the City approval or permit granted which relied on or required the Covenant; and
4. Identify the purposes of the easement.

C. **Recordation.** The Covenant of Easement shall be recorded in the County Recorder’s Office.

D. **Effect of covenant.** From and after the time of its recordation, the Covenant of Easement shall:

1. Act as an easement in compliance with Civil Code Section 801 et seq., except that it shall not merge into any other interest in the real property. Civil Code Section 1104 shall be applicable to the conveyance of the affected real property; and
2. Impart notice to all persons to the extent afforded by the recording laws of the State. Upon recordation, the burdens of the Covenant shall be binding on, and the Covenant shall benefit, all successors-in-interest to the real property.

E. **Enforceability of covenant.** The Covenant of Easement shall be enforceable by the successors-in-interest to the real property benefited by the Covenant and the City. Nothing in this Section creates standing in any person, other than the City, and any owner of the real property burdened or benefitted by the Covenant, to enforce or to challenge the Covenant or any requested amendment or release.

F. **Release of covenant.** The release of the Covenant of Easement may be effected by the Commission, or the Council on appeal, following a noticed public hearing in compliance with Chapter D7-IV (Public Hearings).

1. The Covenant of Easement may be released by the City, at the request of any person, including the City or an affected property owner, on a finding that the Covenant, on the subject property, is no longer necessary to achieve the land use goals of the City.
2. A notice of the release of the Covenant of Easement shall be recorded by the Zoning Administrator with the County Recorder’s Office.

G. **Fees.** The City shall impose fees to recover the City’s reasonable cost of processing a request for a release. Fees for the processing shall be established by the City’s Fee Schedule.
Chapter IV – Development Agreements

Sections:

D6-39 - Purpose
D6-40 - Application Requirements
D6-41 - Pre-Application Process
D6-42 - Department Review and Recommendation
D6-43 - Public Hearing Required
D6-44 - Commission Action
D6-45 - Council Action
D6-46 - Annual Review
D6-47 - Application of Existing Rules, Regulations, and Policies
D6-48 - Modification and Termination
D6-49 - Zoning Administrator Responsibilities

D6-39 - Purpose

A. **Authorization of development agreements.** In order to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic cost of development, the Legislature of the State of California adopted Government Code Section 65864 et seq., authorizing local governments to enter into development agreements with applicants for development projects.

B. **Objective.** The objective of an agreement is to provide assurances that, upon approval of the project, the applicant may proceed with the project in compliance with existing policies, rules, and regulations, subject to the conditions of approval, thus vesting certain development rights in the subject property.

C. **Purpose.** The purpose of this Chapter is to establish procedures and requirements for consideration of development agreements by the City consistent with State law.

D6-40 - Application Requirements

A. **Compliance with State law required.** An applicant may propose that the City consider entering into a development agreement in compliance with Government Code Section 65864 et seq., by filing an application with the Department.

B. **Application requirements.** An application for a development agreement shall be filed in compliance with Division D6, Chapter I (Permit Application Filling and Processing). The application shall be accompanied by the information identified in the Department handout for development agreement applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection D6-45 E. (Required findings), below.
D6-41 - Pre-Application Process

A. **Authorization by the Council following pre-application process.** Unless otherwise directed by the Zoning Administrator, City staff shall not begin to negotiate with the applicant until the Council has so authorized staff, following completion of the pre-application process identified below.

B. **Review and preparation of Council recommendation.** The Zoning Administrator shall review the proposal, consult with all City departments, obtain the additional information from the applicant as may be deemed necessary by the Zoning Administrator, and shall, within 45 calendar days of receipt of the proposal, prepare a report containing the Zoning Administrator's recommendation to the Council.

C. **The written recommendation shall consist of the following:**

1. A statement of the potential public benefits accruing to the City if the agreement were entered into, as identified by the Zoning Administrator;

2. A recommendation whether the City should negotiate further with the applicant, with supporting arguments;

3. A statement of issues for further research and investigation, and issues that should be addressed in the development agreement;

4. A statement of those documents, applications, and other items required by the Zoning Administrator in order to further process the application or negotiate with the applicant.

D. **The Council shall either:**

1. Direct City staff to continue negotiating with the applicant, and to prepare a proposed development agreement for Commission review; or

2. Determine that no further negotiations are desirable and reject the application.

D6-42 - Department Review and Recommendation

Unless the project is categorically exempt, the Department shall, at the applicant's expense and in compliance with City procedures for implementation of CEQA, undertake environmental review and, upon completion of the review, transmit the application, together with the Zoning Administrator's recommendations to the Commission.

D6-43 - Public Hearing Required

A. **Determination of compliance with the General Plan.** Upon receipt of an application, the results of the environmental review, and the recommendations of the Department, the Commission shall schedule a public hearing to determine whether the proposal conforms to the General Plan.

B. **Scheduling of Commission hearing.** The Commission hearing shall be scheduled within 180 days following Council authorization to staff to negotiate with the applicant, unless the City and the applicant mutually agree to a later date.

C. **Compliance with State law.** Notice of intention to consider the application shall be given in compliance with State law (Government Code Sections 65090 and 65091) and Chapter D7-IV (Public Hearings).
D. **Compliance with notice for companion development project.** If the development agreement application is being processed together with the development project, notice of the intention shall be given as required for consideration of the companion development project.

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**D6-44 - Commission Action**

A. **Commission's recommendation.** After the public hearing is closed, the Commission shall recommend either approval, modification, or disapproval of the proposed development agreement.

B. **Transmittal of recommendation within 30 days.** The Commission shall transmit its recommendation to the Council and applicant within 30 calendar days following the Commission’s date of action.

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**D6-45 - Council Action**

A. **Scheduling of Council hearing.** Upon receipt of the application, the results of the environmental review, and the recommendations of the Department and the Commission, the Council shall schedule a public hearing on the application.

B. **Notice in compliance with State law.** Notice of intention to consider the application shall be given in compliance with Subsection D6-43 C. (Compliance with State law), above.

C. **Hearing may be held concurrently with companion project.** If the application is being processed together with the development project, the public hearing on the application may be held concurrently with the hearing on the companion development project.

D. **Council's action.** After the public hearing is closed, the Council shall approve, modify, or disapprove the proposed development agreement.

E. **Required findings.** An agreement shall not be approved unless the Council makes the following findings:

1. The agreement is consistent with the General Plan and with any applicable specific plan;

2. The agreement is consistent with all provisions of this Zoning Ordinance, the Municipal Code, and the State Subdivision Map Act;

3. The agreement will not be detrimental to the health, safety, and general welfare and will not adversely affect the orderly development of property or the preservation of property values;

4. The Council has considered the effect of the development agreement on the housing needs of the region in which the City is situated and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources.

F. **Approval by ordinance.** Any approval of a proposed agreement shall be made by ordinance, which shall authorize the Mayor and the City Manager to sign the agreement on behalf of the City, and shall become effective after 30 calendar days following the second reading, unless a referendum is filed within that time in compliance with State law.

G. **Signatures of owner and applicant required.** The agreement shall not be signed by the Mayor and the City Manager until it has been duly signed by the applicant and owner, if the applicant is not the owner.
H. **Failure to sign within 30 days – withdrawal of application.** If the applicant has not signed and returned the approved agreement to the Mayor and the City Manager for signing within 30 calendar days of Council approval, the application shall be deemed withdrawn by applicant.

I. **Recordation of agreement.** Within 10 calendar days after the Mayor and the City Manager sign a development agreement and the ordinance becomes effective, the City Clerk shall cause a copy thereof to be recorded.

J. **Modification or suspension in compliance with State law.** All agreement provisions are subject to modification or suspension in compliance with State law (Government Code Section 65864 et seq.)

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**D6-46 - Annual Review**

Each development agreement shall be reviewed by the Planning Director at least once every 12 months, unless the agreement provides for more frequent review, in which case the agreement shall prevail.

A. **Maximum term of agreement.** A development agreement shall be limited in its term to a maximum of 15 years from the effective date of the adopted ordinance.

B. **Extension of term of agreement.** The City may specify in the agreement options to extend the agreement.

C. **Purpose of the review.** The purpose of the review shall be to inquire into the good faith compliance of the applicant with the terms and conditions of the agreement and for any other purpose specified in the agreement.

D. **Preparation of report.** Before each review, the Department shall prepare a report relative to all development that has occurred under the agreement subsequent to the last past review and any other matters the Department wishes to bring to the City Manager's attention.

E. **Compliance with all terms and conditions – no further review required.** If the Department review determines that all terms and conditions of the agreement have been met, and the Planning Director concurs in writing, no further review shall be required.

F. **Recommendation for modification or termination – Commission hearing first required.** If the Department report recommends modification or termination of the agreement, or if the Zoning Administrator proposes to make a recommendation to the Council, a public hearing before the Commission shall first be scheduled and conducted.

G. **Notice in compliance with State law.** Notice of the Commission's intention to modify or terminate the agreement shall be given in compliance with Subsection D6-43 C. (Compliance with State law), above.

H. **Applicant’s responsibility during hearing.** At the hearing the applicant shall have the burden of demonstrating good faith compliance with the terms and conditions of the agreement.

I. **Commission's recommendation.** After closing the public hearing, the Commission shall determine whether to recommend that the agreement be terminated, modified, or confirmed as is.

J. **Scheduling of Council hearing.** Upon receipt of the Zoning Administrator's or Commission's recommendation, the Council shall schedule a public hearing.
K. **Notice in compliance with State law.** Notice of the Council’s intention to modify or terminate the agreement shall be given in compliance with Subsection D6-43 C. (Compliance with State law), above.

L. **Council’s action to modify or terminate the agreement.** If, after the public hearing is closed, the Council finds and determines on the basis of substantial evidence that the applicant or its successor-in-interest has not complied in good faith with the terms and conditions of the agreement, the Council may modify or terminate the agreement.

M. **Compliance with Section D6-48 required.** Any modification or termination shall be in compliance with Section D6-48 (Modification and Termination), below.

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**D6-47 - Application of Existing Rules, Regulations, and Policies**

A. **Applicable policies, regulations, and rules.** Unless otherwise provided by the development agreement, the official policies, regulations, and rules applicable to development of the property subject to a development agreement, shall be those official policies, regulations, and rules in force at the time of execution of the agreement.

B. **Vesting only in compliance with agreement.** No rights shall be deemed to vest in the applicant, or any other person, under any development agreement, except as expressly identified in the development agreement.

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**D6-48 - Modification and Termination**

A. **Amendment, cancellation, modification, or termination of agreement.** Any development agreement may be amended, or canceled in whole or in part, by mutual consent of the applicant (or its successor-in-interest) and the City, or it may be modified or terminated in compliance with this Section and Section D6-46 (Annual Review), above.

B. **Notice of intention to take action.**

1. Notice of intention to take any action shall be given in compliance with Subsection D6-43 C. (Compliance with State law), above.

2. The parties may identify an alternative notice procedure in the agreement for processing insubstantial amendments.

C. **Compliance with State law required.** Any significant amendment shall be subject to the provisions of State law (Government Code Section 65867.5).

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**D6-49 - Zoning Administrator Responsibilities**

The Zoning Administrator shall prepare and adopt application forms, check-lists, and other documents as considered necessary and desirable to implement the procedures and requirements identified in this Chapter.
Division D7

Zoning Ordinance Administration

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Chapter I - Nonconforming Uses, Structures, and Parcels

Sections:

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D7-5 - Exemptions
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D7-7 - Nuisance Abatement

D7-1 - Purpose

A. **Purpose.** This Chapter provides regulations for nonconforming uses, structures, and parcels that were lawful before the adoption, or amendment of this Zoning Ordinance, but which would be prohibited, regulated, or restricted differently under the current terms of this Zoning Ordinance, or future amendments.

B. **Intent.** It is generally the intent of this Chapter to discourage the long-term continuance of nonconformities, providing for their eventual elimination, while allowing them to exist under the limited conditions identified in this Chapter.

C. **Detrimental to orderly development.** The continuance of a nonconforming use or structure is generally detrimental to the orderly development of the City and the general welfare of its residents and is particularly detrimental to the welfare of persons and property in the vicinity of any nonconformity.

D. **Illegal use or structure.** Any use or structure which was established or constructed in violation of the applicable zoning regulations in effect at the time of establishment or construction and which is not in conformity with the applicable regulations of this Zoning Ordinance, is not a nonconforming use or structure, and the use or structure is in violation of this Zoning Ordinance.

D7-2 - Nonconforming Uses

A. **Continued, transferred, or sold.** Nonconforming uses may be continued, transferred, or sold, but only in compliance with the provisions of this Chapter.

B. **Replacing nonconforming uses with similar uses.**

1. A nonconforming use may be changed to another nonconforming use of a similar or more restricted classification or nature; provided, the proposed new nonconforming use would not increase the degree or intensity of the nonconformity.

2. The replacement nonconforming use shall serve as the "new bench mark" in terms of establishing the acceptable level of nonconformity.

3. Where a nonconforming use is changed to another nonconforming use of a more restrictive classification, it shall not thereafter be changed to a use of a less restrictive classification.
C. **Enlargement or expansion of use not allowed.**

1. **Nonconforming use of land.** A nonconforming use of land which does not involve any structure, except accessory structures, shall not be enlarged or expanded in size or capacity, or extended to occupy a greater area, or increased in intensity. "Accessory structures," as used in this Subsection, include driveways, fences, parking areas, signs, walls, or minor structures less than 400 square feet in area.

2. **Nonconforming use of a structure.** Changes to a nonconforming use of a structure by addition, enlargement, extension, reconstruction, or relocation, may be allowed only if the changes comply with all of the regulations of the subject zone and the following provisions:
   
   a. A nonconforming use of a structure may only be expanded or enlarged in size or capacity, or extended to occupy a greater area, or increased in intensity through the approval of a Minor Use Permit granted in compliance with Section D6-28.
   
   b. In approving the Minor Use Permit, the Zoning Administrator shall make the following finding, in addition to those identified in Section D6-28: The enlargement, expansion, extension, or increase would not increase the degree or the detrimental effects of the nonconformity.

D. **Loss of nonconforming status.**

1. If a nonconforming use of land, or a nonconforming use of a conforming structure, is discontinued for a continuous period of at least 180 calendar days, the rights to legal nonconforming status shall terminate.

2. The nonconforming use shall not be resumed once the use has ceased for at least 180 days.

3. A nonconforming use shall be deemed to have ceased when it has been discontinued, either temporarily or permanently, whether or not the discontinuance was with the intent to abandon the use.

4. The Zoning Administrator shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business receipts/records to document continued operation.

5. Without further action by the City, any further use of the site shall comply with all of the regulations of the subject zone and all other applicable provisions of this Zoning Ordinance.

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**D7-3 - Nonconforming Structures**

A. **Continued, transferred, or sold.** Nonconforming structures may be continued, transferred, or sold, but only in compliance with the provisions of this Chapter.

B. **Nonconforming status.** Except as provided by Section D7-5.D (Nonconforming single- and multi-family dwelling units), below, the nonconforming status shall terminate if a nonconforming structure is involuntarily damaged or destroyed by earthquake, explosion, fire, flood, riot, war, wind, or other calamity or act of Nature; provided, the structure may be repaired and reoccupied only in the following manner:

1. **When damage equals 50 percent or less.** A nonconforming structure involuntarily damaged to 50 percent or less of its current market value (as defined in Subsection B.5.b., below) may be reconstructed, repaired, restored, and used as before; provided, the restoration is initiated...
(as defined in Subsection B.5.a., below) within 180 days, and is substantially completed within 12 months from the date of application for the required Building Permit.

2. **When damage equals greater than 50 percent.** A nonconforming structure involuntarily damaged to greater than 50 percent of its current market value (as defined in Subsection B.5.b., below) shall not be reconstructed, repaired, or restored, except in conformity with the applicable requirements of the subject zone.

3. **Ordinary repair and maintenance allowed.** The ordinary and normal repair and maintenance work that may be required to keep a nonconforming structure in sound condition may be made in compliance with this Subparagraph; provided, no structural alterations or repairs shall be made, except those required by law or may be authorized under Subsection B.1., above. A nonconforming structure may undergo ordinary and normal repair and maintenance only in the following manner:

   a. **Minor.** Minor normal repair and maintenance may be made to a nonconforming structure:

      (1) Provided, no structural alterations are made (exception: see following Subparagraph a (2)), and the work does not exceed 50 percent of the current market value of the structure during any calendar year period;

      (2) When required structural alteration work is greater than 50 percent of the current market value of the structure, the work shall be subject to Minor Use Permit approval in compliance with Section D6-28; and

      (3) For purpose of this Subparagraph the cost of any required foundation work shall not be counted within the 50 percent limitation.

   b. **Major.** Major repair to a nonconforming structure, when the cost of repairing or replacing the damaged portion of the structure exceeds 50 percent of the current market value of the structure, before damage or destruction, may be made only in compliance with Subparagraphs B.2 and B.3.a(2), above.

