



**3.02.070 T3 Neighborhood (T3N) Standards**

**Transect Zones**

**Key**

- ROW / Property Line
- Setback Line
- Building Area
- Facade Zone

**D. Building Placement**

**Setback (Distance from ROW / Property Line)**

Front 20 min. 10 max. \*

Front facade within facade zone 100 min.

Side Street or Civic Space 10 min. 15 max.

Side 5 min.

Rear 5 min.

\*Setback may match an existing adjacent building. The building may be set to align with the facade of the front-most immediately adjacent property for a width no greater than that of the adjacent property's facade that encompasses into the minimum setback.

\*No maximum front setback for Carriage Houses.

**D. Building Form**

**Lot Size**

See Part 5 (Building Types).

**Building Height**

Lot depth > 100': Within 75' of street property line or

Lot depth > 100': Within 90' of street property line

Stories 2-1/2 stories max

To Eave or Parapet 24 max

Overall 35 max

Other lot area

Stories 1-1/2 stories max

To Eave or Parapet 15 max

Overall 24 max

**Ground Floor Finish Level Plain**

Building 18" min. above sidewalk

**Ground Floor Ceiling**

9" min. clear

**Upper Floor(s) Ceiling**

8" min. clear

\* Does not apply to accessory structures. See 4.02.030 (Accessory Structures).

\* See Part 5 (Specific to Building Types) for additional height regulations.

**Miscellaneous**

\*Hazard roof forms are not allowed.

**E. Allowed Use Types**

Ground Floor\* Residential

Upper Floor Residential

\* See 3.02.070.14, 3.02.070.15, 3.02.070.16, 3.02.070.17, 3.02.070.18, 3.02.070.19, 3.02.070.20, 3.02.070.21, 3.02.070.22, 3.02.070.23, 3.02.070.24, 3.02.070.25, 3.02.070.26, 3.02.070.27, 3.02.070.28, 3.02.070.29, 3.02.070.30, 3.02.070.31, 3.02.070.32, 3.02.070.33, 3.02.070.34, 3.02.070.35, 3.02.070.36, 3.02.070.37, 3.02.070.38, 3.02.070.39, 3.02.070.40, 3.02.070.41, 3.02.070.42, 3.02.070.43, 3.02.070.44, 3.02.070.45, 3.02.070.46, 3.02.070.47, 3.02.070.48, 3.02.070.49, 3.02.070.50, 3.02.070.51, 3.02.070.52, 3.02.070.53, 3.02.070.54, 3.02.070.55, 3.02.070.56, 3.02.070.57, 3.02.070.58, 3.02.070.59, 3.02.070.60, 3.02.070.61, 3.02.070.62, 3.02.070.63, 3.02.070.64, 3.02.070.65, 3.02.070.66, 3.02.070.67, 3.02.070.68, 3.02.070.69, 3.02.070.70, 3.02.070.71, 3.02.070.72, 3.02.070.73, 3.02.070.74, 3.02.070.75, 3.02.070.76, 3.02.070.77, 3.02.070.78, 3.02.070.79, 3.02.070.80, 3.02.070.81, 3.02.070.82, 3.02.070.83, 3.02.070.84, 3.02.070.85, 3.02.070.86, 3.02.070.87, 3.02.070.88, 3.02.070.89, 3.02.070.90, 3.02.070.91, 3.02.070.92, 3.02.070.93, 3.02.070.94, 3.02.070.95, 3.02.070.96, 3.02.070.97, 3.02.070.98, 3.02.070.99, 3.02.070.100.



# Development Code

## City of Livermore, CA

**LIVERMORE**  
CALIFORNIA

**Effective: May 1, 2010**



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# Preamble

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# FORM-BASED CODES AND THE TRANSECT: PRINCIPLES

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## Form-Based Codes

The Form-Based Code is an alternative approach to zoning that reinforces walkable, sustainable mixed-use environments and development and builds upon community character. The Livermore Development Code uses a Form-Based Coding approach in order to achieve the General Plan's goals of sustainability and sensitive high-quality infill. Form-Based Coding also meets the objectives of the Caltrans Community-Based Transportation Planning Grant, with which this project was partially funded, by creating a code that focuses on the creation of compact, high-quality projects, which will lay a solid foundation for smart growth policies and practices in the City.

*Form-based codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. These codes are adopted into city or county law as regulations, not mere guidelines. Form-based codes are an alternative to conventional zoning.*

### *Form-Based Codes Institute*

The first step in this approach was the application of Form-Based Coding to the designated Focus Areas – primarily older neighborhoods surrounding the downtown. The code framework thus established will encourage further Form-Based Code application throughout the City in the future, including the possibilities of optional Form-Based Coding overlays for large greyfield sites, the creation and use of Transect zones for future projects such as a BART Station Specific Plan, and the creation of subdivision standards and Transect zone regulations for the limited number of new neighborhoods that may be built. The ultimate goal is to contain growth in Livermore, preserve the existing historic character of neighborhoods surrounding the downtown, regulate for high-quality infill, and create a predictable process for developers and the community to help meet these goals.

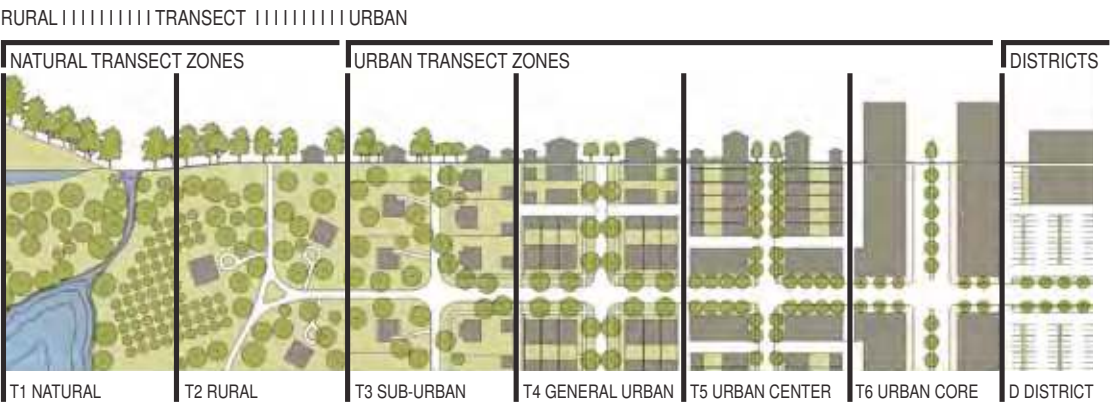
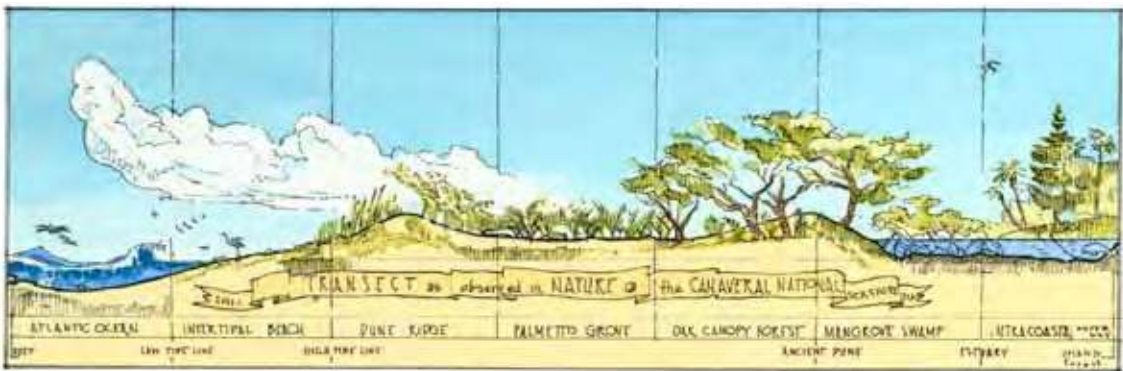
The Transect

The Transect is an organizing principle often used in Form-Based Coding that focuses first on the intended character and type of place and second on the uses within. This flips the framework used in conventional or Euclidean zoning, in which use is the primary focus and form comes second. Transect zones are used to reinforce existing or to create new walkable mixed-use urban environments.