4. **Other modifications allowed.** The addition, enlargement, extension, reconstruction, or structural alteration of a nonconforming structure may be allowed; provided, the modification is necessary to secure added safety or to reduce the fire hazard and/or to secure aesthetic advantages through the alignment, architecture, or closer conformity to surrounding allowed structures in the immediate neighborhood, and only in compliance with Subparagraphs B.2 and B.3a (2), above.

5. **Definitions.**

   a. **Restoration is initiated.** As used in this Subsection, “restoration is initiated” requires that, at a minimum, a complete Building Permit application has been filed.

   b. **Current market value.**

      (1) As used in this Subsection, “current market value” is the market value of the structure immediately before the occurrence of the damage.

      (2) For purposes of administering the provisions of this Subsection, the applicant shall submit an appraisal from a licensed appraiser and the City's Building Official shall verify the appraiser’s determination of the current market value of the damaged structure, which determination shall be final, unless appealed in compliance with Division D7, Chapter II (Appeals and Calls for Review).
D7-4 - Nonconforming Parcels

A. Legal building site. A nonconforming parcel that does not comply with the applicable area or width or depth requirements of this Zoning Ordinance shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Zoning Administrator by evidence furnished by the applicant.

1. Approved subdivision. The parcel was created by a recorded subdivision;

2. Individual parcel legally created by deed. The parcel is under one ownership and of record, and was legally created by a recorded deed before the effective date of the zoning amendment that made the parcel nonconforming;

3. Variance or lot line adjustment. The parcel was approved through the Variance procedure or resulted from a lot line adjustment;

4. Partial government acquisition. The parcel was created in compliance with the provisions of this Zoning Ordinance, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent, or

B. Subdivision or lot line adjustment of a nonconforming parcel. No subdivision or lot line adjustment shall be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel.

D7-5 - Exemptions

A. Historic structures. Nonconforming structures of historical significance may be altered or enlarged with Minor Use Permit approval granted in compliance with Section D6-28, without conforming to current setback provisions; provided, the historic structure is:

1. Included in a San Ramon Landmark District;

2. Listed as an historic resource;

3. Has been certified to be an historic resource by the City, County, or State, or in the Federal Register of Historic Places; and

4. To be altered or enlarged as an authentic replica of the original structure(s).

B. Height of single-family dwellings. An existing single family dwelling that is nonconforming only because it exceeds the height limit of the applicable zone, shall not be required to comply with the provisions of this Chapter.

C. Single-family residences and detached residential accessory structures. Where a single family residence, or its detached accessory structure(s), is nonconforming only by reason of substandard setbacks, the provisions of this Section shall not apply; provided, any structural alteration of a nonconforming structure shall not increase the degree of nonconformity, and any enlargements shall comply with the setback requirements of the subject zone.

D. Nonconforming single- and multi-family dwelling units.

1. Nonconforming single- and multi-family dwelling units that have been involuntarily damaged or destroyed by earthquake, explosion, fire, flood, riot, war, wind, or other calamity or act of
Nature, may be reconstructed or replaced with a new structure using the same development standards applied to the damaged or destroyed structure (e.g., building footprint, building height, density standards, number of dwelling units, setbacks, and square footage); provided:

a. The applicant provides documentation, satisfactory to the Zoning Administrator, supporting the claim that the damage or destruction occurred involuntarily;

b. No expansion of the gross floor area or number of dwelling units occurs;

c. The replacement structure:

   (1) Complies with the Building Code; and

   (2) Will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the immediate vicinity of the replacement structure.

d. A Building Permit is issued no later than 12 months after the date of destruction, and construction is diligently pursued to completion.

2. If the preceding requirements are not met, the replacement structure shall comply with all of the regulations of the subject zone in effect on the date of application for the required Building Permit.

E. Seismic retrofitting.

1. Alterations, reconstruction, or repairs otherwise required by law (e.g., City adopted Building, Electrical, Plumbing Codes) shall be allowed.

2. Reconstruction required to reinforce unreinforced masonry structures or to comply with Building Code requirements shall be allowed without cost limitations; provided, the retrofitting and Code compliance are limited exclusively to compliance with earthquake safety standards and other applicable Building Code requirements.

F. Nonconforming upon annexation. Nonconforming uses or structures, or both, which are lawfully existing at the time the property on which they are located is annexed to the City, and which do not conform to the regulations of the subject zone following annexation, shall be deemed nonconforming uses or structures, or both, and shall, upon annexation, be subject to the provisions of this Chapter.

G. Nonconforming due to a lack of a Minor Use Permit or Use Permit.

1. Conformity of uses requiring Minor Use Permit or Use Permits. A use lawfully existing without a Minor Use Permit or Use Permit that would be required by this Zoning Ordinance to have Minor Use Permit or Use Permit approval, in compliance with Section D6-28, shall be deemed conforming, but only to the extent that it previously existed (e.g., maintain the same site area boundaries, hours of operation, etc.)

2. Previous Minor Use Permits or Use Permits in effect. A use that was authorized by a Minor Use Permit or Use Permit but is not allowed by this Zoning Ordinance in its current location may continue, but only in compliance with the original Minor Use Permit or Use Permit (e.g., if the original Minor Use Permit or Use Permit specified a termination date, then the use shall terminate in compliance with the requirements of the Minor Use Permit or Use Permit.)
H. Previous permits.

1. A use or structure which does not conform to the current regulations of the subject zone, but for which a Building Permit, or a permit or entitlement approved in compliance with this Zoning Ordinance, was issued and exercised before the applicability of this Zoning Ordinance, may be completed; provided, the work is diligently pursued to completion.

2. Upon completion, these uses or structures, or parts thereof, shall be deemed to be nonconforming and shall thereafter be subject to the provisions of this Chapter.

3. For the purposes of this Subsection, the provisions of Section D-6-34 (Time Limits and Extensions) shall govern the determination of whether the permit or entitlement has been exercised in a timely manner.

I. Public utilities. The provisions of this Chapter, concerning the required removal of nonconforming uses and structures, and the reconstruction of nonconforming structures partially destroyed, shall not apply to public utility structures when the structures pertain directly to the rendering of the service of distribution of a utility (e.g., electric distribution and transmission substations, gas storage, metering, and valve control stations, steam electric generating stations, water wells and pumps, etc.); nor shall any provision of this Chapter be construed to prevent the expansion, modernization, or replacement of the public utility structures, equipment, and features, that are used directly for the delivery of or distribution of the service.

J. Public acquisition.

1. Nonconforming due to public acquisition. Whenever any structure or parcel is rendered nonconforming within the meaning of this Chapter by reason of a reduction in a required parcel area, reduction of off-street parking facilities, or setbacks occurring solely by reason of dedication to, or purchase by, the City for any public purpose, or eminent domain proceedings, which result in the acquisition by the City or any agency authorized for the eminent domain proceedings of a portion of the property, the same shall not be deemed nonconforming within the meaning of this Chapter.

2. Required reconstruction, remodeling, or repair. Any required reconstruction, remodeling, or repair shall be limited to that necessary to render the structure reasonably safe for continued use; provided, all reconstruction, remodeling, or repair work shall be substantially completed within 12 months from the date of application for the required Building Permit.

D7-6 - Unlawful Uses and Structures

A. Unlawful uses and structures are in violation. Uses and structures which did not comply with the applicable provisions of this Zoning Ordinance or prior planning and zoning regulations when established are violations of this Zoning Ordinance and are subject to the regulations of the Municipal Code.

B. No right to continue occupancy. This Chapter does not grant any right to continue occupancy of property containing an illegal use or structure.

C. Can’t continue without required permits. The activity shall not be lawfully allowed to continue unless/until permits or entitlements required by this Zoning Ordinance and the Municipal Code are first obtained.
D7-7 - Nuisance Abatement

A. **Not applicable to public nuisances.** The provisions of this Chapter shall not apply to a use or a structure which is, or which becomes, a public nuisance.

B. **Continuance of public nuisances prohibited.** The provisions of this Chapter do not allow, and shall not be interpreted to allow, the continuation of a use or structure which is deemed a public nuisance or which is prohibited or otherwise made unlawful, in whole or in part, by the Municipal Code (including the Building Code, Fire Code, Zoning Ordinance, etc.) or by laws enacted by the State or Federal government which are applicable to this City.

C. **Enforcement actions.** In the event that a nonconforming use or structure is found to constitute a public nuisance, appropriate action shall be taken by the City, in compliance with the Municipal Code. A violation of the Zoning Ordinance can be deemed to be evidence of a public nuisance.
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Chapter II - Appeals and Calls for Review

Sections:

D7-8 - Purpose
D7-9 - Right of Appeal
D7-10 - Time Limits for Appeals and Calls for Review
D7-11 - Initiation of Appeals and Calls for Review
D7-12 - Procedures for Appeals and Calls for Review
D7-13 - Effective Dates
D7-14 - New Appeal

D7-8 - Purpose

A. Appeals. To avoid results inconsistent with the purposes of this Zoning Ordinance, any decision made in compliance with this Zoning Ordinance:

1. Zoning Administrator. Decisions made by the Zoning Administrator may be appealed to the Commission; and
2. Commission. Decisions made by the Commission may be appealed to the Council.

B. Calls for Review. As an additional safeguard to avoid results inconsistent with the purposes of this Zoning Ordinance, any decision of:

1. Zoning Administrator. The Zoning Administrator may be called up for review by the Commission; and
2. Commission. The Commission may be called up for review by the Council.

D7-9 - Right of Appeal

An appeal may be initiated by the applicant or any interested person.

D7-10 - Time Limits for Appeals and Calls for Review

A. Appeals by applicant or other interested parties. An appeal of a decision by an applicant or other interested party shall be initiated within 10 calendar days of the date of the decision.

B. Time limits. When the appeal period ends on a weekend or holiday, the time limits shall be extended to the next working day.

C. Calls for Review. Calls for Review shall be initiated before the end of the appeal periods identified in Subsections A. and B., above, which is the effective date of the decision to be reviewed.
D7-11 - Initiation of Appeals and Calls for Review

A. **Filing of an appeal.** An appeal accompanied by the fee identified in the City’s Fee Schedule shall be filed with the City Clerk on a form provided and shall state specifically the following information:
   1. The specific determination or interpretation that is claimed to be not in compliance with the purposes of this Zoning Ordinance;
   2. The specific facts that are claimed to be in error or an abuse of discretion;
   3. The specific facts of the record which are claimed to be inaccurate; or
   4. The specific decision that is claimed to be unsupported by the record.

B. **Calls for Review.** A Call for Review shall be filed by a member of the Commission or the Council with the Zoning Administrator stating the reasons for the review before the effective date of the decision to be reviewed in compliance with Section D7-8 (Purpose and Authorization for Appeals and Calls for Review), above.

C. **Effect on decisions.** The timely filing of an appeal or a Call for Review shall cause a stay (e.g., shall temporarily vacate all proceedings associated with the matter subject to the appeal) in the effective date of the action or decision from which the appeal or a Call for Review has been taken until a final decision on the matter has been rendered by the appropriate review authority.

D7-12 - Procedures for Appeals and Calls for Review

A. **Hearing date.** An appeal or Call for Review shall be scheduled for a hearing before the appellate body within 60 calendar days of the City’s receipt of an appeal unless both the applicant and appellant consent to a later date.

B. **Notice and public hearing.**
   1. An appeal or Call for Review hearing shall be a public hearing only if the decision being appealed or reviewed required a public hearing.
   2. Notice of the public hearing shall be given in the same manner required for the decision being appealed or reviewed in compliance with Division D7, Chapter IV (Public Hearings).

C. **Plans and materials.**
   1. At an appeal or Call for Review hearing, the appellate body shall conduct a hearing “de novo” and may consider new materials and testimony in addition to the same application, plans, and related project materials that were the subject of the original decision.
   2. The City Clerk shall advise the appellate body as to compliance with this provision.

D. **Hearing.** At the hearing, the appellate body shall review the record of the decision and hear testimony of the appellant, the applicant, and any other interested party.

E. **Decision and notice.**
   1. After the hearing, the appellate body shall affirm, modify, or reverse the original decision.
2. The appellate body’s decision shall be supported by the weight of the evidence presented at the hearing.

3. Decisions on appeals or Calls for Review shall be rendered within 30 calendar days of the close of the hearing.

4. The notice shall be mailed within five working days after the date of the decision to the applicant, the appellant, and any other party requesting notice.

F. **Failure to act.** Failure of the appellate body to act within the time limits identified in Subsections A. and E., above shall be deemed affirmation of the original decision.

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**D7-13 - Effective Dates**

A. **Commission decision.** A decision by the Commission regarding an appeal or Call for Review shall become final 10 calendar days after the effective date of the decision, unless appealed to the Council in compliance with this Chapter.

B. **Council decision.** A decision by the Council regarding an appeal or Call for Review shall become final on the effective date of the decision.

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**D7-14 - New Appeal**

Following disapproval of an appeal or certification of a decision called for review, any matter that is the same or substantially the same shall not be considered by the same appellate body within the following 12-month period, unless the disapproval or certification was made without prejudice, and so stated in the record.
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Chapter III - Amendments

Sections:

D7-15 - Purpose
D7-16 - Initiation of Amendment
D7-17 - Application Requirements
D7-18 - Public Hearing Scope and Notice
D7-19 - Duties of the Commission
D7-20 - Duties of the Council
D7-21 - Revisions of Proposed Amendments
D7-22 - Post Decision Procedures

D7-15 - Purpose

This Chapter provides procedures for the amendment of the General Plan, the Zoning Map, or this Zoning Ordinance whenever it is determined public necessity and general welfare require an amendment.

A. General Plan. A General Plan amendment may include revisions to text or diagrams.

B. Zoning Map. A Zoning Map amendment has the effect of rezoning property from one zone to another.

C. Zoning Ordinance. A Zoning Ordinance amendment may modify a standard, requirement, or procedure applicable to land use or development within the City.

D7-16 - Initiation of Amendment

A. General Plan or Zoning Map.

1. Methods of initiation. Amendments to the General Plan or Zoning Map shall be initiated in compliance with the following:

   a. Motion of the Council;

   b. Motion of the Commission;

   c. Action of the Zoning Administrator; or

   d. A petition of the owner or authorized agent of property for which the amendment is sought.

2. If under multiple ownership. If property that is the subject of a petition is under more than one ownership, all of the owners or their authorized agents shall join in filing the petition.

B. Zoning Ordinance. Amendments to this Zoning Ordinance shall be initiated in compliance with the following:

   1. Motion of the Council;
2. Motion of the Commission;
3. Action of the Zoning Administrator; or
4. A petition of any resident, property owner, or business owner in the City.

D7-17 - Application Requirements

A property owner or an authorized agent of the owner, initiated amendment application shall be filed in compliance with Chapter D6-1 (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for amendment applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Section D7-19.B (Recommendation to Council), below.

D7-18 - Public Hearing Scope and Notice

A. Scope.
   1. The Zoning Administrator shall set a date, time, and place for the public hearing and prepare a report to the Commission on an application of a property owner for a General Plan or Zoning Map amendment, or a petition for an amendment to this Zoning Ordinance. It should be noted that Amendments to the General Plan are governed by Measure G adopted by the voters of San Ramon on March 5, 2002.
   2. The report shall describe the area or subject to be considered for change and, if warranted, proposing alternative amendments.

B. Notice of the hearing. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Division D7, Chapter IV (Public Hearings).

C. Multiple applications. The Commission may schedule a combined public hearing on multiple applications for General Plan, Zoning Map, or Zoning Ordinance amendments.

D7-19 - Duties of the Commission

A. Public hearing. At the time and place set for the public hearing, the Commission shall consider the report of the Zoning Administrator and shall hear evidence for and against the proposed amendment. The Commission may continue the public hearing to a definite date and time without additional notice. The Commission shall hold a minimum of three public hearings for each General Plan amendment. Pursuant to Measure G, for amendments to the General Plan, a recommendation to the City Council shall require a 4/5th vote of the Commission.

B. Recommendation to Council. Following its final public hearing, the Commission shall make specific findings as to whether the proposed zoning regulation or General Plan or Zoning Map amendment is consistent with the General Plan and this Zoning Ordinance, and shall recommend approval, conditional approval, or disapproval of the proposed amendment as submitted or in a modified form.
D7-20 - Duties of the Council

A. Hearing date and notice.

1. Council shall set a date and time.
   a. Zoning Map and Zoning Ordinance amendments. Upon receipt of the Commission’s recommendation for an amendment to the Zoning Map or this Zoning Ordinance, the Council shall set a date and time for a public hearing to consider the proposed amendment.
   b. General Plan amendments. Upon receipt of the Commission’s recommendation for an amendment to the General Plan, the Council shall set dates and times for, and conduct a minimum of three public hearings for each General Plan amendment.