*“The rural-to-urban Transect is a means for considering and organizing the human habitat in a continuum of intensity that ranges from the most rural condition to the most urban. It provides a standardized method for differentiating between the intentions for urban form in various areas using gradual transitions rather than harsh distinctions. The zones are primarily classified by the physical intensity of the built form, the relationship between nature and the built environment, and the complexity of uses within the zone.”*

Form-Based Code Institute

The model Transect for American towns is divided into six Transect zones or T-zones: Natural (T1), Rural (T2), Sub-urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6), together with a Special District (SD) designation for areas with specialized purposes (e.g., heavy industrial, transportation, entertainment, or university districts, among other possibilities). Each T-zone is given a number: higher numbers designate progressively more urban zones, and lower numbers designate more rural zones.



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**The Livermore Transect**

The Livermore-specific Transect was created through thorough documentation of existing conditions and uses, both old and new classifications. For instance, the Natural and Rural zones from the previously established zoning code, including the zones currently called Open Space, Planned Development/Agriculture, South Livermore Valley/Agriculture and Residential Rural, will keep their current names due to the familiarity of the existing terminology and system. Meanwhile, the Form-Based Code (FBC) Focus Areas north and south of downtown will be reclassified into the T3 and T4 Transect zones. Placeholders have been left in this document to allow for the future creation and application of T5 and T6 zones, which were not used in the FBC Focus Areas, but which could be applicable to future BART station area planning and the downtown area. In the Livermore application of the rural-to-urban Transect, the T4 Transect zone is further broken down into sub-zones. The first level of specialization introduces a T4 Neighborhood and a T4 Main Street, which are compatible in scale but require different types of buildings and physical forms – residential in the Neighborhood zones and commercial in the Main Street zones. These classifications can be further specialized with an “Open” designation, which allows for more variety in intended uses. For example, a T4 Main Street – Open still requires commercial buildings, but the allowed uses for the ground and upper floors of these buildings are more flexible.

In this code, the Special Districts are categorized as Non-Transect zones. These zones are typically more reliant on automobile and other vehicle use and must be regulated with consideration for this context. With these requirements in mind, the updated Development Code has retained the naming conventions of the past code for these zones, and only minor changes have been made to their regulations, such as the reformatting of the text into easy-to-read tables. Some zones with similar intents have been combined to make the code easier to understand and administer.

All of the development regulations within this code document have been carefully considered in relation to their context or setting along the Transect, including parking and building form. Future regulations, including Specific Plans and any additional sustainability standards, should consider using the Transect as a framework in order to further reinforce this common vocabulary.

The Livermore Transect Zones and Intent

T3N	T4N	T4N-O
		
T3-Neighborhood	T4-Neighborhood	T4-Neighborhood-Open
Desired Form	Desired Form	Desired Form
Residential	Residential	Residential
Intent	Intent	Intent
<p>This zone's primary intent is to allow additions and new development that respect and protect the integrity and quality of the neighborhoods adjacent to downtown.</p> <p>This zone allows for new additions and single-family houses to be built in the scale and character of the existing neighborhood. Carriage house units provide additional housing opportunities within these walkable neighborhoods.</p>	<p>This zone's primary intent is to build upon the unique characteristics of Livermore's walkable downtown neighborhoods while allowing them to evolve. A mixture of different small-footprint, medium-density building types such as bungalow courts, duplexes, and courtyard apartments help reinforce the walkable nature of the neighborhood and support neighborhood-serving commercial uses adjacent to this zone.</p>	<p>The primary intent of this zone is to provide an appropriate transition from a neighborhood main street or downtown environment into residential areas, and to provide flexible buildings in a residential form that allows neighborhood-serving commercial and service uses to expand as the market desires.</p>

T4MS-O	T4MS
	
T4-Main Street-Open	T4-Main Street
Desired Form	Desired Form
Commercial/Shopfront	Commercial/Shopfront
Intent	Intent
The primary intent of this zone is to provide an appropriate transition from the neighborhood main street into residential areas, and to provide flexible ground-floor spaces in a commercial form that can allow the ground-floor “shopfront” environment to expand as the market desires.	The primary intent of this zone is to integrate vibrant main street commercial and retail environments into neighborhoods that will provide day-to-day commercial amenities within walking distance, reinforce an existing or potential transit stop, and serve as a focal point for the neighborhoods.

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**Using the Transect to Meet Principles**

The Transect can be applied at various scales across the City to meet the following principles:

**A. The City-Guiding Principles**

1. Preserve and enhance community character;
2. Growth: encourage appropriately scaled infill and development;
3. Alternatives to cars: reinforce through the protection and expansion of extensive trails and bicycle routes and patterns that support more frequent transit service;
4. Preserve agriculture and open space at edges - clear boundary;
5. Reinforce a pattern of walkable neighborhoods: support existing walkable neighborhoods and retrofit those that are not walkable; and
6. Support a range of vibrant human habitats along the Transect.

**B. The Neighborhood-Guiding Principles**

1. Support a diversity of housing choices appropriate to location along the Transect;
2. Encourage and incubate small local businesses;
3. Place services within a safe, comfortable walking distance of homes; and
4. Create a framework of well-designed streets that are safe and secure for pedestrians and bicycles.

**C. The Block and Building-Guiding Principles**

1. Build upon and reinforce the unique characteristics of Livermore;
2. Ensure that each building plays a role in creating a better whole, not just a good building;
3. Meet the changing needs of residents;
4. Ensure that architecture and landscape grow from local climate, history, and building practice; and
5. Put civic buildings in important locations and make sure their form is appropriate to their civic stature.



# HOW TO USE THE CODE

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## Organization

The following text is advisory only and is intended to give a brief overview of the overall Development Code.

### **Preamble:**

This Part introduces the rural-to-urban Transect system and the Livermore-specific Transect calibration that forms the framework of the Code. It also gives an overview of the various parts of the Code and illustrates how to use it.

### **Part 1: Intent and Applicability**

This Part establishes the legal foundation for the Code document and includes the purpose, authority, responsibility for administration, applicability, and rules of interpretation.

### **Part 2: General to All**

This Part provides the design standards for the subdivision of property in the City of Livermore.

### **Part 3: Specific to Zones**

This Part contains regulations for two types of zones: Transect zones and non-Transect zones. The Transect zones are intended to reinforce a walkable, transit-supportive urban environment, and the non-Transect zones are more drivable, suburban environments.

### **Part 4: General to Zones**

This Part establishes development standards for topics such as parking, landscape and signage. These standards supplement the regulations in Part 3.

### **Part 5: Building Types**

This Part establishes development standards for building types such as carriage house, single-family, bungalow court, duplex, townhouse, fourplex and sixplex, courtyard apartment, live/work, and commercial block that form the foundation for Form-Based Code application within the Transect zones. These standards are only applicable to the Transect zones.

**Part 6: Specific to Uses**

This Part contains regulations that apply to specific uses in addition to regulations set forth in previous Parts. These uses include Home Occupation, Child Day Care, and Bed and Breakfast Inns. This Part is divided into regulations that apply to all zones and those that only apply to non-Transect Zones.

**Part 7: Thoroughfare Types**

This Part establishes a collection of pre-approved street designs intended to be used in the creation of new streets and the transformation of existing streets to reinforce a pedestrian-oriented environment. These thoroughfare standards supplement other City approved street standards.

**Part 8: Civic Space Types**

This Part establishes a collection of pre-approved civic space types intended to be integrated into medium and large projects such as those in the Neighborhood Mixed-Use Zone. These civic space standards supplement other City civic space or park standards that are only applicable to the Transect zones.

**Part 9: Permits and Procedures**

This Part provides the detailed process by which development will be permitted by the City and the requirements related to specific types of submittals.

**Part 10: Subdivision**

This Part provides the detailed process by which land shall be subdivided.

**Part 11: Definitions**

This Part provides the definitions used throughout the Code.

**Part 12: Zoning Map**

This Part provides the Zoning Map.

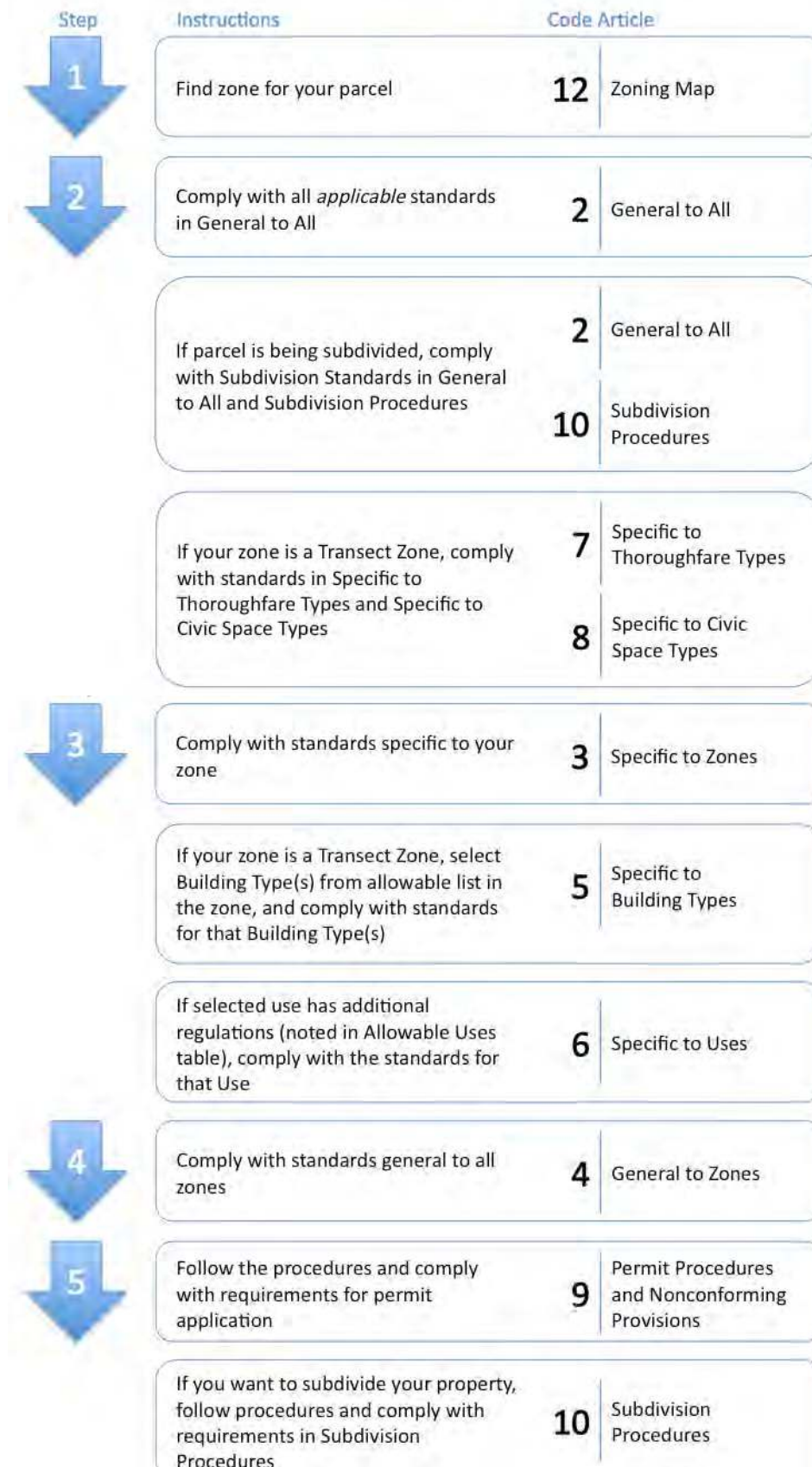
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Steps for Using the Code

## Simple Process Diagram

Step	Instructions	Code Article
1	Find zone for your parcel	12 Zoning Map
2	Comply with all <i>applicable</i> standards in General to All	2 General to All
3	Comply with standards specific to your zone	3 Specific to Zones
4	Comply with standards general to all zones	4 General to Zones
5	Follow the procedures and comply with requirements for permit application	9 Permit Procedures and Nonconforming Provisions

## Expanded Process Diagram



# Part I: Introduction

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# Chapter 1.01: Purpose and Application

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## Sections:

I.01.010	Purpose of the Development Code
I.01.020	Authority for the Development Code
I.01.030	Responsibility for Administration
I.01.040	Applicability of the Development Code
I.01.050	Rules of Interpretation

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### **I.01.010 Purpose of the Development Code**

- A. The Development Code is declared to be consistent with the Livermore General Plan, as required by Government Code Sections 65000 et seq, California Statutes. A primary purpose of this Code is to implement the General Plan.
- B. The Development Code is adopted to preserve, protect, and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare of residents and businesses in the City. More specifically, the Development Code is adopted to achieve the following objectives:
  - 1. Improve the built environment and human habitat;
  - 2. Conserve and protect the City's natural beauty and setting, including scenic vistas, cultural and historic resources, hills, and trees;
  - 3. Ensure that new development conserves energy, land, and natural resources;
  - 4. Promote development patterns that support safe, effective, and multi-modal transportation options, including auto, pedestrian, bicycle, and transit, and therefore minimize vehicle traffic by providing for a mixture of land uses, walkability, and compact community form;
  - 5. Provide neighborhoods with a variety of housing types to serve the needs of a diverse population;
  - 6. Promote the greater health benefits of a pedestrian-oriented environment;
  - 7. Reinforce the character and quality of Downtown neighborhoods;
  - 8. Remove barriers and provide incentives for walkable urban projects;
  - 9. Protect and promote appropriately located commercial and industrial activities in order to preserve and strengthen the City's economic base;
  - 10. Reduce sprawling, auto-dependent development;
  - 11. Protect and enhance real property values; and
  - 12. Foster the protection of farming operations and other open spaces.

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### **I.01.020 Authority for the Development Code**

This Development Code is enacted based on the authority vested in the City of Livermore by the State of California, including but not limited to: the California Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); and the California

Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

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### I.01.030 Responsibility for Administration

- A. **Responsible bodies and individuals.** This Development Code shall be administered by: the Livermore City Council, hereafter referred to as the “Council;” the Planning Commission, hereafter referred to as the “Commission;” the Community Development Director, hereafter referred to as the “Director;” and the Livermore Community Development Department, hereafter referred to as the “Department.” See also section I.01.040 (Applicability).
- B. **Exercise of discretion.** In the event that a provision of this Development Code allows the Review Authority (responsible body or individual) to exercise discretion in the application of a specific standard or requirement, but does not identify specific criteria for a decision, the following criteria shall be used in exercising discretion:
  - 1. The proposed project complies with all applicable provisions of this Development Code;
  - 2. The exercise of discretion will act to ensure the compatibility of the proposed project with its site, surrounding properties, and the community; and
  - 3. The decision is consistent with the General Plan.

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### I.01.040 Applicability of the Development Code

This Development Code applies to all land uses, subdivisions, and development within the City of Livermore, as follows:

- A. **New land uses or structures, changes to land uses or structures.** It shall be unlawful and a violation of this Development Code for any person to establish, construct, reconstruct, alter, or replace any land use or structure, except in compliance with the general requirements for development and land use requirements of Part 3 and Chapter 9.16 (Nonconforming Provisions). No Planning Permit, Building Permit, or Grading Permit shall be issued by the City unless the proposed construction complies with all applicable provisions of this Development Code.
- B. **Subdivisions.** Any subdivision of land proposed within the City after the effective date of this Development Code shall be consistent with the minimum lot size requirements of Part 2 (General to All), Part 3 (Specific to Zones), Part 10 (Subdivision Procedures), and all applicable requirements of this Development Code.
- C. **Minimum requirements.** The provisions of this Development Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Development Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Development Code, 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 Development Code.
- D. **Property owned by Federal or State agencies.** The provisions of this Development Code shall not apply to property owned by the United States of America or any of its agencies; by the State of California or any of its agencies or political subdivisions or any local agency not required to comply with this code by State law; or by any other city, county or rapid transit district. All exempt agencies are urged



to submit their proposed projects to the permit and reviews procedures set forth in this code and to cooperate in meeting the goals and objectives of this code and the Livermore General Plan.