2. Time for hearings. The required hearings shall be held within 60 calendar days of the date of filing of the Commission’s recommendation.

3. Notice required. Notice of the public hearings shall be provided, and the hearing shall be conducted in compliance with Division D7, Chapter IV (Public Hearings).

B. Public hearing. At the time and place set for the public hearing, the Council shall hear evidence for and against the proposed amendment. The Council may continue the public hearing to a definite date and time without additional notice.

C. Council decision.

1. Council action on amendment. After the public hearing the Council shall approve, modify, or reject the Commission recommendation; provided, a modification not previously considered by the Commission shall be referred to the Commission for a report before adoption of an ordinance approving the amendment.

2. Failure of the Commission to report back to the Council. Failure of the Commission to report within 40 calendar days after referral, or a longer period designated by the Council, shall be deemed recommending approval of the proposed modification.

3. Required findings. Pursuant to Measure G, amendments to the General Plan require a 4/5th vote of the Council substantially consistent with the 4/5th recommendation of the Commission. Before adoption of an ordinance (or resolution in the case of a General Plan amendment), the Council shall make findings that the proposed amendment is consistent with the policies of the General Plan and the notice and hearing provisions of this Zoning Ordinance.

D7-21 - Revisions of Proposed Amendments

At or after a public hearing, the Commission or the Council may determine that the public interest would be served by:

1. Revise General Plan or Zoning Map amendment. Revising the boundaries of an area proposed for a General Plan or Zoning Map amendment;

2. Consider other General Plan or Zoning Map designations. Considering General Plan or Zoning Map designations not originally presented in a motion, petition, or Commission recommendation; or
3. Consider other amendments to this Zoning Ordinance. Considering Zoning Ordinance amendments not originally presented in a motion, petition, or Commission consideration.

**D7-22 - Post Decision Procedures**

The procedures and requirements in Chapters D-64 (Permit Implementation, Time Limits, and Extensions) including resubmittals, and D-72 (Appeals and Calls for Review), and those in this Division shall apply following the decision on an application for an amendment to the General Plan, Zoning Map, or this Zoning Ordinance.
Chapter IV - Public Hearings

Sections:

D7-23 - Purpose
D7-24 - Notice of Hearing
D7-25 - Scheduling of Hearing
D7-26 - Hearing Procedures
D7-27 - Review Authority Decision and Notice
D7-28 - Recommendation by Commission
D7-29 - Effective Date of Decision

D7-23 - Purpose
This Chapter establishes procedures for public hearings before the Zoning Administrator, Commission, and Council.

D7-24 - Notice of Hearing
When a land use permit, or other matter requires a public hearing, the public shall be provided notice of the hearing in compliance with Government Code Sections 65090, 65091, 65094, and 66451.3, and Public Resources Code 21000 et seq., and as required by this Chapter.

A. Contents of notice. Notice of a public hearing shall include:

1. Hearing information. The date, time, and place of the hearing and the name of the review authority; a brief description of the City's general procedure concerning the conduct of hearings and decisions (e.g., the public' right to appear and be heard); and the phone number and street address of the Department, where an interested person could call or visit to obtain additional information;

2. Project information. The date of filing of the application and the name of the applicant; the City's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing; and

3. Statement on environmental document. If a proposed Negative Declaration or final Environmental Impact Report has been prepared for the project in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City' Environmental Guidelines, the hearing notice shall include a statement that the review authority will also consider approval of the proposed Negative Declaration or certification of the final Environmental Impact Report.

B. Method of notice distribution. Notice of a public hearing required by this Chapter for a land use permit, amendment, or appeal shall be given as follows, as required by State law (Government Code Sections 65090 and 65091).

1. Mailed notice.
   a. Who shall receive notice. Notice shall be mailed or delivered at least 10 calendar days before the scheduled hearing to the following:
(1) **Owners of proposed site.** The owners of the property being considered in the application, or the owners’ agent, and the applicant.

(2) **Local agencies.** Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected.

(3) **Property owners.** All owners of the real property shown on the latest equalized assessment roll within a radius of 300 feet of the exterior boundaries of the parcel that is the subject of the hearing.

(4) **Persons requesting notice.** Any person who has filed a written request for notice with the Zoning Administrator and has paid the fee established by the City’ Fee Schedule for the notice.

2. **Additional notice required.** If the notice is mailed as required in Subparagraph B.1, above, the notice shall also either be:

   a. **Published.** Published at least once in a newspaper of general circulation in the City at least 10 days before the scheduled hearing; or

   b. **Posted.** Posted at the Department and at two other public locations in the City at least 10 days before the scheduled hearing.

3. **Alternative to mailed notice.** If the number of property owners to whom notice would be mailed in compliance with Subsection B.1, above is more than 1,000, the Zoning Administrator may choose to provide the alternative notice allowed by Government Code Section 65091(a)(3).

4. **Additional optional notice.** In addition to the types of notice required by this Subsection, the Zoning Administrator may provide additional notice with content or using a distribution method as the Zoning Administrator determines is necessary or desirable (e.g., use of a greater radius for notice, use of the Internet, etc).

C. **Notice for continued public hearing items.** As determined by the Zoning Administrator, in combination with the sensitivity of the proposed project, notice for continued public hearing items may occur in the following manner:

   1. **Announcement at previous public hearing.** Items continued to a date, time and location certain at the previous public hearing shall constitute the required notification for the future public hearing.

   2. **Mailed notice.** See subsection D7-24.B.1 above.

   3. **Posted notice.** Notice may also be provided in accordance with subsection D7-24.B.2 and B.3 above.

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**D7-25 - Scheduling of Hearing**

After the completion of environmental documents required by the California Environmental Quality Act (CEQA) and the City’s Environmental Guidelines, the matter shall be scheduled for public hearing on a Zoning Administrator, Commission, or Council agenda (as applicable).
D7-26 - Hearing Procedure

A. **Conduct of hearing.** A hearing shall be held at the date, time, and place for which notice was given.

B. **Testimony.** The review authority shall hear testimony regarding the subject application from any interested party.

C. **Continuance.** A hearing may be continued from time-to-time without further notice; provided, the chair of the review authority announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.

D. **Deferral of final decision.** The review authority may announce a tentative decision, and defer their action on a final decision until appropriate findings and/or conditions of approval have been prepared.

D7-27 - Review Authority Decision and Notice

A. **Decision.** The review authority (Zoning Administrator, Commission, or Council, as applicable) shall announce and record their decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Section D7-26 (Hearing Procedures), above.

B. **Action of Zoning Administrator.** The Zoning Administrator may take appropriate action or instead refer the matter to the Commission for a determination. A referral will require a new noticed hearing before the Commission in compliance with this Chapter.

C. **Decision of Council is final.** The decision of the Council on any matter shall be final.

D. **Notice of decision.**

1. **Provision of notice.** Within 10 calendar days of a final decision on an application for a permit or other approval required by this Zoning Ordinance, the City shall provide notice of its final decision to the applicant and to any person who specifically requested notice of the City's final action.

2. **Contents of notice.** The notice of the final decision shall contain applicable findings, conditions of approval, reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City, and the procedures for appeal.

D7-28 - Recommendation by Commission

A. At the conclusion of a public hearing on an amendment (e.g., General Plan, Zoning Map, or Zoning Ordinance), a development agreement, or a specific plan, the Commission shall forward a written recommendation, including all required findings, to the Council for final action.

B. Following the hearing, a copy of the Commission's recommendation shall be mailed to the applicant at the address shown on the application.
D7-29 - Effective Date of Decision

A. **Zoning Administrator or Commission decision.** The decision of the Zoning Administrator or Commission is final and effective on the 11th calendar day following the date the decision is rendered, unless an appeal is filed in compliance with Division D7, Chapter II (Appeals and Calls for Review).

B. **Council decision.**

1. **Permit or appeal.** A permit application or appeal shall become effective immediately on the date the final decision is rendered by the Council.

2. **General Plan amendment.** A General Plan amendment shall become effective immediately upon the adoption of a resolution by the Council.

3. **Zoning Map or Zoning Ordinance amendment.** A Zoning Map or Zoning Ordinance amendment shall become effective on the 31st day following the adoption of an ordinance by the Council.
Chapter V - Enforcement

Sections:

D7-30 - Purpose
D7-31 - Enforcement Responsibilities
D7-32 - Revocation or Modification of Discretionary Permits
D7-33 - Violations
D7-34 - Penalties

D7-30 - Purpose

This Chapter establishes procedures for enforcement of the provisions of the Zoning Ordinance. These enforcement procedures are intended to assure due process of law in the abatement or correction of nuisances and violations of this Ordinance.

D7-31 - Enforcement Responsibilities

The Zoning Administrator shall enforce all provisions of this Ordinance related to discretionary permits and shall have responsibility for revocation of discretionary permits, as provided in Section D7-32. The Chief Building Official shall enforce the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure. All other officers of the City shall enforce provisions related to their areas of responsibility.

D7-32 - Revocation or Modification of Discretionary Permits

A. Duties of Zoning Administrator. Upon determination by the Zoning Administrator that there are reasonable grounds for revocation or modification of any permit, variance, or other discretionary approval authorized by this Ordinance, a revocation hearing shall be set by the Zoning Administrator, the Planning Commission, or the City Council, whichever took final previous action on the permit, except for appeals.

B. Notice and Public Hearing. Notice shall be given in the same manner required for a public hearing to consider approval. If no notice is required for the permit, none shall be required for the revocation or modification hearing, provided that notice shall be mailed to the property owner and owner of the use or structure for which the permit was granted at least 10 calendar days prior to the hearing. Contents of any notice shall be as prescribed by Division D7, Chapter IV (Public Hearings).

C. Public Hearing. The person or body conducting the hearing shall hear testimony of City staff, property owner, and the owner of the use or structure for which the permit was granted, if present. At a public hearing, the testimony of any other interested person shall also be heard.

D. Required Findings. The person or body conducting the hearing shall revoke or modify the permit upon making one or more of the following findings:

1. That the permit was issued on the basis of erroneous or misleading information or misrepresentation;

2. That the terms or condition(s) of approval of the permit have been violated or that other laws or regulations have been violated;
3. That there has been a discontinuance of the exercise of the entitlement granted by the permit for three consecutive months;

4. That the use is being conducted contrary to the public’s health, safety, and welfare; and/or

5. That circumstances or conditions related to the site or use have changed necessitating a modification to the permit.

E. Decision and Notice. Within 10 calendar days of the conclusion of the hearing, the person or body that conducted the hearing shall render a decision, and shall mail notice of the decision to the property owner and owner of the use or structure for which the permit was revoked and to any other person who has filed a written request for such notice.

F. Effective Date: Appeals. A decision to revoke a discretionary permit shall become final and effective on the 11th day following the date the decision is rendered, unless appealed.

G. Cumulative Right. The City’s right to revoke a discretionary permit, as provided in this Chapter, shall be cumulative to any other remedy allowed by law.

D7-33 - Violations

Any person violating any other provision of this ordinance, including failure to secure a zoning permit or comply with any condition of approval, shall be guilty of an infraction, and each day or portion thereof that such violation is in existence shall be a new and separate offense. In these cases, the fourth and any additional violations within one year shall each constitute a misdemeanor. In addition, the City Attorney shall, upon order of the City Council, commence action or proceedings for the abatement, removal, and enjoinderment of any violation in the manner provided by law.

D7-34 - Penalties

Any person who violates any provision of this ordinance and is convicted of an infraction shall be punished by fines as prescribed in Government Code Section 36900. Any person who violates any provision of this ordinance and who is convicted of a misdemeanor shall be punishable by fines as prescribed by Government Code 36900. Payment of any fine or penalty shall not relieve a person, firm or corporation from the responsibility of correcting the condition consisting of the violation.
Division D8

Glossary

Chapter I - Definitions

D8-1 - Purpose
D8-2 - Definitions of Specialized Terms and Phrases
Chapter I - Definitions

Sections:

D8-1 - Purpose
D8-2 - Definitions of Specialized Terms and Phrases

D8-1 - Purpose

This Chapter provides definitions of terms and phrases used in this Zoning Ordinance that are technical or specialized, or that may not reflect common usage. If a definition in this Chapter conflicts with a definition in another provision of the Municipal Code, these definitions shall control for the purposes of this Zoning Ordinance. If a word is not defined in this Chapter, or in other provisions of the City of San Ramon Municipal Code, the Director shall determine the correct definition, giving deference to common usage.
D8-2 - Definitions of Specialized Terms and Phrases

As used in this Zoning Ordinance, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise.

A. Definitions, "A."

Abut. Having property lines, street lines, and/or zoning boundaries in common.

Accessory Retail or Services. The limited retail sale of various products, or the provision of certain personal services within a health care, hotel, office, or industrial complex, to employees or customers of, or visitors to the primary use. Examples of these uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes; bank tellers in grocery stores; food marts in gas stations; and barber and beauty shops within residential care facilities.

Access Drive. A private roadway that provides vehicle access from an off-street parking area to a public street.

Accessory Dwelling Unit (ADU). A permanent dwelling that is accessory to a primary dwelling on the same property. An ADU provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and if attached to the primary dwelling, is provided exterior access separate from the primary dwelling. An ADU may also be located on an upper floor above the detached garage of a single-family dwelling.

Accessory Structure. Any residential or non-residential structure that is secondary and incidental to a primary structure on the same parcel. This definition includes, but is not limited to, the following attached or detached accessory structures.

- arbors
- balconies (with ground posts)
- barbeques
- barns
- corrals
- coops
- decks
- garages
- gazebos
- greenhouses (non-commercial)

- large water fountains, greater than 6’ high
- outdoor fireplaces
- patio covers
- spas and hot tubs
- storage sheds
- studios
- recreation area, see “recreation area” definition
- workshops

An Accessory Structure does not include:

- accessory dwelling unit (ADU),
- balconies (without ground posts),
- attached sunrooms which are enclosed,
- attached sunrooms integrated with the primary residence (attached rooms enclosed with walls/windows by more than 50 percent),
- basketball hoops (portable),
- barbeques (portable),
- play equipment (permanent or portable),
- mechanical equipment (e.g. air conditioning units),
- recreation area, dual use (e.g. basketball hoop which is “dual use” and permanent, see “recreation area” definition)
- home satellite dish and other receiving antennas for earth-based TV and radio broadcasts (see "Telecommunications Facilities")
Definitions

**Accessory Use.** A use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use nor serve property other than the parcel where the primary use is located.

**Adult Day Care.** See "Day Care."

**Adult Oriented Business.** The following terms and phrases are defined for the purposes of Division D4, Chapter I (Adult Oriented Business Regulations).

1. **Adult Arcade.** Any business establishment or concern containing one or more coin or slug operated or manually or electronically controlled still or motion picture projectors, video machines, projector or similar image-producing devices, that are maintained to display images to an individual or group of individuals when those images are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

2. **Adult Bookstore.** Any establishment which as a regular and substantial course of conduct, displays and/or distributes sexually oriented merchandise, sexually oriented material, books, periodicals, magazines, or other printed materials, or photographs, drawings, sculptures, films, motion pictures, videos, discs, cassettes, slides, tapes, records, or other form of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities and/or specified anatomical areas (See "adult-oriented business" for definition of regular and substantial course of conduct.)

3. **Adult Cabaret.** A nightclub, bar, lounge, restaurant, or similar business establishment or concern which features as a regular and substantial course of conduct, any type of live entertainment, films, motion pictures, computer generated images, videos, discs, slides, or other photographic reproductions, or other oral, written or visual representations which are distinguished or characterized by an emphasis upon matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

4. **Adult Dance Studio.** Any business establishment or concern which provides for members of the public a partner for dance where the partner, or the dance is distinguished or characterized by an emphasis upon matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

5. **Adult Hotel/Motel.** A hotel, motel, or other similar business establishment or concern offering public accommodations for any form of consideration which as a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed-circuit television, films, computer generated images, motion pictures, videos, discs, slides, other photographic reproductions, or other medium, material which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas and which rents, leases, or lets any room for less than a 12-hour period, or rents, leases, or lets any single room more than once in a 24-hour period.