- E. **City of Livermore.** The City of Livermore will comply with the standards of this code, except that it may exempt a particular project of the City of Livermore from the application of this code where the City Council determines the exemption is necessary to further the health, safety, or general welfare of the residents of Livermore.
- F. **Conflicting requirements:**
  - 1. Development Code requirements. If different requirements within this Development Code conflict, the provisions of Part 3 control over Parts 4 and 5, and the provisions of Part 6 control over Parts 3, 4 and 5.
  - 2. Development Code and Municipal Code provisions. If a conflict occurs between requirements of this Development Code and requirements of the Livermore Municipal Code or other regulations of the City, the most restrictive shall apply.
  - 3. Development agreements or specific plans. If a conflict occurs between the requirements of this Development Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.
  - 4. Private agreements. This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development, land use, or land than a private agreement or restriction (for example, CC&Rs).
- G. **Effect of Development Code changes on projects in progress.** A planning permit application that has been accepted by the Department as complete in compliance with Section 9.01.070 (Initial Review of Application) before the effective date of this Development Code shall be processed in compliance with the requirements in effect when the application is accepted as complete.
- H. **Other requirements may apply.** Nothing in this Development Code 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.

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## I.01.050 Rules of Interpretation

- A. **Authority.** The Director has the authority to interpret any provision of this Development Code. Whenever the Director determines that the meaning or applicability of any Development Code requirement is subject to interpretation, the Director may issue an official interpretation. The Director may also refer any issue of interpretation to the Commission for their determination.
- B. **Language.** When used in this Development Code, 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 Development Code,

or in any permit, Condition of Approval, or notice provided in compliance with this Development Code, 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 3.01.020 (Official Zoning Map and Zones).
- E. **Allowable uses of land.** See Part 3 (Specific to Zones).
- F. **State law requirements.** Where this Development Code references applicable provisions of State law (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 provisions as they may be amended from time to time.

## Part 2: General to All

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## Chapter 2.01: Site Planning and General Subdivision Standards

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### Sections:

- 2.01.010      Applicability
- 2.01.020      Subdivision Design Standards for All Zones

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### 2.01.010      **Applicability**

- A. These standards are applicable to any parcel greater than two acres or if the project involves a subdivision of land.

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### 2.01.020      **Site Planning and Subdivision Design Standards for All Zones**

- A. **Roads and Streets.** The layout, design, and construction of proposed roads and streets shall comply with Part 7 (Thoroughfare Standards), the General Plan, and adopted City Standard Details and Specifications.
  - 1. Street alignment plan.
    - a. Each street shall conform in alignment with that shown or indicated on the General Plan or any standards adopted in compliance with the General Plan.
    - b. As a condition of approval of the subdivision, the subdivider shall be required to make dedications and construct improvements as required.
    - c. These requirements may be waived by the Director upon recommendation of the City Engineer, if the proposed street is located upon a section line or its precise alignment can be otherwise determined.
  - 2. Circulation standards.
    - a. Transect zones
      - (1) Streets and street layout. The layout, design, and construction of proposed streets shall comply with the General Plan and Part 7 (Specific to Thoroughfare Standards).
    - b. All zones
      - (1) Streets and street layout. The layout, design, and construction of proposed streets shall comply with the General Plan and this Development Code.
      - (2) Subdivision access.
        - (a) The subdivision and each of its phases shall have a minimum of two points of vehicular ingress and egress from existing and surrounding streets.
        - (b) Where providing this access is physically impossible or a cul-de-sac is proposed, this requirement may be waived or modified by the City Engineer.
  - 3. Connectivity
    - a. Interconnected streets. Streets proposed within a new subdivision shall be interconnected and shall connect with adjacent streets external to the

subdivision, to provide multiple routes for pedestrian and vehicle trips from, to, and within the subdivision, as determined by the review authority to be appropriate.

b. Street extensions and stub streets.

- (1) Street extensions. Where the subdivision adjoins unsubdivided land, streets in the subdivision shall be extended to the adjacent unsubdivided land, as prescribed by the maximum block length requirements to provide access to the unsubdivided land in the event of its future subdivision.
- (2) Stub street improvements.
  - (a) In the case of stub end streets extending to the boundary of the property, a barricade, the design to be approved by the City Engineer, shall be constructed at the end of the stub end street, pending the extension of the street into adjacent property. A sign noting future street extension shall be posted at the applicant's expense.
  - (b) Where required by the review authority, a temporary connection to another street, or a temporary turnaround, shall be provided by the subdivider.
- (3) Access to open space amenities. Where the subdivision abuts protected, unsubdivided land, the Director may require street extensions and/or stub streets as necessary to allow access opportunities to publicly owned open space amenities such as trail heads.
- (4) Adjacent to urban growth boundaries. Where subdivision abuts an Urban Growth Boundary the Director may require stub streets.

c. Dead-end streets.

- (1) Subdivision design shall not include dead-end streets except where through streets cannot be provided because of existing development or an environmental feature requiring protection and/or preservation (e.g., a creek channel).
- (2) The length of a dead-end street shall not exceed 300 feet, as measured from the center of the closest intersection to the center of the cul-de-sac bulb, and these streets shall provide a suitable turn-around designed to the satisfaction of the Director and City Engineer.
- (3) The length of a dead-end street shall not exceed 150 feet as measured from the face of curb, without a turnaround.

**B. Block size**

1. Transect zones

- a. Individual block sides shall not be more than 500' in length.
- b. The total perimeter shall not be more than 1800' in length.

2. Conventional zones

- a. Individual block sides may not be less than 330 feet in length, or more than 990 feet in length.

**C. Parcel design.** The arrangement, shape, and size of proposed parcels shall comply with this Section, and with any General Plan policy, specific plan requirement, or other Livermore Municipal Code provisions that apply to proposed subdivisions.

- I. General parcel design standards.
  - a. Each proposed parcel shall be determined by the review authority to be “buildable” because it contains at least one building site that can accommodate a structure in compliance with all applicable provisions of this Development Code.
  - b. No parcel shall be created that is divided by a City, County, school district, or other taxing district boundary line.
  - c. No subdivision shall be approved which leaves unsubdivided islands, strips or parcels, or property unsuitable for subdividing, which is not either accepted by the City or other appropriate entity for public use, or maintained as common area, within the development.
2. Parcel area.
  - a. Compliance with Part 3 (Specific to Zones). The minimum area for new parcels shall be as required by Part 3 (Specific to Zones) for the applicable zone, except as otherwise provided by this Section.
  - b. Minimum parcel area requirements for common interest projects. The minimum parcel area requirements of Part 3 (Specific to Zones) shall not apply to condominiums, condominium conversions, and townhouses, but shall apply to the creation of the original parcel(s) that are the location of the condominium or townhouse.
3. Dimensions. The dimensions of new parcels shall comply with the applicable provisions of Part 3 (Specific to Zones), or as otherwise required by the review authority.
4. Lot line orientation. Side lot lines shall be at right angles to the street on straight streets and shall be radial on curved streets.
5. Parcel configuration. The layout of proposed parcels and streets shall be designed to use land efficiently and minimize site disturbance in terms of cuts and fills and the removal of vegetation. See also the parcel design provisions regarding energy conservation in Subsection E. (Energy Conservation), below.
  - a. Access. Every lot or parcel created shall have access to a public or private street.
    - (1) Lots located on public streets in zoning districts other than residential shall have a minimum frontage of 25 feet on a dedicated street unless specified otherwise by this Development Code.
    - (2) Lots located on public streets in residential zoning districts shall have a minimum frontage of 42 feet unless specified otherwise by this Development Code.
    - (3) Lots located on private streets are subject to the requirements found in Subsection 4, below. The subdivider shall submit a development plan showing the alignment, width, grade, and material specifications of a proposed private street, the topography and means of access to each lot, and the drainage, water supply, sewerage and the utilities of the lots served by the private street.
    - (4) Reserve strips, or nonaccess at the end of streets or at the boundaries of the subdivision, shall be dedicated unconditionally to the City when required by the City.

- b. Street frontage required.
  - (1) Each proposed parcel shall have frontage on a public street. (An alley is not considered a street for the purposes of this Subparagraph.)
  - (2) The frontage width shall be at least the minimum parcel width required by the applicable zone, except where a flag lot is approved in compliance with Subparagraph C.5.d. (Flag lots), below.
- c. Double-frontage parcels discouraged.
  - (1) Parcels with streets along both the front and rear parcel lines shall be discouraged. (An alley is not considered a street for the purposes of this Subparagraph.)
  - (2) For through parcels as described in Subparagraph (1), above, the Director shall determine which frontage(s) shall be considered as the “parcel front” or “parcel frontages” for the purposes of compliance with the minimum setback requirements specified in Part 3 (Specific to Zones).
- d. Flag lots.
  - (1) Flag lots may be approved only where the review authority first determines that unusual depth or other characteristic of a parcel to be subdivided prevents one or more proposed parcels from having a frontage width equal to the minimum parcel width required by the applicable zone.
  - (2) Where allowed, the “flag pole” portion of a flag lot shall meet the following standards:
    - (a) No parking on driveway minimum width of 24 feet.
    - (b) Parking on one side of driveway 32 feet.
    - (c) Parking on both sides of driveway 34 feet.
    - (d) The review authority may require additional width depending upon the length of the “flag pole” portion and traffic safety sight distance considerations.
- D. **Public access to public resources.** Each proposed subdivision shall be designed and constructed to provide public access to waterways, lakes, and reservoirs in compliance with Government Code Chapter 4, Article 3.5 (Public Access to Public Resources).
- E. **Energy conservation.** Each proposed subdivision shall be designed to provide maximum opportunities for energy conservation, including opportunities for passive or natural heating or cooling opportunities, in compliance with Government Code Section 66473.1, and as follows.
  - 1. Street layout. The streets proposed in a subdivision shall be planned in a primarily east-west orientation where feasible.
  - 2. Parcel and building site design. Proposed parcels shall be designed, where feasible, to provide building sites that allow the orientation of structures in an east-west alignment for southern exposure, and to take advantage of existing shade or prevailing breezes.
  - 3. These recommendations should not be used in a way that forces irregular placement of building by shifting setbacks or non-perpendicular placement of buildings in relation to the street but rather through block and lot layout and building design.
- F. **Environmental health.** Lands to be subdivided for residential, park, playground, or land recreation purposes may be subject to environmental quality standards as established by



ordinances and regulations of the different departments and agencies within the City.

**G. Fire protection.**

1. Subdivision design shall provide for safe and ready access for fire and other emergency equipment and for routes of escape to safely handle evacuations.
2. The subdivision shall be served by water supplies for community fire protection in compliance with the standards established by the Livermore Pleasanton Fire Department.
3. In hazardous fire areas, all flammable or combustible vegetation shall be removed from around all structures, in compliance with the requirements of the Livermore Pleasanton Fire Department. Where erosion is probable, the slopes shall be planted with fire-resistive ground cover.

**H. Additional standards.**

1. Applicable standards. The following additional standards shall apply:
  - a. Freeways, limited access, and unlimited access State highways shall conform to the standards of the California Department of Transportation. The standards of the California Department of Transportation shall be deemed to be the minimum standards acceptable.
  - b. Special local streets where freeways, grade separations, parkways, railroads, or other dominant factors are involved may need additional approvals from other agencies, which may own or have easement rights (LARPD, UPRR, Caltrans).
  - c. Where the City has no standard design guidelines specified the California Department of Transportation standards shall be deemed the minimum standards acceptable.
2. Pedestrian walkways away from street frontages.
  - a. As part of subdivision approval, the City may require dedicated and improved pedestrian walkways in locations away from street frontages where necessary to provide safe and convenient pedestrian access to a public facility or to otherwise provide convenient connections between existing pedestrian routes.
  - b. Where walkways are required, the City Engineer shall specify the standards for their design and construction.
3. Street dedications.
  - a. A street that is not constructed to City standards will not be accepted by the City for dedication as a public street.
  - b. Even a street that complies with all applicable City standards may not be accepted for dedication.
  - c. Acceptance of street dedication is at the discretion of the City Engineer.
4. Private streets. Within the residential zoning districts lots for dwelling units without frontage on a public street, private streets may be permitted subject to approval of a conditional use permit and in conformance with the following requirements:
  - a. Minimum setback. All structures shall be set back at least 30 feet from the curb of the private street.
  - b. Private street width. All private streets shall conform to the following minimum width requirements:

- (1) Thirty-three feet, including the parallel parking along one side of the private street.
    - (2) Nineteen feet shall be added for each row of parking when the private street includes diagonal or perpendicular parking.
    - (3) Seven feet shall be added for each row of parking when the private street includes parallel parking.
  - c. Frontage on private street. Minimum lot frontage width shall be 50 feet. A reduction in this width can be approved, provided the following findings can be made:
    - (1) The reduction in lot frontage width is necessary or desirable because of the topography or other physical features that prevent reasonable utilization of the undeveloped site..
    - (2) The reduction in lot frontage width will not result in a significant reduction in the amount of landscaping visible from the public street.
  - d. Sidewalks and pedestrian pathways. Sidewalks and pedestrian pathways shall conform to the following requirements:
    - (1) They shall be constructed along both sides of the private street within the building setback area;
    - (2) They shall provide access to all building entrances, parking, and open space areas;
    - (3) These sidewalks and pathways shall have a minimum unobstructed width of five feet.
  - e. Lighting. All private streets shall be illuminated with a maintained minimum of one footcandle of light at the street surface. Lighting fixtures shall be so arranged as to disseminate light uniformly over the street surface.
  - f. Minimum improvements. All private streets shall be improved with the provision of paving and a six-inch high concrete curb and gutter on each side of the driveway. Improvement shall be in conformance with the City of Livermore Standard Street Sections for Traffic Index 4.5.
  - g. Maintenance. Provision shall be made for perpetual maintenance of all facilities utilized in common, including easements, sewer lines, storm drains, driveways, buildings, lighting fixtures, parking lots, and similar features, through establishment of a maintenance assessment district or other method satisfactory to the city for purposes of securing revenue for such purpose.
  - h. Development standards. The development of the private street projects shall not preclude the subdivision of adjacent properties, shall not preclude the development of streets necessary to handle local traffic needs, and shall be adequate to protect the health, safety, and general welfare of the city.
5. Miscellaneous
- a. Intersection design. All streets shall normally intersect as nearly as possible at right angles, except when it can be shown that any other street pattern will improve the design of the subdivision without hindering traffic safety.
  - b. LARPD standards may be used, as appropriate, for the development and design of trails and parks of any size, including those less than 5 acres, in the City.

## Chapter 2.02: Traditional Neighborhood Development and Transit-Oriented Development Site Planning Standards

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### Sections:

- 2.02.010      Applicability
- 2.02.020      Site Planning Standards for Walkable Urban Neighborhoods

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### 2.02.010      **Applicability**

- A. These standards are applicable to any parcel greater than ten acres that is using the Transect zones for implementation to create a walkable urban environment. See Chapter 3.02 (Transect Zones).
- B. These standards supplement Chapter 2.01 (General Subdivision and Site Planning Standards).

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### 2.02.020      **Site Planning Standards for Walkable Urban Neighborhoods**

#### A. **General neighborhood layout.**

- 1. Any site over ten acres must be planned with a pedestrian shed, generally described as a quarter mile radius, to determine its focal point.
- 2. Any site over 160 acres must be planned with one or more pedestrian sheds to determine neighborhood centers.
- 3. Pedestrian shed types include Linear, Long, and Network.
- 4. No more than 15% of land should fall outside of a pedestrian shed unless it is being designated as TI-Natural or civic space.

#### B. **Transect zone allocation.**

- 1. Traditional neighborhood development

**Table 2.1 Traditional Neighborhood Development  
Required Allocation Mix of Transect Zones<sup>1</sup>**

Sites less than 10 acres	Minimum % of Land	Maximum % of Land
Sites less than 10 acres		
Shall allocate zones as set forth in the NMU zone. See 3.02.030 (Neighborhood Mixed-Use)		
Sites greater than or equal to 10 acres but less than 40 acres		
T3 Neighborhood	0% min.	25% max.
T4 Neighborhood	25% min.	80% max.
T4 Neighborhood Open	0% min.	50% max.
T4 Main Street Open	10% min.	50% max.
T4 Main Street	10% min.	30% max.