6. **Adult Modeling Studio.** Any business or premises where there is furnished, provided, or procured, a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas where the model(s) is being observed or viewed by any person for the purpose of being sketched, photographed, painted, drawn, sculpted, filmed, or videotaped or otherwise depicted for a fee, compensation, gratuity, or other thing of value as consideration for the right or opportunity to so observe the model or to remain on the premises. "Adult Modeling Studio" does not include any live art class or any studio or classroom which is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree in compliance with standards set by the State Board of Education.
7. **Adult-Oriented Business.** Any business establishment or concern which as a regular and substantial course of conduct operates as an adult arcade, adult bookstore, adult cabaret, adult dance studio, adult hotel/motel, adult modeling studio, adult theater; any business establishment or concern which as a regular and substantial course of conduct sells or distributes or offers for sale or distribution sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services, or entertainment characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas. “Adult-oriented business” does not include those uses or activities, the regulation of which is preempted by State law. For the purposes of this Section, a business establishment or concern has established the provision of products, merchandise, services, or entertainment characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as a regular and substantial course of conduct when one or more of the following conditions exist:

a. The area devoted to adult merchandise and/or sexually oriented material exceeds more than 20 percent of the total display or floor space area open to the public;

b. The business establishment or concern presents any type of live entertainment which is characterized by an emphasis on specified sexual activity or specified anatomical areas;

c. The regular and substantial course of conduct of the business consists of or involves the sale, trade, display, or presentation of services, products, or entertainment which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

8. **Adult Theater.** A business establishment or concern which, as a regular and substantial course of conduct, presents live entertainment performances, motion pictures, videos, computer images, slide photographs, or other pictures or visual representations or reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

9. **Adult-Oriented Business Operator.** A person, who supervises, manages, inspects, directs, organizes, controls, or in any other way is responsible for or in charge of the premises of an Adult-Oriented Business or the conduct or activities occurring on the premises thereof. This term shall hereinafter be referred to as “operator.”

10. **Applicant.** A person who is required to file an application for a permit under this Chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of an Adult-Oriented Business.

11. **Bar.** Any commercial establishment licensed by the State Department of Alcoholic Beverage Control to serve any alcoholic beverages on the premises.

12. **Distinguished or characterized by an emphasis upon.** Shall mean and refer to the dominant or essential theme of the object described by the phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon” the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character or theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Covina (1981) 115 Cal.App.3d 151.

13. **Entertainer.** Any person who dances, models, entertains, and/or performs specified sexual activities or displays specified anatomical areas in an Adult-Oriented Business.
14. **Establishment of an Adult-Oriented Business.** Shall mean and include any of the following:

a. The opening or commencement of any Adult-Oriented Business as a new business;

b. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Business defined herein;

c. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented Business; or

d. The relocation of any Adult-Oriented Business.

15. **Figure Model.** Any person who, for pecuniary compensation, consideration, hire, or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed, or otherwise depicted.

16. **Live Art Class.** Any premises on which all of the following occur: there is conducted a program of instruction involving the drawing, photographing, or sculpting of live models exposing specified anatomical areas; instruction is offered in a series of at least two classes; the instruction is offered indoors; an instructor is present in the classroom while any participants are present; and preregistration is required at least 24 hours in advance of participation in the class.

17. **Nudity or a state of nudity.** The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the areola.

18. **Operate an Adult-Oriented Business.** The supervising, managing, inspecting, directing, organizing, controlling, or in any way being responsible for or in charge of the conduct of activities of an Adult-Oriented Business or activities within an Adult-Oriented Business.

19. **Permittee.** The person to whom an Adult-Oriented Business Permit is issued.

20. **Person.** Any individual, partnership, co-partnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.

21. **Semi-nude.** A state of dress in which clothing covers only the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.

22. **Sexual Encounter Center.** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.

23. **Sexually Oriented Material.** Any element of sexually oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video, disc, computer generated image, or other written, oral or visual representation which, for purposes of sexual arousal, provides depictions which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

24. **Sexually Oriented Merchandise.** Sexually oriented implements and paraphernalia, including, but not limited to, dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery or electrically operated vaginas or penises, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-
masochistic activity or which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

25. **Specified Anatomical Areas.** Shall mean and include any of the following:

   a. Less than completely and opaquely covered human (1) genitals or pubic region; (2) buttocks; and/or (3) female breast below a point immediately above the top of the areola; or

   b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

   c. Any device, costume, or covering that simulates any of the body parts included in Subparagraphs a. or b., above.

26. **Specified Sexual Activities.** Shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:

   a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the following depicted sexually oriented acts or conduct: analingus, bestiality, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoeerastia; or

   b. Clearly depicted human genitals in a state of sexual stimulation, arousal, or tumescence; or

   c. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or

   d. Fondling, or touching of nude human genitals, pubic region, buttocks, or female breast; or

   e. Masochism, erotic, or sexually oriented torture, beating, or the infliction of pain; or

   f. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being; or human excretion, urination, menstruation, vaginal, or anal irrigation; or

   g. The presence of any person who performs, or appears in a state of nudity or semi-nude.

**Affordable Rent.** Monthly housing expenses, including a reasonable allowance for utilities, for rental units reserved for very low or low income households, not exceeding the following calculations:

1. **Low Income:** 80 percent of median income as defined by State law (Health and Safety Code Section 500105) and the HUD income limits.

2. **Very Low Income:** 50 percent of median income as defined by State law (Health and Safety Code Section 50105) and the HUD income limits.

**Affordable Sales Price.** A sales price at which households at income levels specified by the City’s affordable housing programs can qualify for the purchase of designated dwelling units, calculated on the basis of underwriting standards of mortgage financing available for the development.

**Agent.** A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, committees, Commissions, and the Council, regarding matters regulated by this Zoning Ordinance.
**Agricultural Product Processing.** The processing of harvested crops to prepare them for on-site marketing or processing and packaging elsewhere. Examples of this land use include the following:

- alfalfa cubing  
- corn shelling  
- custom gist mills  
- custom milling of flour, feed and grain  
- dairies (but not feedlots, see instead "Livestock Operations, Sales Yards, Feedlots, Stockyards")  
- drying of corn, rice, hay, fruits and vegetables  
- grain cleaning and custom grinding  
- hay baling and cubing  
- pre cooling and packaging of fresh or farm dried fruits and vegetables  
- sorting, grading and packing of fruits and vegetables  
- tree nut hulling and shelling

Does not include wineries, which are separately defined.

**Alcoholic Beverage Manufacturing, beer.** An alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof in water, and includes ale, porter, brown, stout, lager beer, small beer, and strong beer but does not include sake, known as Japanese rice wine. (Section 23006 Business and Professions Code)

**Alcoholic Beverage Manufacturing, Brewery.** A facility that manufactures beer with a capacity generally greater than 15,000 barrels per year. May also include a tasting room on-site.

**Alcoholic Beverage Manufacturing, Brew Pub.** An Eating and Drinking Establishment with a micro-brewery as an accessory use where the beer it produces is sold in draft form at its own premises. This operation may sell other supplier's beer, including other hand-crafted or micro-brewed beers as well as wine to patrons for consumption on its premises. The premises are defined as a "bona fide public eating place" by the State of California Department of Alcoholic Beverage Control. The ABC specific operational requirements are dictated by a Type 75 license.

**Alcoholic Beverage Manufacturing, distilled spirits.** An alcoholic beverage obtained by the distillation of fermented agricultural products, and includes alcohol for beverage use, spirits of wine, whiskey, rum, brandy, and gin, including all dilutions and mixtures thereof. (Section 23005 Business and Professions Code).

**Alcoholic Beverage Manufacturing, Distillery.** A facility which manufactures distilled spirits. May also include a tasting room on-site.

**Alcoholic Beverage Manufacturing, Micro-Brewery.** A small-scale brewery facility that generally produces 15,000 barrels of beer per year or less. Its beer products are primarily intended for local and/or regional consumption. These facilities are typically dedicated to the production of specialty or craft beers. May also include a tasting room on-site and off –sale of alcoholic beverages is limited to beers brewed on site. The ABC specific operational requirements are dictated by a Type 23 license.

**Alcoholic Beverage Manufacturing, wine.** An alcoholic beverage obtained from normal alcoholic fermentation of the juice of sound ripe grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage to which is added grape brandy, fruit brandy, or spirits of wine, which is distilled from the particular agricultural product or products of which the wine is made and other rectified wine products and by whatever name and which does not contain more than 15 percent added flavoring, coloring, and blending material and which contains not more than 24 percent of alcohol by volume, and includes vermouth and sake, known as Japanese rice wine. (Section 23007 Business and Professions Code)
Alley. A public or private roadway that provides vehicle access to the rear or side of parcels having other public street frontage that is not intended for general traffic circulation.

Allowed (Allowed Use). A land use identified by Division D2 (Allowable Land Uses and Zoning Standards) as a permitted or conditional use that may be established with planning permit and, where applicable, Design Review and/or Building Permit approval, subject to compliance with all applicable provisions of this Zoning Ordinance.

Altered. Physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.

Animal - Domestic. Any animal customarily kept by humans, including but not limited to dogs, cats, birds, rabbits, hamsters, fish, mice, turtles, and other animals as determined by the Zoning Administrator, incidental to a residential use. Does not include roosters, which are separately defined under "Animal Husbandry"; hens which are separately defined under "Chickens, raising of"; and honey bees which are separately defined under "Beekeeping – Apiary".


Animal Husbandry. The raising and keeping of farm animals (e.g., cows, goats, sheep, chickens including roosters, honey bees, etc.) for commercial purposes within allowable zoning district as listed in the Land Use Tables in Division D2.

Animal Husbandry, Grazing Only. The raising and keeping of farm animals on undeveloped property where the primary food source consists of the grasses on the site.

Animal Services, Boarding/Training. A commercial establishment that provides overnight animal boarding, kenneling, and/or trains animals as a paid service.

Animal Services, Grooming. A commercial establishment that provides household pet grooming services.

Animal Services, Veterinary Clinic/Animal Hospital. Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics, and animal hospitals.

Antique or Collectible Store. A retail store that sells antiques, curios, gifts and souvenirs, and collectible items including sports cards and comic books. A store that primarily sells books is included under "Retail, general." Does not include stores selling other types of second hand items (e.g., clothing), which are instead included in the definition of "Second Hand Store."

Antenna. See "Telecommunications Facilities."

Apartment. See "Multi-Family Housing."

Applicant. Any person who is filing an application requesting an action who is:

1. The owner or lessee of property;
2. A party who has contracted to purchase, rent, or lease property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Zoning Ordinance, and who presents written authorization from the property owner to file an application with the City; or
3. The agent of either of the above who presents written authorization from the property owner to file an application with the City.
Approval. Includes both approval and approval with conditions.

Arborist. 1) A person currently certified by the Western Chapter of the International Society of Arboriculture as an expert on the care of trees; 2) a consulting arborist who satisfies the requirements of the American Society of Consulting Arborists; or 3) other qualified professional who the Director determines has gained through experience the qualifications to identify, remove, or replace trees.

Architectural Feature. An exterior building feature including roof, windows, doors, porches, etc.

Artisan/Craft Product Manufacturing. An establishment that manufactures and/or assembles small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, where any retail sales are incidental to the manufacturing activity.

Artisan Shop. A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the store includes an area for the crafting of the items being sold, but where the crafting activity occupies less area within the building than retail sales. Does not include commercial art galleries, which are instead defined under "Retail, general."

Assessed Value. The value of a structure as shown in the records of the County Assessor.

Attic. The area located between the uppermost plate and the roof or ridge of a structure.

Auto and Vehicle Sales/Rental. A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, and motorcycles. Vehicles for sale may be displayed outdoors or indoors, as authorized by the required Use Permit. A wholesale establishment with no on-site storage or display of vehicles (office space only) are classified under “Office - Professional/Administrative.”

May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); mobile home, recreational vehicle, or watercraft sales (see "Mobile Home, RV and Boat Sales"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

Auto Parts Sales. Stores that sell new automobile parts, tires, and accessories. Establishments that provide installation services are instead included under "Vehicle Services - Repair and Maintenance - Minor." Does not include tire recapping, which is found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."

Auto Repair. See "Vehicle Services."

Automated Teller Machine (ATM). A computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. The machines may be located at or within banks, or in other locations, including independent machines in convenience stores. Does not include drive-up ATMs; see "Drive-Through Services."
B. Definitions, "B."

**Bank, Financial Services.** Financial institutions including:

- banks and trust companies
- credit agencies
- holding (but not primarily operating) companies
- lending and thrift institutions
- other investment companies
- securities/commodity contract brokers
- and dealers
- security and commodity exchanges
- vehicle finance (equity) leasing
- agencies

See also, "Automated Teller Machine." Does not include check cashing stores, which are instead defined under "Personal Services - Restricted."

**Balcony.** A platform that projects from and is supported by the wall of a building rather than columns or other supports below the platform, and is enclosed by a parapet or railing.

**Bed and Breakfast Inn (B&B).** See "Lodging."

**Beekeeping – Apiary.** A place in which a colony or colonies of honey bees are kept in beehives. (As a hobby for personal purposes, an apiary shall consist of no more than ten (10) hives, and for commercial purposes, an apiary may consist of over ten (10) hives.)

**Broadcasting Studio.** Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus, including antennas and towers, which are instead defined under "Telecommunications Facilities".

**Build-to Line.** A line parallel to a property line where a structure is required to be located.

**Building and Landscape Materials Sales.** A primarily indoor (showroom only, no on-site delivery or bulk inventory storage) or primarily outdoor retail establishment selling hardware, tools, appliances, lumber and other building materials, plants and other landscaping materials. Includes paint, wallpaper, flooring, glass, fixtures, and similar products. Includes these types of stores selling to the general public, even if contractor sales account for a major proportion of total sales. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution."

**Building Frontage.** A building wall adjacent to a parcel boundary that abuts a public right-of-way. A primary building frontage provides the main pedestrian entrance to the building. A secondary building frontage abuts a side street, rear entrance, or has an entrance from other than a public right-of-way.

**Building Height.** See Section D3-6 (Height Limits and Exceptions).
**Business Support Service.** An establishment within a building that provides services to other businesses. Examples of these services include:

- blueprinting
- computer-related services (rental, repair) (see also "Maintenance Service - Client Site Services")
- copying and quick printing services
- film processing and photofinishing (retail)
- mailing and mail box services

**C. Definitions, "C."

*Cabinet Shop.* See "Furniture, Furnishings and Appliance Store."

*California Environmental Quality Act (CEQA).* State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

*California Public Utilities Commission (CPUC).* The governmental agency that regulates the terms and conditions of public utilities in the State.

*Caretaker Quarters.* A permanent residence that is secondary or accessory to the primary use of the property, and used for housing a caretaker on the site of a nonresidential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site. Does not include residential "accessory dwelling units (ADU)," which are separately defined.

*Catering Service.* A business that prepares food for consumption on the premises of a client.

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

*Chickens, raising of.* Raising of hens (roosters prohibited) for personal and non-commercial purposes as a hobby or household pets within applicable residential properties.

*Child Day Care Center.* See "Day Care."

*City.* The City of San Ramon, State of California, referred to in this Zoning Ordinance as the "City."

*City Council.* The San Ramon City Council, referred to in this Zoning Ordinance as the "Council."

*Clustering.* A subdivision design that concentrates allowable residential development on parcels that are located within a larger parcel that remains in permanent open space.

*Cogeneration Facilities.* Facilities and equipment for the conversion of waste heat from manufacturing or other on-site processes to electricity, for on-site consumption or sale to a public utility.

*Co-Location.* The placement of two or more wireless communications facilities on a single support structure or otherwise sharing a common location. Co-Location shall also include the placement of wireless communications facilities on buildings, water tanks, light poles, electricity towers, or other existing facilities and/or structures.
Commercial Recreation Facility - Indoor. Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

- bowling alleys
- coin-operated amusement arcades
- dance halls, clubs and ballrooms
- electronic game arcades (video games, pinball, etc.)
- ice skating and roller skating
- parties/play centers for children
- pool and billiard rooms as primary uses

This use does not include adult oriented businesses, which are separately defined. Four or more electronic games or coin operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices are considered an electronic game arcade as described above; three or fewer machines are not considered a land use separate from the primary use of the site.

Commercial Recreation Facility - Outdoor. A facility for various outdoor recreational activities, where a fee is charged for use. Examples include:

- amusement and theme parks
- go-cart tracks
- golf driving ranges
- miniature golf courses
- skating parks
- water slides

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc.

Communications Facility. See "Telecommunications Facilities."

Community Center. A multi-purpose meeting and recreational facility typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

Community Garden. A site used for growing plants for food, fiber, herbs, flowers, and others, which is shared and maintained by community residents.

Condominium. As defined by Civil Code Section 1715, a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map.

Conference/Convention Facility. One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

Congregate Care. See "Medical Services – Extended Care," and "Residential Care."

Construction Contractor. Office, and indoor and/or outdoor storage facilities operated by, or on behalf of a contractor licensed by the State of California for storage of large equipment, vehicles, and/or other materials commonly used in the individual contractor’s type of business; storage of scrap materials used for repair and maintenance of contractor’s own equipment and vehicles; and buildings or structures for uses such as repair facilities.