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Sites greater than or equal to 40 acres

T3 Neighborhood	10% min.	30% max.
T4 Neighborhood	25% min.	70% max.
T4 Neighborhood Open	0% min.	50% max.
T4 Main Street Open	10% min.	50% max.
T4 Main Street	10% min.	40% max.

<sup>1</sup> Percentages shown above may be adjusted up to 10% at the Director's discretion.

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2. Transit-oriented development (TOD)  
(placeholder for future regulations)

**C. Neighborhood centers/main streets.**

1. For each pedestrian shed, no less than 400 linear feet of frontage should be designated for T4 Main Street or T4 Main Street-Open measured from the edge of lots.
  - a. T4 Main Street should not be less than 120 feet of frontage, 60 feet on each street side.
  - b. These designated lots shall have a minimum depth of 130 feet, lots less than 130 feet may be approved by the Director.
2. This frontage should create a two-sided main street.
3. The main street must be parallel or perpendicular and directly engaging a primary through street.
4. The main street must be proximate to the center of a pedestrian shed.

**D. Civic space requirements.**

1. Civic space requirements
  - a. Projects shall meet the standards set forth in Part 8 Specific to Civic Space Types.
  - b. Projects shall set aside a minimum of five percent of the project area as Civic Space. This number shall be calculated after street rights-of-way are taken out.
  - c. Each residential lot shall be within 1,000 feet of an existing or proposed playground or tot lot.
  - d. Civic spaces shall be fronted by buildings or by thoroughfares with building frontages on all sides.
  - e. For sites greater than ten acres, there shall be multiple civic spaces, dispersed throughout the pedestrian shed, within the neighborhood to meet these requirements.
2. Civic Buildings/Use
  - a. Sites greater than five acres shall provide a public meeting space that is a minimum of 30 feet x 30 feet and a maximum size of 2,000 square feet. No additional parking shall be required for this space.

- b. Schools shall be dedicated according to the General Plan, but shall be placed near a neighborhood center.
- c. For sites greater than 40 acres, one civic lot suitable for a child day care building may be required, subject to the Director's discretion, within each pedestrian shed.



# Part 3: Specific to Zones

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## Chapter 3.01: Establishment and Designation of Zones

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### Sections:

3.01.010	Purpose
3.01.020	Official Zoning Map and Zones
3.01.030	Transect Zones
3.01.040	Non-Transect Zones
3.01.050	Zoning - Annexation
3.01.060	Change of Zoning Designation

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### 3.01.010 Purpose

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

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### 3.01.020 Official Zoning Map and Zones

- A. **Map adopted.** The Council hereby adopts the City of Livermore Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department. See Part 12 (Zoning Map). The Zoning Map is hereby incorporated into this Development Code by reference as though it were fully included here.
- B. **Zones established.** The City of Livermore shall be divided into non-transect zones and transect zones that implement the Livermore General Plan. The zones shown in Table 3.1 are hereby established, and shall be shown on the Zoning Map.
- C. **Interpretation of zone boundaries.** Where uncertainty exists as to the boundaries of any of the zones shown on the Zoning Map or maps, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries on said Zoning Map or maps. All dedicated public streets within the City shall be zoned.

Table 3.1: Zones		
Zone Symbol	Name of Zone	General Plan Designation Implemented by Zone
<b>T3N</b>	T3 Neighborhood	Urban Low Medium, Urban Medium, and Urban Medium High Residential
<b>T4N</b>	T4 Neighborhood	Urban High Residential 2, 3 and 4
<b>T4N-O</b>	T4 Neighborhood - Open	Office Commercial
<b>T4MS-O</b>	Main Street - Open	Neighborhood Mixed Low and Neighborhood Mixed Medium Density
<b>T4MS</b>	Main Street	Neighborhood Mixed Low and Neighborhood Mixed Medium Density
<b>R-R</b>	Residential Rural	Rural Residential
<b>R-S</b>	Suburban Residential	Urban Low Medium Residential
<b>R-L</b>	Residential Low Density	Urban Low Residential
<b>MFR</b>	Multifamily Residential	Urban High Residential
<b>HP-H</b>	Historic Preservation - Heritage Overlay	Various
<b>HP-L</b>	Historic Preservation-Landmark Overlay	Various
<b>CS</b>	Commercial Service	Service Commercial
<b>CHS</b>	Highway Service Commercial	Highway Commercial
<b>CNB</b>	Neighborhood Business Commercial	Neighborhood Commercial Community Service General Commercial
<b>CO</b>	Commercial Office	Office Commercial
<b>CP</b>	Professional Office	Office Commercial
<b>NMU</b>	Neighborhood Mixed-Use	Neighborhood Mixed-Use
<b>E</b>	Education and Institution	Community Facilities
<b>I-1</b>	Research and Development	Low-Intensity Industrial
<b>I-2</b>	Light Industrial	Medium Intensity Industrial
<b>I-3</b>	Heavy Industrial	High-Intensity Industrial
<b>OS</b>	Open Space	Open Space
<b>PD</b>	Planned Development	Various
<b>PD-AG</b>	Planned Development/Agriculture	Large Parcel Agriculture Limited Agriculture
<b>SLV-AG</b>	South Livermore Valley/Agriculture	Agriculture/Viticulture

## 3.01.030

## Transect Zones

The Transect zones are described in Chapter 3.02 (Transect Zones). They primarily focus on mixed-use, walkable areas of the City and range in function and density from primarily residential areas with a mix of building types (T3-Neighborhood), to medium density neighborhoods and other commercial and retail areas near Downtown (T4-Neighborhood and T4-Main Street).

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**3.01.040 Non-Transect Zones**

The non-Transect zones are described in Chapter 3.03 (Non-Transect Zones) and Chapter 3.04 (Planned Development). The non-Transect zones are primarily the zones that are more auto-dependent, such as single-family subdivisions, other suburban residential areas, auto-dependent commercial and retail areas, and industrial areas.

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**3.01.050 Zoning - Annexation**

All territory hereafter annexed to the City shall be zoned OS-A (agricultural) zone, unless, prior to the annexation, such lands were prezoned by the City.

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**3.01.060 Change of Zoning Designation**

- A. A change of zone designation for any area shall be made only where such change is in accord with the General Plan of the City. In the event a proposed change of any zone is not in accord with the General Plan of the City, a proposal for an amendment to the General Plan shall be considered two weeks prior to the proposed zone amendment.
- B. Proposals for zone changes may be considered concurrently with a related proposed General Plan amendment with a two-thirds vote of the City Council prior to the hearing date. In order to ensure consistency between the General Plan and the Development Code, approval of any such zone change is still contingent upon approval of the associated General Plan policy change and map amendment.



## Chapter 3.02: Transect Zones

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### Sections:

3.02.010	Purpose
3.02.020	Applicability
3.02.030	Intent
3.02.040	Neighborhood Mixed-Use (NMU) Zone
3.02.050	T1 Natural Standards
3.02.060	T2 Rural Standards
3.02.070	T3 Neighborhood (T3N) Standards
3.02.080	T4 Neighborhood (T4N) Standards
3.02.090	T4 Neighborhood-Open (T4N-O) Standards
3.02.100	T4 Main Street-Open (T4MS-O) Standards
3.02.110	T4 Main Street (T4MS) Standards
3.02.120	T5 Urban Center
3.02.130	T6 Urban Core

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### 3.02.010 Purpose

This chapter provides regulatory standards governing land use and building form within the Transect-based zoning areas. The Form-Based Code is a reflection of the community vision for implementing the intent and densities of the General Plan to create walkable mixed-use neighborhoods. These standards are intended to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of desirable character, consistent with the General Plan and any applicable specific plan.

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### 3.02.020 Applicability

The requirements of this Chapter shall apply to all proposed development within Transect-based zones, and shall be considered in combination with the standards for the applicable zone in Part 4 (General to Zones), Part 5 (Specific to Building Types) and those in Part 6 (Specific to Uses). If there is a conflict between any standards, the provisions of Part 3 (Specific to Zones) control over Part 4 and 5 and the provisions of Part 6 control over Parts 3, 4 and 5.