Construction and Heavy Equipment Sales and Rental. Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.
**Convenience Store.** A neighborhood serving retail store of 3,500 square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience shopping needs. A convenience store that is larger than 3,500 square feet is allowed only as "Food and Beverage Sales.” A convenience store may be part of a service station or may be an independent land use.

**Conveyance, or Convey.** Any transfer, sale, lease, rent, or disposition of or act to transfer, sale, lease, rent, or dispose of any affordable unit and include, but are not limited to, transfer of title or any interest therein by nonjudicial or judicial foreclosure and sale; but does not include transfer by gift, devise, or inheritance to the unit owner's spouse or issue, taking of title by surviving joint tenant, transfer of title to a spouse as part of divorce or dissolution proceedings, or acquisition of title or interest therein in conjunction with marriage.

**Cottage Food Operation.** Use of a residential dwelling as defined by State Health and Safety Code Section 113758.

**Council.** See "City Council."

**County.** The County of Contra Costa, State of California.

**Crop Production, Horticulture, Orchard, Vineyard.** Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site:

- field crops
- flowers and seeds
- fruits
- grains
- melons
- ornamental crops
- tree nuts
- trees and sod
- vegetables
- wine and table grapes

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing and retail sales in the field, not including sales sheds, which are instead defined under "Produce Stand.” Does not include greenhouses which are instead defined under "Plant Nursery," and "Residential Accessory Use or Structure," or containerized crop production, which is instead defined under "Plant Nursery." Does not include non-commercial home gardening, which is allowed as an accessory use in all zones without City approval.

**D. Definitions, "D."**

**Day Care, Adult.** A state-licensed facility that provides nonmedical care and supervision for adult clients for periods of less than 24 hours for any client.

**Day Care, Child.** Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

1. **Day Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.

2. **Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.
3. **Large Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a day care facility in a single-family dwelling where an occupant of the residence provides family day care for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home.

4. **Small Family Day Care Home.** As defined by Health and Safety Code Section 1596.78, a day care facility in a single-family residence where an occupant of the residence provides family day care for six or fewer children, including children under the age of 10 years who reside in the home.

**Dead-End Street.** A length of street where a vehicle may exit to another street only from the same point as it entered the street.

**Deck.** A platform providing outdoor living area that may be roofed, but is without walls on at least two sides, and which includes railings where required by the Building Code. See also "Balcony."

**Density.** The number of housing units per gross acre, unless otherwise stated, for residential uses.

**Density Bonus.** As defined by State law (Government Code Section 65915 et seq.), an increase in density over the maximum density otherwise allowed by the applicable zone, that is granted to the owner/developer of a housing project who agrees to construct a prescribed percentage of dwelling units that are affordable to households of very low and/or low income. When determining the number of dwelling units that shall be affordable, the units authorized by the density bonus shall not be included in the calculation.

**Department.** The City of San Ramon Planning/Community Development Department, referred to in this Zoning Ordinance as the "Department."

**Design Review.** See Section D6-22 (Architectural Review).

**Development.** On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including subdivision in compliance with the Map Act; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure; and the removal or harvesting of major vegetation other than for agricultural purposes.

**Development Agreement.** A contract between the City and an applicant for a development project, in compliance with the Municipal Code, and Government Code Sections 65864 et seq.

**Diameter of a Tree.** Trunk diameter measured at 4.5 feet above the ground (also known as "Diameter at Breast Height," or "DBH").

**Director.** The City of San Ramon Planning/Community Development Department Director or designee of the Director.

**Discretionary Permit.** A City land use review and entitlement process where the Review Authority exercises discretion in deciding to approve or disapprove the permit. Includes Minor Use Permits, Use Permits, Minor Exceptions, Variances, Architectural Review, Development Plans, Planned Development Permits, and Subdivision Maps.

**Diseased Tree.** A tree afflicted by, but not limited to, any of the following: insect infestation, heart rot, exfoliation, slime flux, crown rot, leaf scorch, root fungus, structural defects or weaknesses.

**District.** See "Zone."
**Drip line.** A line that may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the trees. When depicted on a map, the drip line will appear as an irregular shaped circle that follows the contour of the tree’s branches as seen from overhead.

**Drive-Through Retail or Service.** A facility where food or other products may be purchased, or where services may be obtained by motorists without leaving their vehicles. Examples of drive-through sales facilities include fast-food restaurants, drive-through coffee, dairy product, photo stores, pharmacies, etc. Examples of drive-through service facilities include drive-through bank teller windows, dry cleaners, etc., but do not include automated teller machines (ATMs), gas stations or other vehicle services, which are separately defined.

**Duplex.** See “Multi-Family Housing.”

**Dwelling, Dwelling Unit, or Housing Unit.** A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

1. **Attached dwelling unit.** A dwelling unit which has one or more party walls in common with another dwelling unit.

2. **Detached dwelling unit.** A dwelling unit that does not share any walls in common with another dwelling unit.

**E. Definitions, “E.”**

**Easement.** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**Eating and Drinking Establishment.** A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption ("counter service"); and establishments where customers are served food at their tables for on-premise consumption ("table service"), that may also provide food for take-out. Eating and drinking establishments include the following types:

1. **With drive through service.** Sells food and beverage products to motorists who remain in their vehicles during the sales transaction;

2. **With full alcoholic beverages.** Sells distilled spirits for on-site consumption. May also sell wine and/or beer for on-site consumption. Includes tasting rooms for wine, beer, and/or distilled spirits;

3. **With live entertainment.** Also may provide live music, karaoke, dancing to live or recorded music, and/or comedy or theatrical performances for its patrons. Includes uses such as a "Night Club";

4. **With outdoor seating.** Serves food and beverage products to patrons seated at outdoor tables;

5. **With take-out service.** Provides prepared and packaged food for consumption off the premises; and

6. **With wine and beer.** Sells wine and/or beer, but not distilled spirits for on-site consumption. Includes tasting rooms for wine and beer only.
Electric Vehicle (EV) Charging Stations (Accessory) consist of EV charging stations located in existing commercial, mixed use, office or multifamily developments that are available for use by the public. They are typically associated with existing parking spaces where the number of charging stations does not exceed 5% of the total number of onsite parking spaces. Where the proposed installation of EV charging stations is greater than 5% of the total number of spaces, a Minor Use Permit is required unless the higher EV charging station percentage is required by the State (California Green Building Standards) or local code.

Emergency Shelter. A facility for the temporary shelter and feeding of persons, operated by a public or non-profit agency during emergency operations as defined in Municipal Code Division A8, Chapter I (Emergency Organization and Disaster Council).

Environmental Impact Report (EIR). An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

Equestrian Facility. A commercial facility for horses, donkeys, and/or mules, examples of which include horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses. Does not include the simple pasturing of horses, donkeys, and/or mules, which is instead included in the definition of "Animal Husbandry."

Equipment Rental. A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include "Construction and Heavy Equipment Rental," which is separately defined.

Extended Hour Retail. A business that is open to the public between the hours of 10:00 p.m. and 7:00 a.m. within 100 feet of a residential zone.

F. Definitions, "F."

Farm Animal Keeping. The keeping and raising of animals common to farms (e.g., beekeeping – apiary, cows, goats, horses, etc.) for personal use.

Farm Supply and Feed Store. A retail business selling supplies for use in soil preparation and maintenance, the planting and harvesting of crops, the keeping and raising of farm animals, and other operations and processes pertaining to farming and ranching. Includes the sale of small animals such as chicks and/or other animals authorized by Use Permit approval. Does not include the sale, rental, or repair of farm machinery and equipment, which is instead included in the definition of "Construction and Heavy Equipment Sales and Rental."

Farmers Market. The temporary use of a site for the outdoor sales of food and farm produce items, in compliance with California Food and Agriculture Code Section 1392 et seq.

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

Fence. A constructed, un-roofed barrier of wood, metal, masonry, or other material as allowed by this Zoning Ordinance, that is intended to enclose, separate, define, secure, protect, and/or screen one or more areas of a site. Includes masonry walls.

1. Open Wire Fence. A fence through which fenced areas remain visible because of the wire mesh used for the fence. Includes chain link fencing, deer fencing, etc.

2. Safety Fence. A fence constructed to prevent access to a hazard or hazardous area.

3. Razor or Concertina Wire. Sharp fencing materials that are designed to lacerate animals or unauthorized persons attempting to climb or cross the fence through other than a gate.
Fire District. The San Ramon Valley Fire Protection District.

Fitness/Health Facility. A fitness center, gymnasium, health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; locker rooms and/or showers; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities. Does not include adult entertainment businesses.

Floor area, gross. The sum of the areas of all floors of a building, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings. Gross floor area shall not include:

- interior parking spaces,
- loading space for motor vehicles,
- porches,
- exterior balconies/decks.

Floor area, net. The sum of the areas of all floors of a building, measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings. Net floor area shall not include:

- interior parking spaces,
- loading space for motor vehicles,
- porches,
- exterior balconies/decks,
- areas for vertical circulation,
- elevators shafts,
- stairwells,
- halls,
- Lobbies,
- mechanical, electrical, and technical equipment rooms,
- janitorial rooms,
- restrooms,
- storage areas (adjoining loading docks),
- loading and garbage areas,
- penthouses.

Floor Area Ratio (FAR). The ratio of net floor area of all structures on a project site to total project site area. See Figure 8-2.

Food and Beverage, Chain Grocery. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store. Chain groceries are food markets operated by retail chains that carry a full range of food and household products and have three or more store locations. Includes retail bakeries, where any on-site baking is only for on-site sales. (See also “Catering Service”.)

Food and Beverage Sales. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the store. Includes retail bakeries, where any on-site baking is only for on-site sales. Includes the “Chain Grocery” type, and the “Specialty Food” type, which carries a more limited and focused range of food products (e.g., a cheese store, or gourmet meat store, etc.). See also “Catering Service.”

Fuel Dealer. A retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers.
Furniture and Appliance Store. A store that primarily sells furniture and appliances with on-site delivery and bulk inventory storage, that may also provide incidental repair services. A store with only a showroom and no on-site delivery or bulk inventory storage is classified under “Retail, general.”

G. Definitions, "G."

Garage or Carport. Parking space and shelter for automobiles or other vehicles, where the size of the parking space complies with the provisions of Division D3, Chapter III (Parking and Loading).

1. A garage is a completely enclosed attached or detached accessory structure, with an operational door.

2. A carport is an attached or detached accessory structure enclosed on no more than two sides.

Garage Sale. The temporary sale of used and recycled household or personal articles held on the seller’s own residential premises, also referred to as a yard sale, rummage sale, or any similar designation.

Garage Sale, Community. An organized garage sale by more than three residents within 300 feet from each other on the same day.

General Plan. The City of San Ramon General Plan, including all its elements and all amendments thereto, as adopted by the City Council in compliance with Government Code Section 65300 et seq., and referred to in this Zoning Ordinance as the “General Plan.”

Golf Course/Country Club. Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; “pro shops” for on-site sales of golfing equipment; and golf cart storage and sales facilities.

Grade. The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measuring the height of the structure.

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

Gross Lot Area. See “Lot Area.”

Guest House. A detached structure accessory to a single-family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

H. Definitions, "H."

Habitable Space. Space within a dwelling unit for living, sleeping, eating, cooking, bathing.

Height. See Section D3-6 (Height Limits and Exceptions).

Heliport. An area, either at ground level or elevated on a structure, that is used or intended to be used for the takeoff and landing of helicopters, and includes some or all the various facilities useful to helicopter operations, including helicopter parking, waiting room, fueling and maintenance equipment.
1. **Approach-Departure Path.** The flight track of the helicopter as it approaches or departs from a designated takeoff and landing area, including a heliport, helipad, or helistop.

2. **Helipad or Helistop.** A heliport without auxiliary facilities such as waiting room, helicopter parking, fueling and maintenance equipment.

3. **Takeoff and Landing Area.** The area of a helicopter facility where the helicopter actually lands and takes off, and includes the touchdown area.

**Homeless Shelter.** A facility providing minimal supportive services for persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied shelter because of an inability to pay.

**Home Occupation.** The conduct of a business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property.

**Horticulture.** See "Crop Production, Horticulture, Orchard, Vineyard."

**Hotel or Motel.** See "Lodging."

**Housing Unit.** See “Dwelling, Dwelling Unit, or Housing Unit.”

I. **Definitions, "I."**

**Industry, Custom.** An establishment primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. Limited custom industry includes mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include custom bookbinding, ceramic studios, candle-making shops, and custom jewelry manufacture.

**Industry, General.** Manufacturing of products, primarily from extracted or raw materials or bulk storage and handling of such products and materials. Uses in this classification typically involve a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. This classification includes food processing and packaging, laundry and dry cleaning plants, stonework and concrete products manufacture (including concrete ready-mix plants), and power generation. No industrial uses such as asphalt and chemical manufacture, hot-mix plants, rendering, and tanneries are excluded from this classification.

**Industry, Limited.** Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services; both within and enclosed building. This classification includes processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, food processing, and Vehicle/Equipment Services. Small-scale limited industry occupies a maximum gross floor area of 5,000 square feet.

**Intensification of Use.** A change in the use of a structure or site that generates more traffic or other level of activity on the site, for example: where the new use is required by this Zoning Ordinance to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation).

**Interior Property Line.** See "Lot Features."

J. **Definitions, "J."**

No specialized terms beginning with the letter "J" are defined at this time.
K. Definitions, "K."

Key Lot. See "Lot, Parcel - Key Lot."

Kitchen. A room or space within a building used or intended to be used for the cooking or preparation of food, which includes any of the following: stove, oven, range top, dishwasher, kitchen sink.

L. Definitions, "L."

Laboratory - Non-Medical. A facility for testing, analysis, and/or research. Examples of this use include soils and materials testing labs, and forensic labs. Does not include medical laboratories (see "Medical Service – Clinic, Laboratory, and Urgent Care").

Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Landing. The level portion of a stairway.

Landmark. The following terms are defined for the purposes of Section D2-31 (Landmark (-L) Overlay Zone).

1. Alteration. Any change or modification, through public or private actions, of any landmark or historical site or of any property located within a landmark district including, but not limited to, changes to or modification of structure, architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other landscape features, disturbance of archaeological sites or areas, and the placement or removal of any objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape features affecting the visual qualities of the property.

2. Architectural Feature. The architectural elements embodying style, design, proportions, general arrangement and components of all surfaces of an improvement, including but not limited to, the kind, color or texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

3. Improvement. Any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of the betterment.

4. Object. A material thing of functional, aesthetic, cultural, symbolic or scientific value, usually by design or nature moveable.

5. Ordinary Repairs and Maintenance.
   a. Work done on any improvement or landscape feature for which a permit is not needed in compliance with Section D2-31.
   b. Replacement of any part of an improvement or landscape feature; for which a permit issued by the Chief Building Inspector is not required by law or by this Zoning Ordinance, where the purpose and effect of the work or replacement is to correct any deterioration or decay of or damage to the improvement or landscape feature or any part thereof and to restore the improvement or feature, as nearly as may be practicable, to its condition prior to the deterioration, decay or damage.

6. Preservation. The identification, study, protection, restoration, rehabilitation or enhancement of a landmark or historic site.
**Landscape and Tree Preservation.** The following terms are defined for the purposes of Division D3, Chapter II (Landscape Design Standards), and Division V, Chapter II (Tree Preservation and Protection).

1. **Drought resistant cool season grass.** Cool season grasses that can tolerate drought stress. These grasses usually require high water use irrigation scheduling to stay green and vital, but will survive under limited water (e.g., turf type tall fescues, Medallion, and Rebel).

2. **Functional need (for turf).** Turf planting which serves a functional or practical need rather than purely aesthetic purpose. Examples include: athletic fields and pedestrian circulation areas.

3. **High water use plantings.** Annuals, container plantings, and plants recognized as high water use (e.g., Rhododendrons or Birch) or plants documented as having a plant factor greater than 0.6.

4. **Hydrozone.** A landscape area having plants with similar water needs. Typically, a hydrozone is served by a valve or set of valves with the same type of irrigation hardware and schedule.

5. **Irrigation circuit.** A section of an irrigation system, including the piping and sprinkler heads or emitters, that is operated by a single remote control valve.

6. **Low water use plants.** Plants which are recognized as drought resistant or low water use when established, or plants documented as having a plant factor less than or equal to 0.6.

7. **Microclimate.** A section of a landscaped site with unique climatic conditions that affect the amount of water plants within the area use (e.g., courtyards, tree understory areas, and median islands).

8. **Non mechanically compacted soil.** Soil which has not undergone engineered compaction procedures.

9. **Organic amendment.** Any fully organic material added to the soil to improve soil structure, and other physical properties of the soil (e.g., compost, composted sawdust, peat moss, and redwood soil conditioner).

10. **Overspray.** Water which is discharged from an overhead irrigation system outside the desired planting area, especially water which wets adjacent hard surfaces (e.g., patios, sidewalks, and streets).

11. **Plant factor.** A number which represents the portion of reference evapotranspiration used by a particular plant. For example, a shrub with a plant factor of 0.5 uses 50 percent of reference evapotranspiration; a tree with a plant factor of 1.2 uses 120 percent of reference evapotranspiration.

12. **Porous mulch.** A loose material applied to the soil surface to reduce evaporation and retard weed growth (e.g., compost, decomposed granite, straw, wood chips).

13. **Rain shut off device.** A device which automatically shuts the irrigation system off when a measurable amount of rain occurs.

14. **Runoff.** Water which is not absorbed by the soil to which it is applied and runs off onto other areas. Runoff usually occurs when water is applied at a rate greater than the infiltration rate of the soil, and is especially problematic on slopes and on heavy clay soils.

15. **Water feature.** Ornamental or functional body of water (e.g., a fountain, pool, or pond).
16. **Water saving techniques (to mitigate runoff from slopes).** Landscape design techniques which either allows irrigation to be applied at a rate close to the infiltration rate of the soil or which captures and recycles runoff.

**Landscape Area.** An area set aside from structures and parking/driveway uses which are developed with Hardscape and Softscape elements. Does not include materials such as turf block when used for parking and/or driveways. See also “Landscape Area – Hardscape” and “Landscape Area – Softscape”. See also “Paved Area”.

**Landscape Area – Hardscape.** An area comprised of inanimate elements, including but not limited to paving materials (not used for parking), walls, fences, walkways, water features, concrete or brick patios, tile paths, and turf block (not used for parking/driveways uses). Porous materials such as synthetic turf is separately defined under “Landscape Area – Softscape”.

**Landscape Area – Softscape.** An area comprised of living elements, including but not limited to lawns, trees, shrubs, vines, hedges, and bedding plants. Includes porous materials such as synthetic turf.

**Large Family Day Care Home.** See "Day Care."

**Laundry, Dry Cleaning Plant.** A service establishment engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry cleaning and garment pressing; commercial laundries; linen supply. These facilities may include accessory customer pick-up facilities. These facilities do not include coin operated laundries or laundry/dry cleaning pick up stores without cleaning/processing equipment, which are instead under "Personal Services."

**Library, Museum, Gallery.** A public or quasi-public facility, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

**Live/Work Unit.** An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

1. Complete kitchen space and sanitary facilities in compliance with the Building Code; and
2. Working space reserved for and regularly used by one or more occupants of the unit.

**Lodging.**

1. **Bed and Breakfast Inn (B&B).** A residential structure with one or more bedrooms rented for overnight lodging, where meals may be provided subject to applicable Environmental Health Department regulations. Includes Short Term Rentals (STR), such as Airbnb, for lodging less than 30 consecutive days.

2. **Hotel or Motel.** A facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.
**Lot or Parcel.** A recorded lot or parcel of real property under single ownership, lawfully created as required by applicable Subdivision Map Act and City ordinance requirements, including this Zoning Ordinance. Types of lots include the following. See Figure 8-3 (Lot Types).

1. **Corner Lot.** A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 175 degrees. If the intersection angle is more than 175 degrees, the lot is considered an interior lot.

2. **Double-Frontage Lot.** A lot with frontage on two generally parallel streets.

3. **Flag Lot.** A lot having access from the building site to a public street by means of private right-of-way strip that is owned in fee.

4. **Interior Lot.** A lot abutting only one street.

5. **Key Lot.** An interior lot, the front of which adjoins the side property line of a corner lot.

6. **Reverse Corner Lot.** A corner lot with its longest definition oriented perpendicular to the other lots on the longest block face, the rear of which abuts a key lot.

**Lot Area.** See Figure 8-4 (Lot Features).

1. **Gross area.** Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights of way.

2. **Net area.** Net lot area is the gross lot area, not including easements that are not for the exclusive use of the lot on which the easement is located.

**Lot Coverage.** The percentage of the total area of a lot divided by the area that is occupied by structures over 18 inches in height (including balconies and decks). The area of a structure is measured from the exterior wall to exterior wall. Parking areas, driveways, swimming pools, retaining walls, and other impervious surfaces are not counted towards lot coverage.
Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. See Figure 8-4 (Lot Features). The Director shall determine lot depth for parcels of irregular configuration.

Lot Frontage. The boundary of a lot adjacent to a public street right-of-way. See Figure 8-4.

Lot Line or Property Line. Any recorded boundary of a lot. Types of lot lines are as follows (see Figure 8-4 (Lot Features)):

1. **Front Lot Line.** On an interior lot, the property line separating the parcel from the street.
   
   a. The front lot line on a corner lot is the line with the shortest frontage. If the street-fronting lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director.
   
   b. On a double-frontage lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.

2. **Interior Lot Line.** Any lot line not abutting a street.

3. **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.

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

Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. See Figure 8-3 (Lot Features). The Director shall determine lot width for parcels of irregular shape.

M. Definitions, "M."

Maintenance. See "Repair and Maintenance."

Maintenance and Service Facility. A facility providing maintenance and repair services for fleet vehicles, and accommodating equipment and materials storage areas. This use includes corporation yards, equipment service centers, and similar facilities.

Maintenance and Repair Service. Base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, security systems, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use.

Map Act. See "Subdivision Map Act."

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

Median Income. The annual, area median income applicable to the County, adjusted for family size in compliance with adjustment factors adopted by the United States Department of Housing and Urban Development (HUD). In the event that HUD no longer establishes median income levels at the time of conveyance of a unit, the City will determine by resolution, by any other recognized method of computing median income, the median income for purposes of this Chapter. The determination by the City shall be final and non-appealable.
Medical Services - Clinic, Laboratory, Urgent Care. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

- medical offices with five or more licensed practitioners and/or medical specialties
- out patient care facilities
- urgent care facilities
- other allied health services

These facilities may also include medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative."

Medical Services - Doctor Office. A facility, other than a hospital where medical, dental, mental health, surgical, acupuncture, massage therapy, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. These facilities may also include incidental medical laboratories. A facility with five or more licensed practitioners is instead classified under "Medical Services - Clinic, Laboratory, and Urgent Care." Counseling services by other than medical doctors or psychiatrists in locations other than in the offices of other medical doctors or psychiatrists are included under "Offices - Professional/Administrative." Does not include palm readers, hypnotists, card readers, psychics, and similar services, which are instead included under "Personal Services – Restricted."

Medical Services - Extended Care. Residential facilities providing nursing and health-related care as a primary use with in patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

Medical Services - Hospital. Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses (see the separate definition of "Accessory Retail Uses"), and on-site ambulance dispatch facilities.

Meeting Facility, Public or Private. A facility for public or private meetings, including community centers, religious assembly facilities (e.g., churches, mosques, synagogues, etc.), civic and private auditoriums, Grange halls, union halls, meeting halls for clubs and other membership organizations, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use that are typically used only by on-site employees and clients, and occupy less floor area on the site than the offices they support (see "Offices"). Does not include: sports or other commercial entertainment facilities (see "Theater," and "Sports and Entertainment Assembly"); or convention centers (see "Conference/Convention Facility"). Related on-site facilities such as day care centers and schools are separately defined, and separately regulated by Division D2 (Allowable Land Uses and Zoning Standards).

Minor Exception. See Section D6-24 (Minor Exceptions).

Minor Use Permit. See Section D6-28 (Use Permits and Minor Use Permits).

Mixed-Use Project. A project that combines both non-residential and residential uses on the same site. See Division D2, Chapter III (Mixed Use Zones).
Mobile Home. A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, with or without a permanent foundation and not including recreational vehicle, commercial coach or factory built housing. A mobile home on a permanent foundation is included under the definition of “Single-Family Dwellings.”

Mobile Home, Boat, or RV Sales. The retail sale of mobile homes, and/or various vehicles and watercraft for recreational uses. Includes the sales of boats, campers and camper shells, jet skis, motor homes, and travel trailers.

Mobile Home Park. Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

Mortuary, Funeral Home. Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted. Full-service mortuaries include facilities for the preparation of the deceased, and for cremation. Partial service facilities include only chapels and similar rooms for viewing, religious services, wakes, and similar activities, together with accessory office facilities.

Motel. See "Lodging."

Multi-Family Housing. A structure containing two or more dwelling units. Multi-family dwellings include: duplexes, triplexes, fourplexes (buildings under one ownership with two, three or four dwelling units, respectively, in the same structure); apartments (five or more units under one ownership in a single building); townhouse development (three or more attached dwellings where no unit is located over another unit); rowhouses; and other building types containing multiple dwelling units (for example, condominiums, courtyard housing, stacked flats, etc.).

N. Definitions, "N."

Natural, or Existing Grade. The contour of the ground surface before grading.

Negative Declaration. A Negative Declaration as defined by the California Environmental Quality Act (CEQA).

Net Lot Area. See "Lot Area."

Night Club. A facility that stays open late at night providing entertainment such as live music and/or dancing, comedy, etc. Does not include "Adult Oriented Business." See "Eating and Drinking Establishment with live entertainment" for businesses primarily providing food service in association with live entertainment.

Nonconforming Parcel. A parcel that was legally created prior to the adoption of this Zoning Ordinance or amendment, but does not comply with the current area, width, depth, or other applicable requirements of this Zoning Ordinance.

Nonconforming Sign. A sign that lawfully existed prior to the effective date of this Zoning Ordinance or amendment, but does not comply with the current sign regulations of this Zoning Ordinance.

Nonconforming Structure. A structure that was legally constructed prior to the adoption or amendment of this Zoning Ordinance, but does not comply with the current setback, height limit, and/or other applicable requirements of this Zoning Ordinance.
**Definitions**

**Nonconforming Use.** A use of land and/or a structure (either conforming or nonconforming) that was legally established and maintained prior to the adoption of this Zoning Ordinance or amendment, but does not conform to the current Zoning Ordinance requirements for allowable land uses within the applicable zone.

**Non-Residential Use.** A commercial, industrial, public, or other land use type that does not contain or involve one or more dwelling units.

**O. Definitions, "O."**

**Off-Sale Liquor Establishment.** Any establishment at which alcohol is sold, served, or given to patrons, to be consumed off-site, except food markets, supermarkets, drugstores, and other retail establishments in which the sale of alcohol for off-site use constitutes less than 20 percent of the total sales.

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

**Office.** This Zoning Ordinance distinguishes between the following types of offices. These do not include medical offices (see "Medical Service - Clinic, Laboratory, Urgent Care," and "Medical Service - Doctor Office.")

1. **Accessory.** An office facility for administration, and/or on-site business and operations management, that are incidental and accessory to another business, sales, and/or service activity that is the primary use. For example, a business office within a grocery store.

2. **Business/Service.** Establishments providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, elected official satellite offices, etc. This use does not include “Bank, Financial Services,” which are separately defined.

3. **Government.** Administrative, clerical, or public contact and/or service offices of a local, state, or federal government agency or service facilities. Includes post offices, but not bulk mailing distribution centers, which are under "Truck or Freight Terminal."

4. **Processing.** Office-type facilities characterized by high employee densities, and occupied by businesses engaged in information processing, and other computer-dependent and/or telecommunications-based activities. Examples of these uses include:
   - airline, lodging chain, and rental car company reservation centers
   - data processing services
   - mail order and electronic commerce transaction processing
   - telemarketing
5. **Professional/Administrative.** Office-type facilities occupied by businesses that provide professional services, or are engaged in the production of intellectual property. Examples of these uses include:

- accounting, auditing and bookkeeping services
- advertising agencies
- attorneys
- auto and vehicle sales/rental - wholesale establishment with no on-site storage or display of vehicles (office space only)
- business associations, chambers of commerce
- commercial art and design services
- construction contractors (office facilities only)
- counseling services
- court reporting services
- detective agencies and similar services
- design services including architecture, engineering, landscape architecture, urban planning
- educational, scientific and research organizations
- financial management and investment counseling
- literary and talent agencies
- management and public relations services
- media postproduction services
- news services
- photographers and photography studios
- political campaign headquarters
- psychologists
- secretarial, stenographic, word processing, and temporary clerical employee services
- security and commodity brokers
- writers and artists offices

6. **Temporary.** A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

7. **Temporary Real Estate.** The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

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

**Open Fencing.** A fence constructed of rails, pickets, wrought iron, or wire, with the materials spaced so that at least 50 percent of the surface area is open, allowing visibility through the fence.

**Ordinary Maintenance and Repair.** Work for which a Building Permit is not required, the purpose and effect of which is to correct deterioration of, or damage to a structure, and to restore the structure to its condition before the deterioration or damage.

**Organizational House.** A residential lodging facility operated by a membership organization for its members and not open to the general public. Includes fraternity and sorority houses, student dormitories, convents, monasteries, and religious residential retreats.
Outdoor Display and Sales. The permanent outdoor display of merchandise incidental to an adjacent indoor retail use, and certain independent outdoor retail sales facilities. Includes news and flower stands, and outdoor dining areas. Does not include the sale of automobiles and recreational vehicles ("Auto and Vehicle Sales and Rental"), mobile homes ("Mobile Home, Boat, or RV Sales"), or building or landscape materials ("Building and Landscape Materials Sales - Outdoor"). Outdoor display and sales shall comply with the standards for “Outdoor Displays, Storage and Vending” in Section D4-35.

Outdoor Storage. See "Storage - Outdoor."

Outdoor Vendor. A person with a current business license who sells, or offers to sell any type of merchandise, including food, beverages or edibles of any type whether hot, cold, fresh, prepared or packaged, from a mobile food truck, or at an approved location other than within a building or structure constructed on a permanent foundation that is rented, leased, or owned by that person.

1. Vending. Selling or offering to sell any type of merchandise, including food, beverages or edibles of any type, at any location other than within a building or structure constructed on a permanent foundation, which is rented, leased, or owned by the person selling or offering to sell the merchandise.

2. Vending Equipment. Includes any materials, merchandise, tools, vehicles, carts, tables, chairs or other items owned by, in the possession of or associated with a licensed vendor.

P. Definitions, "P."

Parcel. See "Lot, or Parcel."

Park and Recreation Facility. An outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, open space areas for passive recreation and picnicking, and sport and active recreation facilities.

Parking Facility - Public or Commercial. Parking lots or structures operated by the City, or a private entity providing parking for a fee. Does not include towing impound and storage facilities, which are instead defined under "Storage - Outdoor."

Paved Area. An area comprised of but not limited to materials providing a hard or semi-hard (turf block) surface used for parking and/or driveway uses. Does not include elements such as walkways, concrete or brick patios, and tile paths. See also "Landscape Area."

 Permit. Authorization by the Planning Department to establish a land use. Does not include building permits, electrical permits, plumbing permits, etc. which may also be required to establish a land use.

Playground. An area occupied by children’s play equipment, including climbing equipment, sandboxes, slides, swings, and/or similar equipment.

Pedestrian Orientation. A physical structure or place with design qualities and elements that contribute to an active, inviting and pleasant place for pedestrians that typically includes most of the following elements:

1. Building facades that are highly articulated at the street level, with interesting uses of material, color, and architectural detailing, located directly behind the sidewalk;

2. Visibility into buildings at the street level;

3. A continuous sidewalk, with a minimum of intrusions into pedestrian right-of-way;
4. Continuity of building facades along the street with few interruptions in the progression of buildings and stores;

5. Signs oriented and scaled to the pedestrian rather than the motorist.

Pedestrian orientation may also include: design amenities related to the street level, such as awnings, paseos, and arcades; landscaping and street furniture.

**Pedestrian Oriented Use.** A land use that is intended to encourage walk-in customers and that generally does not limit the number of customers by requiring appointments or otherwise excluding the general public. A pedestrian oriented use provides spontaneous draw from sidewalk and street due to visual interest, high customer turnover, and/or social interaction.

**Permit.** Authorization by the Department to establish a land use. Does not include building permits, electrical permits, plumbing permits, etc., which may also be required to establish a land use.

**Person.** Any individual, firm, partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

**Personal Services.** Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

- barber and beauty shops
- clothing rental
- dry cleaning/laundry pick up
- stores with limited equipment (no on-site plant)
- home electronics and small appliance repair
- laundromats (self service laundries)
- locksmiths
- massage (licensed, therapeutic, non-sexual)
- pet grooming with no boarding
- shoe repair shops
- tailors
- tanning salons

These uses may also include accessory retail sales of products related to the services provided.