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**3.02.030 Intent**

The regulations in the following Transect zones are intended to guide development and redevelopment within Livermore's oldest neighborhoods, north and south of downtown. These neighborhoods generally embody principles of traditional development which have contributed to a historic fabric and pedestrian oriented streetscapes. The Transect zones are intended to preserve and enhance the existing character of these neighborhoods while allowing the opportunity for residents to grow-in-place.

The following design objectives are hereby incorporated into the Transect zone regulations:

- A. Encourage greater variety of housing types, development styles, site planning and density mixes in order to provide more diversity and visual interest in the City's residential development, while preserving the City's predominantly single-family residential character.
- B. Encourage the development of neighborhoods that provide a high quality living environment and generate civic pride.
- C. Encourage residential development that reinforces a strong community-oriented identity in Livermore's neighborhoods.
- D. Encourage building design that complements surrounding development.
- E. Encourage in areas that possess strong existing development character, building design that respects the predominant characteristics of neighborhood development, such as height, massing, setbacks, materials and architectural style.
- F. Encourage designs that minimize views of garages and utilizes side and rear entry garages, as well as detached garages.
- G. Encourage facades to be designed so as to include entries, porches and other architectural elements that relate to the human scale.
- H. Encourage residential entries to be located on the front façade with direct access to the sidewalk or street.

## 3.02.040 Neighborhood Mixed-Use (NMU) Zone

### A. Purpose.

The intent of the Neighborhood Mixed-Use zone (NMU) is to reinforce the walkability and identity of neighborhoods by providing a pedestrian-oriented main street shopping environment that provides day-to-day amenities and services, and a variety of urban housing options within Livermore.

### B. Applicability.

- I. This zone is applicable to areas designated as NMU on the zoning map.
  - a. The existing site located at Pine Street and Rincon Avenue (APN 098035100605) and the site located at South Livermore Avenue and Pacific Avenue (APNs 098A041210605, 098A041210608, 098A041210603 and 098A041210606) shall be able to maintain and/or add on building square footage and be subject to the Neighborhood Commercial (CN) zoning requirements found in Appendix A, rather than the NMU zoning requirements. Once these sites develop using the NMU zone, the CN zone shall be null and void. Sites shall not be permitted to use the NMU zone until such time as the entire site develops. The CN and NMU zones shall not be used at the same time. The total floor area shall not exceed the maximum floor area ratio specified in the CN zone. Subject to the floor area ratio limitation in the CN zone, no more than 50% (subject to the Director's discretion to allow a larger limit), of the existing building's floor area shall require compliance with the NMU zone. Maintenance and remodeling of the existing buildings, consistent with CN standards, shall not be considered as demolition of such buildings.
2. This zone may also be applied to other parcels, through a zoning map amendment process, in locations in which it makes sense to provide a neighborhood main street environment to complete a walkable neighborhood. A General Plan amendment may be required.
3. This zone may be applied to up to 10 acres of a parcel, 80 acres or more designated as Urban Medium Residential, and Urban Medium High Residential on the General Plan land use map to create a complete walkable neighborhood rather than just housing. A General Plan amendment may be required.
4. This zone may also be applied to parcels designated as Neighborhood Commercial, Office Commercial, and Community Serving General Commercial on the General Plan land use map to create mixed-use center or allow for the transformation of auto-dependent areas in to more walkable mixed-use environments. A General Plan amendment may be required.

### C. Building form standards.

- I. This zone is unlike other zones in that development is to be regulated by using a required mix of the T4 Main Street, T4 Main Street-Open, T4 Neighborhood, and T4 Neighborhood-Open transect zones to create a diverse and vibrant neighborhood mixed-use environment. Table 3.2 shows the required range of the mix of Transect zones within NMU planning sites.

<b>Table 3.2 Required Allocation Mix of Transect Zones</b>		
<b>Transect Zone</b>	<b>Minimum % of Land</b>	<b>Maximum % of Land</b>
T4 Neighborhood	25% min.	80% max.
T4 Neighborhood Open	0% min.	50% max.
T4 Main Street Open	10% min.	50% max.
T4 Main Street	10% min.	20% max.

D. **Block standards.** See Section 2.01.020 (Subdivision Design Standards for All Zones) for applicable block standards for Transect zones.

E. **Frontage standards.**

1. Allowed frontages are determined by zone.
2. Min. 30% of residential units within T4 Neighborhood must have porches.
3. Min. 25% of T4 Main Street lineal frontage must have galleries.
4. See Chapter 4.03 (Frontage Standards) for complete frontage design standards.

F. **Thoroughfares.**

1. Must be selected from those defined and regulated in Part 7 (Thoroughfare Types).

G. **Civic space standards.**

1. For standards specific to Civic Space Types see Part 8 (Civic Space Types).
2. Projects shall set aside five percent of the project area as civic space (calculated after street rights-of-ways are taken out), except as follows:
  - a. Sites less than four acres: No civic spaces required.
  - b. Sites less than eight acres and within 1,000 feet of a public park of at least one acre and with a playground: No civic spaces required.
3. Each residential lot shall be within 1,000 feet of an existing or proposed playground or tot lot.
4. Civic spaces shall be fronted by buildings or by thoroughfares with building frontage on all sides.

H. **General development standards.**

1. When adjacent to existing residential uses all structures more than two stories in height shall be placed a minimum of 50 feet from adjoining property lines.

I. **Regulating plan standards.**

1. A Regulating Plan with street and block framework and transect zone application must be created and approved as part of the review process (see figure 3.1 for Regulating Plan example). See handout for submittal requirements for NMU projects.
2. Transect zone allocation.
  - a. T4 Main Street-Open must be adjacent to T4 Main Street.
  - b. T4 Neighborhood-Open must be adjacent to T4 Main Street or T4 Main Street-Open.
  - c. T4 Main Street must be applied to define a two-sided retail street.
    - (1) Minimum length of each side of the Main Street is 150 feet.