**Personal Services - Restricted.** Personal services that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- check cashing stores
- fortune tellers
- palm and card readers
- pawnshops
- psychics
- spas and hot tubs for hourly rental
- tattoo and body piercing services

**Pharmacy, Medical Supplies.** A retail store that sells prescription drugs, and/or other medical supplies.

**Planning Commission.** The City of San Ramon Planning Commission, appointed by the San Ramon City Council in compliance with Government Code Section 65101, referred to throughout this Zoning Ordinance as the "Commission."

**Planning Permit.** Authority granted by the City to use a specified site for a particular purpose. "Planning Permit" includes Use Permits, Minor Use Permits, Limited Term Permits, Variances, Minor Variances, Design Review, Master Development Plans, and Zoning Clearances, as established by Division D6 (Planning Permit Procedures) of this Zoning Ordinance.
Plant Nursery. A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site, or outdoors in containers. The outdoor production of ornamental plants in the soil on the site is instead included under "Crop Production, Horticulture, Orchard, and Vineyard." Also includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses (home greenhouses are included under "Residential Accessory Use or Structure"). The sale of house plants or other nursery products entirely within a building is also included under "Retail, general."

Porch. A covered but otherwise open platform that provides a transition between the interior of a building and the public space of the street.

Portable Outdoor Storage Unit. Any container designed for the transportation and/or storage of personal property which is typically rented to owners or occupants of property for their temporary use which is delivered and removed by truck.

Primary Structure. A structure that accommodates the primary use of the site.

Primary Use. The main purpose for which a site is developed and occupied.

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

Private Residential Recreation Facility. A privately-owned, non-commercial outdoor recreation facility provided for residential project or neighborhood residents, including swimming pools, swim and tennis clubs, sport court facilities. Does not include golf courses and country clubs, which are separately defined.

Produce Stand. A temporary business established and operated for a specific time, selling raw, unprocessed fruits, vegetables, nuts, and other produce in its raw or natural state, and that is accessory to an on-site or adjacent agricultural operation.

Property Line. See "Lot Line or Property Line."

Proposed Project. A proposed new structure, new addition to an existing structure, or area of other new site development; these do not include the alteration of any portion of an existing structure other than an addition.

Protected Zone of a Tree. For the purposes of Division D5, Chapter II (Tree Preservation and Protection), the protected zone of a tree is determined by following method that protects the largest ground area:

1. The maximum extent of the drip line of the tree plus five feet, projected in a circle around the tree, with the trunk at the center of the circle; or

2. A circle equal to the trunk diameter in inches converted to feet. (For example, the radius of the protected zone of a tree with a trunk diameter of six inches is six feet.) Trunk diameter is measured at 54 inches above the ground. In the case of a trunk that is divided into limbs at a point below 54 inches, the trunk diameter shall be measured at the narrowest diameter of the trunk between the base of the tree and 54 inches above the ground.
**Public Right-of-Way (ROW).** Public streets and utility easements owned by the City or other public entity, but only to the extent of the City or public entity's right, title, interest or authority to grant a license to occupy and use such streets and easements for wireless communication facilities.

**Public Safety Facility.** A facility operated by a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch facilities on the same site.

**Q. Definitions, "Q."**

**Qualifying Resident.** A senior citizen or other person eligible to reside in senior citizen housing (for example, a senior citizen's spouse who is less than 55 years of age.

**R. Definitions, "R."**

**Recreation Area.** An area that is primarily designed or intended to be used solely for a sport, athletic or game activity, such as but not limited to tennis, handball, volleyball, basketball, shuffleboard, and ball batting. A Recreation Area encompasses such elements as fencing, lighting, overhead enclosure, netting, equipment, and other structures designed, used or intended to be used in an activity conducted on a recreation area. A Recreation Area does not include "dual use" recreation areas which combines a primary use such as a driveway and/or patio with an alternative use such as a permanent sport, athletic, or game structure (e.g. a permanent basketball hoop on a driveway). See also “Accessory Structure”.

**Recreational Vehicle (RV).** A motor home, travel trailer, truck camper, carryall, or camp trailer, house car, with or without motive power, typically designed for human habitation for recreational, emergency, or other occupancy, which:

1. Contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms; and
2. Contains 400 square feet or less of gross area measured at maximum horizontal projections; and
3. Is built on a single chassis; and
4. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

Also includes vehicles for non-habitation recreational and work purposes such as boats, boat trailers, off-road vehicles, other types of trailers, golf carts, and busses. Also See "Trailer" definition

**Recreational Vehicle Park.** A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

**Recycled Water.** Treated or recycled waste water of quality suitable for nonpotable uses such as landscape irrigation and water features. It is not intended for human consumption. Recycled water also includes reclaimed water. Graywater is separately defined under “Graywater”.

**Recycling Facility.** A center for the collection and/or processing of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.
1. **Small Collection Facility.** A center where the public may donate, redeem or sell recyclable materials. Small collection facilities which occupy an area of 500 square feet or less and may include a mobile unit;

2. **Large Collection Facility.** Large collection facilities which occupy an area of more than 500 square feet and/or include permanent structures.

3. **Mobile Recycling Unit.** An automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers.

4. **Processing Facility.** A structure or enclosed space used for the collection and processing of recyclable materials for shipment, or to an end-user's specifications, by such means as baling, briquetting, cleaning, compacting, crushing, flattening, grinding, mechanical sorting, re-manufacturing and shredding. Processing facilities include the following types, both of which are included under the definition of “Scrap and Dismantling Yards,” below:
   a. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two outbound truck shipments each day. Light processing facilities are limited to baling, briquetting, compacting, crushing, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers; and
   b. A heavy processing facility is any processing facility other than a light processing facility.

5. **Recycling or Recyclable Material.** See Section D 4-37(A)

6. **Reverse Vending Machine.** An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers.
   A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.

7. **Unattended Donation and Collection Boxes.** Unattended donation and collections box or bin means any unattended container, receptacle, or similar device that is located on any lot within the City and that is used for soliciting and collecting donations of clothing or other small scale salvageable personal property. This term does not include recycle bins for the collection of “recyclable material” as defined by Section D4-37 A. (1) or any unattended donation or collection box located inside a building.

8. **Scrap and Dismantling Yard.** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling (see the definitions above). Does not include: pawn shops, and other secondhand stores; the sale of operative used cars; or landfills or other waste disposal sites.

**Related Equipment.** The term "related equipment" shall mean all equipment ancillary to the transmission and reception of data via radio frequencies. It includes, but is not limited to equipment pads, equipment shelters, cabinets, buildings and access ladders.


**Repair Service - Equipment, Large Appliances, etc.** A service facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include vehicle repair or maintenance, which is included under "Vehicle Services"; the repair of small home appliances and electronic equipment, which is included under "Personal Services"; maintenance and repair activities that occur on the client's site, which are included under "Maintenance Service - Client Site Services;" or repair services provided on the site of a retail use that sells the products for which repair services are offered, which are incidental to the on-site sales.

**Repair and Maintenance.** For the purposes of Section D2-4 (Exemptions from Land Use Permit Requirements) and Division D7, Chapter I (Nonconforming Uses, Structures, and Parcels), repair and maintenance includes work on a building or other structure involving: cleaning; interior and exterior painting; re-roofing; the patching of cracks, holes, and other damage to interior and exterior walls; the replacement or repair of electrical or plumbing fixtures and lines; but does not include changes to any structural member.

**Research and Development, General.** A facility for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities, and where no more than 30 percent of the total floor area is office. Includes pharmaceutical, chemical and biotechnology research and development. Does not include soils and other materials testing laboratories (see "Laboratory – Non-Medical"), or medical laboratories (see "Medical Service - Clinic, Laboratory, Urgent Care").

**Research and Development, Limited.** A facility for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing where the primary floor area use is professional office-based. Includes limited assembly of related products from parts produced off-site, storage, and warehousing associated with principle office use. Includes pharmaceutical, chemical and biotechnology research and development. Does not include soils and other materials testing laboratories (see "Laboratory – Non-Medical"), or medical laboratories (see "Medical Service - Clinic, Laboratory, Urgent Care").

**Residential Care.** A single-family dwelling or multi-unit facility licensed or supervised by a Federal, State, or local health/welfare agency that provides 24-hour non-medical or medical (RCFE) care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Does not include day care facilities, which are separately defined under “Day Care.”

**Residential Care Facility for the Elderly (RCFE).** A housing arrangement chosen voluntarily by the residents, or the residents’ guardians, conservators or other responsible persons; where 75 percent of the residents are at least 62 years of age, or, if younger, have needs compatible with other residents; 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 (definition from California Code of Regulations Title 22, Division 6, Chapter 6, Residential Care Facilities for the Elderly). RCFE projects may include basic services and community space.

RCFE projects include assisted living facilities (board and care homes), congregate housing, independent living centers/senior apartments, and life care facilities as defined below.

1. **Assisted Living Facility.** A residential building or buildings that also provide housing, personal and health care, as permitted by the Department of Social Services, designed to respond to the daily, individual needs of the residents. Assisted Living Facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted Living Facilities are required to be licensed by the California Department of Social Services, and do not include skilled nursing services.
2. **Independent Living Center/Senior Apartment.** Independent living centers and senior apartments are multi-family residential projects reserved for senior citizens, where common facilities may be provided (for example, recreation areas), but where each dwelling unit has individual living, sleeping, bathing, and kitchen facilities.

3. **Life Care Facility.** Sometimes called Continuing Care Retirement Communities, or Senior Continuum of Care Complex, these facilities provide a wide range of care and supervision, and also provide health care (skilled nursing) so that residents can receive medical care without leaving the facility. Residents can expect to remain, even if they become physically incapacitated later in life. Life Care Facilities require multiple licensing from the State Department of Social Services, the State Department of Health Services, and the State Department of Insurance.

**Residential Component of Mixed Use Project.** See "Mixed Use Project."

**Resource Management.** The following terms and phrases are defined for the purposes of Division D5 Chapter 1 (Hillside, Creek, and Ridgeline Areas).

1. **Creek.** A watercourse as shown in General Plan 2030 Figure 8-3 (Resource Management).

2. **Hillside.** A part of a hill between the summit and the foot with slopes of 10 percent or more.

3. **Hilltop.** The highest elevation at the crest of a hill.

4. **Pocket Area.** Land located between any parallel ridges which are separated by less than 1,500 feet measured horizontally.

5. **Ridge.** An elongated crest or series of crests of a hill. Major Ridges and Minor Ridges are designated as shown in the General Plan 2030 Figure 8-3 (Resource Management).

6. **Ridgeline.** A ground line located at the highest elevation of and running parallel to the long axis of a ridge.

7. **Riparian Vegetation.** Vegetation associated with a watercourse which requires or tolerates moisture in excess of that available in adjacent uplands.

8. **Undevelopable Land.**
   a. Land with an existing, natural slope in excess of 20 percent with a minimum elevation differential of 40 feet and a minimum contiguous area of three acres; or
   b. Riparian corridors or associated vegetated areas of creeks, intermittent streams, perennial streams, or lakes.

**Review Authority.** The individual or official City body (the Planning Director, Zoning Administrator, Architectural Review Board, Planning Commission, or City Council) identified by this Zoning Ordinance as having the responsibility and authority to review, and approve or disapprove the permit applications described in Division D6 (Planning Permit Procedures).

**Retail, general.** Stores, showrooms and shops selling a variety of retail merchandise not specifically listed under another defined use.

Does not include adult oriented businesses, antique or collectible stores, furniture and appliance stores, or second hand stores, which are separately defined.
Rooming or Boarding House. A dwelling or part of a dwelling where rooms may be rented for occupancy by no more than four persons who are not members of a single housekeeping unit, with no more than four bedrooms rented in each dwelling. Does not include fraternities, sororities, convents, or monasteries, which are separately defined under “Organizational House.”

Rowhouse. Two-story dwellings fronting a sidewalk that occupy the entire width of their parcels, without side setbacks.

S. Definitions, "S."

School. An institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained in compliance with standards set by the State Board of Education. This definition includes a kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education or an institution of higher education, including a community or junior college, college, or university, but it does not include a vocational institution. Includes the following facilities.

1. Elementary, Middle, Secondary. A public or private academic educational institution, including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades). May also include any of these schools that also provide room and board.

2. Specialized Education/Training. A school that provides education and/or training, including vocational training, in limited subjects. Examples of these schools include:
   - art school
   - ballet and other dance school
   - business, secretarial, and vocational school
   - computers and electronics school
   - drama school
   - driver education school
   - establishments providing courses by mail
   - language school
   - martial arts
   - music school
   - professional school (law, medicine, etc.)
   - seminaries/religious ministry training facility

Does not include pre-schools and child day care facilities (see "Day Care"). See also the definition of "Studio - Art, Dance, Martial Arts, Music, etc." for smaller-scale facilities offering specialized instruction.

Second Hand Store. A retail store that buys and sells used products, including clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools, motors, machines, instruments, or any similar secondhand articles or objects. Does not include bookstores ("Retail, general"); secondhand farm and construction equipment ("Construction, Farm, and Heavy Equipment Sales and Rental"); junk dealers, or scrap/dismantling yards (Recycling Facilities - Scrap and Dismantling Yards”); the sale of antiques and collectibles ("Antique or Collectible Store"); the sale of cars and other used vehicles ("Auto and Vehicle Sales and Rental"); or pawnshops ("Personal Services - Restricted").

Second Unit. See “Accessory Dwelling Unit (ADU).”

Senior Housing. The following terms are defined for the purposes of Section D2-33 (Senior Housing (SH) Overlay Zone).

1. Senior Citizen Housing Development. A residential project of at least 35 dwelling units that are developed for, or substantially rehabilitated or renovated for senior citizens.

2. Senior citizen. A person 55 years of age or older.
3. **Households of very low income levels.** A person or family whose income does not exceed 50 percent of the area median income, adjusted for family size and revised annually.

4. **Households of low income levels.** A person or family whose income does not exceed 80 percent of the area median income, adjusted for family size and revised annually.

**Separately Accessible Storage Unit.** A personal storage unit provided as part of a multi-family residential use that is fully enclosed, but separately accessible from the out-of-doors, as opposed to indoor storage units that are individually accessible but only from within the enclosed structure.

**Service Station.** See "Vehicle Services – Service Station."

**Setback.** The distance by which a structure, parking area or other development feature must be separated from a lot line, other structure or development feature, or street centerline. See also "Yard," and Section D3-10 (Setback Requirements and Exceptions).

**Sign.** The City of San Ramon Sign Ordinance is in Division D3, Chapter IV of this Zoning Ordinance. Definitions of the technical and specialized terms and phrases used in the Sign Ordinance are in Section D3-44 (Definitions).

**Single Family Dwelling.** A building designed for and/or occupied exclusively by one family. Also includes factory built, modular housing units, constructed in compliance with the Uniform Building Code (UBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.

**Single-Room Occupancy (SRO) Unit.** One-room dwelling unit intended for occupancy by a single individual. They are distinct from a studio or efficiency unit, in that a studio is a one-room dwelling unit that must contain a kitchen and bathroom. Although SRO units are not required to have a kitchen or bathroom, many SROs have one or the other.

**Site.** A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

**Small Family Day Care Home.** See "Day Care."

**Solid Waste Transfer Station.** A facility that receives primarily solid waste materials, from commercial vehicles for the purpose of storing and handling prior to transferring to another facility.

**Social Service Organization.** A public or quasi public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring special services, the handicapped, and the otherwise disadvantaged. Examples of this land use include: counseling centers, welfare offices, job counseling and training centers, or vocational rehabilitation agencies. Includes organizations soliciting funds to be used directly for these and related services, and establishments engaged in community improvement and neighborhood development. Does not include day care services, emergency shelters, transitional and supportive housing, or "Residential Care," which are separately defined.

**Specific Plan.** A plan that details land use and development regulations, planned infrastructure and public improvements, financing measures, and other topics, in compliance with Government Code Section 65450 et seq.

**Sport Court.** See "Recreation Area."

**Sports and Entertainment Assembly.** A large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheaters, race tracks, stadiums and coliseums.
Sports and Active Recreation Facility. Public and private facilities for various outdoor sports and other types of recreation, where the facilities are oriented more toward participants than spectators. Examples include:

- athletic/sport fields (e.g., baseball, football, softball, soccer)
- health and athletic club outdoor facilities
- skateboard parks
- swimming pools
- tennis and other sport courts (e.g., handball, squash)

Storage - Accessory. The indoor storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

Storage - Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.

Storage - Personal Storage Facility. Structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

Storage - Vehicle. See "Vehicle Storage."

Storage - Warehouse, Indoor Storage. Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini storage facilities offered for rent or lease to the general public ("Storage - Personal Storage Facility"); warehouse facilities primarily used for wholesaling and distribution (see "Wholesaling and Distribution"); or terminal facilities for handling freight (see "Truck or Freight Terminal").

Story. The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above, the space between the floor and the ceiling above. Parking structures, basements and other usable space that are 4 feet or less above average existing grade (prior to construction) to the floor above, are not considered a story, but shall be included in the overall height calculation for the structure.

Street. A public thoroughfare accepted by the City, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley, which is separately defined.

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purposes of this Zoning Ordinance, the term "structure" includes "buildings," but does not include swimming pools.

Structure Ridgeline. The line along the top of a structure, including existing parapets, penthouses, or mechanical equipment screens.

Studio - Art, Dance, Martial Arts, Music, etc. Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of "Schools - Specialized education and training." Examples of these facilities include: small-scale tutoring centers; individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists. Individual photographer studios are also included in the definition of "Office – Professional/Administrative."
Studio Unit. A residential unit where living and sleeping space is combined in a single room.

Subdivision. The division, by any subdivider, of any unit or portion of land shown on the latest equalized Contra Costa County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights of way. Subdivision includes the following, as defined in Civil Code Section 1715: a condominium project; a community apartment project; or the conversion of five or more existing dwelling units to a stock cooperative.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Surface Mining. All or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open pit mining of minerals naturally exposed, mining by the auger method, dredging, and quarrying, or surface work incidental to an underground mine. Surface mining operations include: inplace distillation, leaching, or retorting; the production and disposal of mining wastes; and prospecting and exploratory activities. Surface mining operations also include the creation of borrow pits, segregation, streambed skimming, and the stockpiling and recovery of mined materials.

T. Definitions, "T."

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

Temporary Use. A land use that is designed, operated and occupies a site for a limited time, typically less than 12 months.

Temporary Use Permit. See Section D6-27 (Temporary Use Permit).

Theater. An indoor facility for group entertainment, other than sporting events. Examples of these facilities include:

- civic theaters, and facilities for "live" theater and concerts
- movie theaters

See also "Sports and Entertainment Assembly."

Top of Creek Bank. The uppermost ground elevation paralleling a creek or watercourse where the gradient changes from a more defined vertical component to more horizontal.

Trailer. A vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle. Examples include, but are not limited to: boat trailers, cargo and utility trailers, work trailers, car and motorcycle trailers, livestock trailers, camping and travel trailers (See RV Definition)

"Trailer" also includes semitrailers (no front trailer axle) and a semitrailer when used in conjunction with an auxiliary dolly, if the auxiliary dolly is of a type constructed to replace the function of the drawbar and the front axle or axles of a trailer.

Transit Station or Terminal. A passenger station for vehicular, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses terminals, taxi stands, railway stations, etc.
Transitional Housing. A residence that provides housing for up to two years. Residents of transitional housing are usually connected to supportive services designed to assist the homeless in achieving greater economic independence and a permanent, stable living situation.

Transportation Service Dispatch Facility. A base facility where taxis and/or limousines are stored until dispatched, and/or where ambulance vehicles and crews not based at a hospital or fire department stand by for emergency calls. Does not include dispatch services that have no on-site vehicle storage, which are instead included under "Office - Professional/Administrative."

Truck or Freight Terminal. A transportation facility furnishing services incidental to air, motor freight, and rail transportation. Examples include:

- freight forwarding services
- freight terminal facilities
- joint terminal and service facilities
- overnight mail processing facilities
- packing, crating, inspection and weighing services
- postal service bulk mailing distribution centers
- transportation arrangement services
- trucking facilities, including transfer and storage

U. Definitions, "U."

Un-Serviced Area. An area that is not provided City services.

Unit Owner, or Owner. The holder(s) of record fee title to a unit. "Unit owner" includes a contract purchaser ("vendee") under an installment land contract.

Use. See "Land Use."

Use Permit. See Section D6-28 (Use Permit and Minor Use Permit).

Use, Primary. See "Primary Use."

Utility Facility. A fixed base structure or facility serving as a junction point for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply and natural gas distribution. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091:

- electrical substations and switching stations
- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage tanks
- telephone switching facilities
- wastewater treatment plants, settling ponds and disposal fields

These uses do not include office or customer service centers (classified in "Offices").

Utility Infrastructure. Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices - Business and Service"), or distribution substations (see "Utility Facility").
V. Definitions, "V."

Variance. See Section D6-29 (Variances).

Vehicle Fueling-Alternative Fuels. Alternative vehicle fuels include a range of fuel sources beyond traditional gasoline and diesel options. Common examples include compressed natural gas (CNG), bio-diesel, electricity and hydrogen. Facilities that specialize in the retail sales of these fuels are subject to the Service Station requirements. Accessory fueling stations must be accessed on the specifics of the proposal and degree of retail and public availability.

Vehicle Services. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

1. Major Repair/Body Work. These establishments include towing, collision repair, other body work, and painting services; muffler and radiator shops; tire recapping.

2. Minor Maintenance/Repair. Minor facilities providing limited repair and maintenance services. Examples include: attended and self-service car washes; detailing services; quick-lube services; tire and battery sales and installation (not including recapping).

3. Service Station. A retail business selling gasoline and/or other motor vehicle fuels, and related products. May include a convenience store, minor maintenance/repair facilities and services. A service station does not include Electric Vehicle Charging Stations (Accessory) or private fueling facilities (corporate yards, etc.) not available to the general public.

4. Service Station- Unattended. A service station (Fueling Station) that does not have an onsite attendant during the hours that fuel or related services are available to the general public. An unattended service station will have automated systems for safety, security and payment.

5. Towing and Storage. An establishment that dispatches tow trucks and that may include the temporary outdoor storage of wrecked and other inoperable vehicles.

6. Washing, Attended. A commercial facility for washing cars where washing or drying is done by employees of the facility.

7. Washing, Unattended. A commercial facility for washing cars where the car operator washes the vehicle using on-site equipment, or drives through an automated car washing and drying facility.

Does not include automobile parking (see "Parking Facilities"), repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales and Rental," and "Mobile Home, RV, and Boat Sales and Rental"); gas stations, which are separately defined; or dismantling yards, which are included under "Recycling - Scrap and Dismantling Yards."

Vehicle Storage. A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles. Includes facilities for the storage and/or servicing of fleet vehicles. Also includes the parking of a vehicle on private property for more than 72 hours without operation. Does not include commercial parking lots, or dismantling yards (classified in "Recycling - Scrap and Dismantling Yards").

Video Rental. See "Retail, general" and "Adult Oriented Business."
Definitions, "W."

Warehouse. See "Storage - Warehouse, Indoor Storage."

Warehouse Retail. A retail store that emphasizes the packaging and sale of products in large quantities or volumes, some at discounted prices, where products are typically displayed in their original shipping containers. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

Watercourse. A creek, stream, or other waterway.

Wholesaling and Distribution. An establishment engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Small scale facilities shall be an establishment up to a maximum of gross floor area of 5,000 square feet. Examples of these establishments include:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Also includes storage, processing, packaging, and shipping facilities for mail order and electronic commerce retail establishments.

Windmill. A tower and propeller assembly used to transform wind energy into mechanical energy for generating electricity or pumping water.

Wine Tasting. A facility, or area within a winery where wine and related products are offered for retail sale, where wine may be tasted for a fee, or without charge.

Winery. A manufacturing facility where wine grapes are crushed, and their juice is fermented, aged, bottled, and sold at wholesale as finished wine. May include tasting and accessory retail sales of wine produced on site.

Wireless Telecommunications Facilities. A facility that transmits and/or receives electromagnetic signals, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or reception of such signals, including towers or similar structures supporting the equipment such as equipment buildings, shelters, cabinets, parking areas and other accessory development related to the main facility.

1. **Antenna.** A 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. The antenna does not include its support system it is mounted on. See also "Telecommunications Facilities."

2. **Antenna, Array.** A structure attached to a telecommunications tower that supports the antennas.

3. **Antenna, Directional or Panel.** An antenna which transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

4. **Antenna, Amateur Radio (HAM).** A ground, building, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service and as designated by the Federal Communications Commission (FCC).
5. **Antenna, Facade Mounted.** An antenna which is directly attached or affixed to the elevation of a building, tank, tower, or other structure.

6. **Antenna, Farm.** The term “antenna farm” is used to describe the negative visual impact associated with the placement of a number of antenna facilities in close proximity to each other.

7. **Antenna, Ground Mounted.** An antenna which base is a single pole or multiple poles or posts, placed directly on the ground or a mast that is less than 15 ft. tall.

8. **Antenna, Omni-Directional or Whip.** An antenna, which transmits and/or receives radio frequency signals in a 360-degree radial pattern.

9. **Antenna, Parabolic or Satellite.** An antenna which is any device incorporating a reflective surface that is solid, open mesh, or a bar configuration that is a shallow dish, cone, horn, bowl or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication signals in a specific directional pattern.

10. **Antenna, Portable.** An antenna which is any device used to transmit and/or receive electromagnetic or radio frequency communications signals in a specific directional pattern, located on a portable or moveable base designed to be placed either for temporary or long-term use at a given site.

11. **Antenna, Roof-Mounted.** An antenna which is directly attached or affixed to the roof of an existing structure which transmits or receives electromagnetic signals.

12. **Antenna, Television Broadcast Service (TVBS).** An antenna designed to receive only television signals directly to and/or from a satellite.

13. **Co-location.** The placement of two or more wireless communications facilities on a single support structure or otherwise sharing a common location. Co-location shall also include the placement of wireless communications facilities on buildings, water tanks, light poles, electricity towers, or other existing facilities and/or structures.

14. **Communication Facility.** An unstaffed facility, generally consisting of antennas, and equipment cabinet or structure, and related equipment, which receives and/or transmits electromagnetic waves, light waves, radio frequencies or other types of signals.

15. **Direct Broadcast Satellite Service (DBS).** A system in which signals are transmitted directly from a satellite to a small receiving dish whose diameter is less than one meter (39 inches) in a residential property and two meters (78 inches) in a commercial property.

16. **Electromagnetic Radiation (EMR).** A type of non-ionizing electromagnetic radiation (radio frequency within the electromagnetic spectrum), including radio, TV signals and microwaves. Other forms of this radiation include visible light, and infrared radiation that is sensed as heat.

17. **Emission.** The electromagnetic energy propagated from a source by radiation or conduction.

18. **Equipment Building, Shelter or Cabinet.** A cabinet, building or shelter at the telecommunications facility site used to house equipment which supports the telecommunications system, or equipment associated with a wireless, hard wire, or cable communication facility.

19. **Lattice Tower.** A self-supporting structure erected from the ground, which consists of metal cross-strips or bars to support antennas and related equipment.
20. **Monopole.** A wireless communication facility which consists of a single-pole structure or spire, exceeding 15 feet, erected on the ground to support wireless communication antennas and related hardware pieces.

21. **Multipoint Distribution Service.** A microwave communication service that delivers video programming, data and/or voice communication directly to subscribers, including multi-channel multipoint distribution series, instructional television fixed services, and local multipoint distribution services, or as defined by the Section 207 of the Telecommunications Act of 1996, Section 1.4000 of Title 47 of the Code of Federal Regulations and any interpretative decisions thereof issued by the Federal Communications Commission.

22. **NIER (Non-Ionizing Electromagnetic Radiation) Professional.** A certified professional, usually an Electrical Engineer, health physicist or other technical expert with an understanding of electromagnetic radiation and its health effects. A NIER professional must have substantial professional experience performing environmental measurements of radio frequency (RF) exposure and preparing RF environmental evaluation reports for a variety of entities.

23. **Radio Frequency (RF).** Electromagnetic energy with wavelengths between the audio range and the light range. Electromagnetic waves transmitted are usually between 500 kHz (kilohertz – one thousand hertz) and 300 GHz (gigahertz – one billion cycles per second).

24. **Satellite Dish or Antenna.** A device incorporating a reflective surface that is solid, open mesh, or bar configured to form a shallow dish, cone, horn, or cornucopia used to transmit and/or receive electromagnetic signals. This definition includes antennas that are sometimes called “SES”, “TVBS”, and “DBS”.

25. **Satellite Earth Station.** A facility consisting of more than a single satellite dish or parabolic antenna that transmits and/or receives signals from an orbiting satellite.

26. **Service Provider.** Any authorized provider of telecommunications services.

27. **Stealth Facility.** A communications facility designed to blend into the surrounding environment, and not visually obtrusive. Examples include architecturally screened rooftop-mounted antennas; building-mounted antennas painted and treated as architectural elements to blend with the existing building, or antennas built into the structure itself. Also known as concealed telecommunications facilities. The Zoning Administrator shall determine if a facility is a stealth facility.

28. **Stealth Pole.** A monopole that is disguised or camouflaged as vegetation, a flag pole, public art, clock tower, rock outcropping, etc. A slim pole with antennas that are flush with the structure is not considered a stealth pole. The Zoning Administrator shall determine if a facility is a stealth pole.

29. **Tower (Wireless Communication Tower).** A mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas and other wireless equipment. A ground or building mounted mast greater than 15 feet tall supporting one or more antenna, dishes, arrays, etc; shall be considered a wireless communications tower.

30. **Power Transmission Towers.** Other utility structures and building/site architectural features with approved wireless equipment are not considered wireless towers, but rather an ancillary use subject to the requirements of Division 4 Chapter 4 “Wireless Telecommunication Facilities” of the Zoning Ordinance.

**Workforce Housing.** Affordable housing that is rented in compliance with the definition of "Affordable Rent" in this Article.
X. **Definitions, "X."**

No specialized terms beginning with the letter "X" are defined at this time.

Y. **Definitions, "Y."**

**Yard.** An area between a lot line and a structure, unobstructed and unoccupied from the ground upward, except as otherwise permitted by this Zoning Ordinance. A yard area includes any setback required by the applicable zone. See also “Setback,” and Section D3-10 (Setback Requirements and Exceptions).

1. **Front Yard.** An area extending across the full width of the lot between the front lot line and the primary structure.

2. **Rear Yard.** An area extending the full width of the lot between a rear lot line and the primary structure.

3. **Side Yard.** An area between a side lot line and the primary structure extending between the front and rear yards.

Z. **Definitions, "Z."**

**Zero Lot Line.** The location of a building on a lot in such a manner that one or more building sides rests directly on a lot line.

**Zone.** A zone established by Section D1-7 (Zoning Map and Zones), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

**Zoning Administrator.** The individual designated as Zoning Administrator by the City Manager.

**Zoning Clearance.** See Section D6-30 (Zoning Clearances).

**Zoning Ordinance.** The City of San Ramon Zoning Ordinance, Title D of the San Ramon Municipal Code, referred to here as "this Zoning Ordinance."
Appendix A

Mixed Use Zone Redevelopment Guidelines

The following guidelines illustrate a methodology for the redevelopment of existing commercial strip centers into pedestrian-oriented districts. The City will use these guidelines in reviewing proposals to change existing shopping centers.

Purpose. In order to illustrate the potential for redevelopment of commercial properties into vibrant, mixed-use centers, a hypothetical “strip mall” was created at the intersection of two arterial streets. This 10-acre property accommodates approximately 115,000 gross square feet (gsf) of commercial space and includes a 60,000 gsf retail anchor. It is served by approximately 815 surface parking spaces (a standard 8:1 ratio).

The following pages illustrate a series of design principles that may guide the redevelopment of similar properties, as well as a strategy for successful phasing such a project.
Above: Existing conditions.

Principle One: Subdivide the property into an interconnected network of pedestrian-scaled streets and blocks.

Principle Two: Parking should be located along streets and in lots and garages oriented behind buildings.
Principle Three: New buildings should be oriented towards streets and provide a scale and interest that is pedestrian friendly.

Principle Four: A comprehensive network of parks and open space should provide the community with a series of public places.

Principle Five: Built frameworks should provide pedestrian-friendly connections to neighboring properties and future redevelopment sites.
Above: Existing conditions within suburban context.

Phase I: A portion of the strip mall is demolished and redeveloped as a mixed-use “main street” fronting a linear park. A parking structure is built to accommodate lost parking and new residential uses. The existing anchor use is renovated to appropriately terminate this new axis.

Phase II: A second mixed-use address is introduced along with a parking structure serving new retail and residential uses, creating a nascent town center district.
**Phase III:** The remainder of the property is redeveloped with the addition of street-facing buildings along the site’s perimeter, as the arterial streets gradually evolve into avenues and boulevards that are more pedestrian-friendly.

The above drawing illustrates one way in which such a site could be redeveloped, integrating new and renovated commercial uses, residential uses in a variety of forms, and civic and open space. The redevelopment of one property can spur the redevelopment of adjacent underutilized sites, creating the long-term potential for the creation of a vibrant, mixed-use, pedestrian-friendly quarter.