Figure 3.1: Example of a Regulating Plan

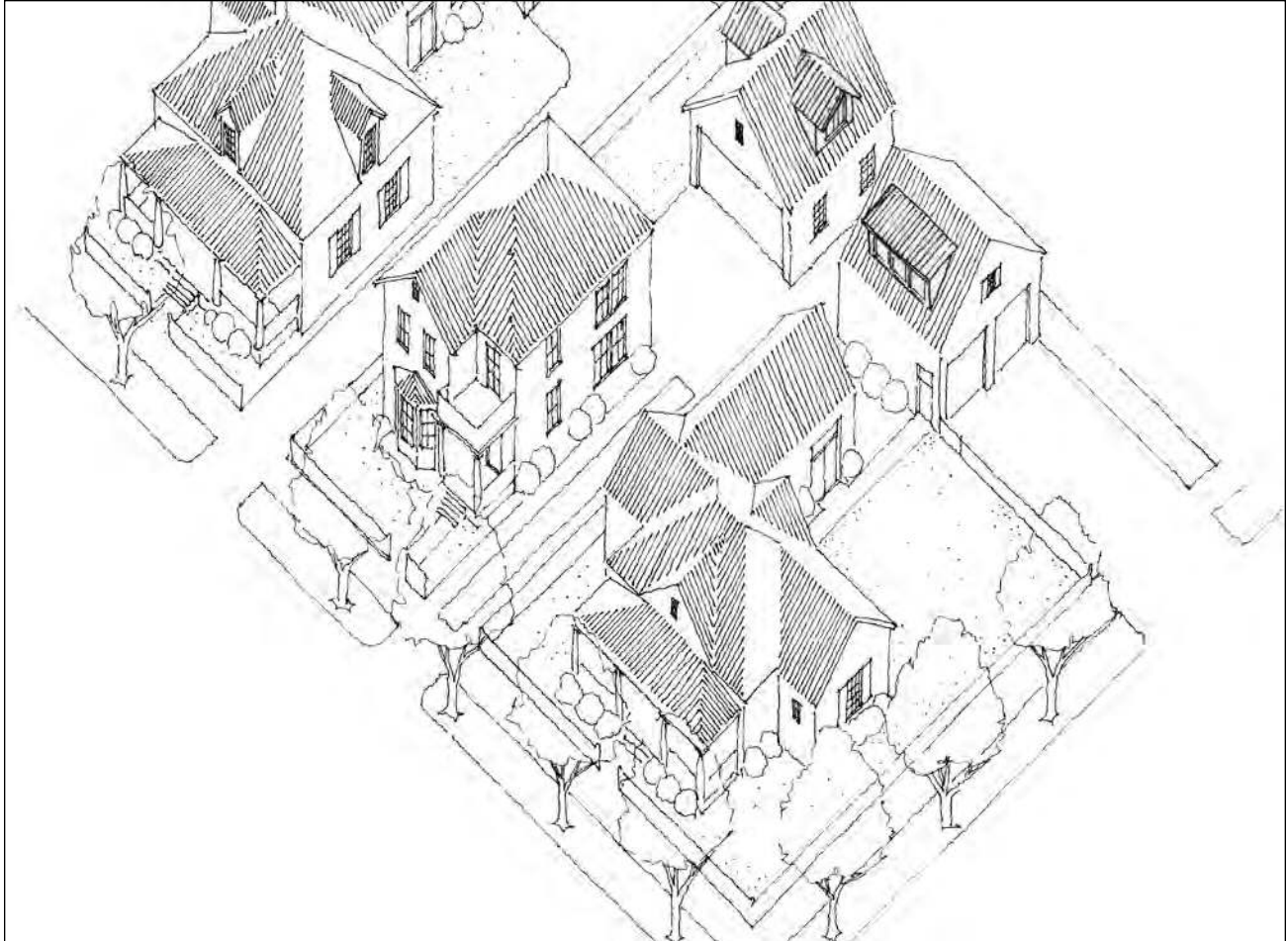
## **3.02.050 T1 Natural Standards**

Reserved

## **3.02.060 T2 Rural Standards**

Reserved

### 3.02.070 T3 Neighborhood (T3N) Standards



*General Note: the illustration above is intended to provide a brief overview of the Transect Zone and is descriptive in nature.*

#### A. Purpose

This Zone's primary purpose is to allow additions and new development that respect and protect the integrity and quality of the neighborhoods adjacent to Downtown.

This zone allows new additions and single-family houses to be built in scale and character with the existing neighborhood, subject to a Zoning Clearance. Carriage house units provide additional housing opportunities within these walkable neighborhoods.

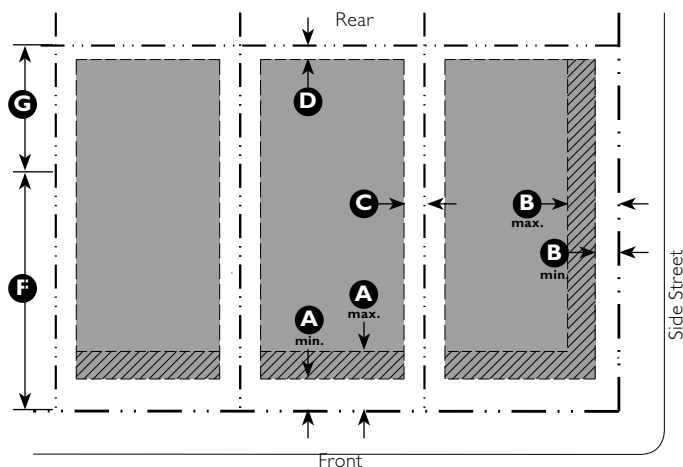
#### B. Allowed Building Types <sup>1</sup>

Carriage House	Single-Family House
Duplex, Side by Side <sup>2</sup>	Duplex, Stacked <sup>2</sup>
Duplex, Front and Back <sup>2</sup>	

<sup>1</sup> See Part 5 (Building Types) for descriptions and regulations.

<sup>2</sup> Permitted only if already legally existing at time of adoption, 05/01/10.

## T3 Neighborhood (T3N) Standards



## Key

- ROW / Property Line      ■ Building Area  
 --- Setback Line              ■ Facade Zone

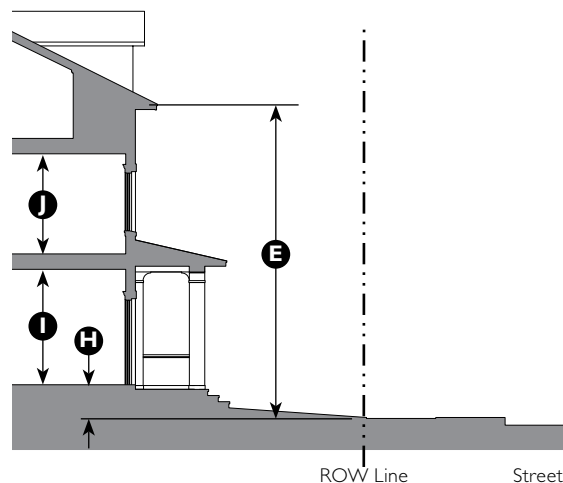
## C. Building Placement

## Setback (Distance from ROW / Property Line)

Front	20' min. <sup>1</sup> ; 30' max. <sup>2</sup>	<b>A</b>
Front facade within facade zone	50% min.	
Side Street or Civic Space	10' min.; 15' max.	<b>B</b>
Side	5' min.	<b>C</b>
Rear	5' min.	<b>D</b>

<sup>1</sup> Setback may match an existing adjacent building. The building may be set to align with the facade of the front-most immediately adjacent property, for a width no greater than that of the adjacent property's facade that encroaches into the minimum setback.

<sup>2</sup> No maximum front setback for Carriage Houses.



## D. Building Form

## Lot Size

See Part 5 (Building Types).

Building Height<sup>3,4</sup>

Lot depth ≤ 100': Within 75' of street property line or	<b>F</b>	
Lot depth > 100': Within 90' of street property line		
Stories	2-½ stories max	<b>E</b>
To Eave or Parapet	24' max.	
Overall	35' max.	

Other lot area		<b>G</b>
Stories	1-½ stories max	<b>E</b>
To Eave or Parapet	15' max.	
Overall	24' max.	

Ground Floor Finish Level: Main Building	18" min. above sidewalk	<b>H</b>
Ground Floor Ceiling	9' min. clear	<b>I</b>
Upper Floor(s) Ceiling	8' min. clear	<b>J</b>

<sup>3</sup> Does not apply to accessory structures. See 4.02.030 (Accessory Structures)

<sup>4</sup> See Part 5 (Specific to Building Types) for additional height regulations.

## Miscellaneous

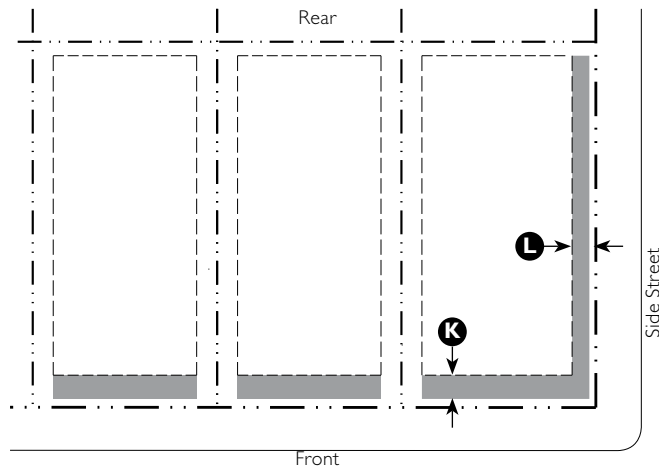
Mansard roof forms are not allowed.

## E. Allowed Use Types

Ground Floor <sup>5</sup>	Residential
Upper Floor <sup>5</sup>	Residential

<sup>5</sup> See 3.02.070.H (T3N Use Table) for specific uses

### **T3 Neighborhood (T3N) Standards**



## Key

--- ROW / Property Line      ■ Encroachment Area  
--- Setback Line

## F. Frontage Types and Encroachments

## Encroachments into Setback<sup>1</sup>

Front	8' max.	<b>K</b>
Side Street or Civic Space	3' max.	<b>L</b>
Side	0' max.	
Rear		
Property Line	0' max.	
Rear Alley	3' max.	

<sup>1</sup> Encroachments are not allowed within a Street ROW. See 4.02.020.B (Encroachments) for complete list of allowed encroachments.

### Required Frontage Types<sup>2</sup>

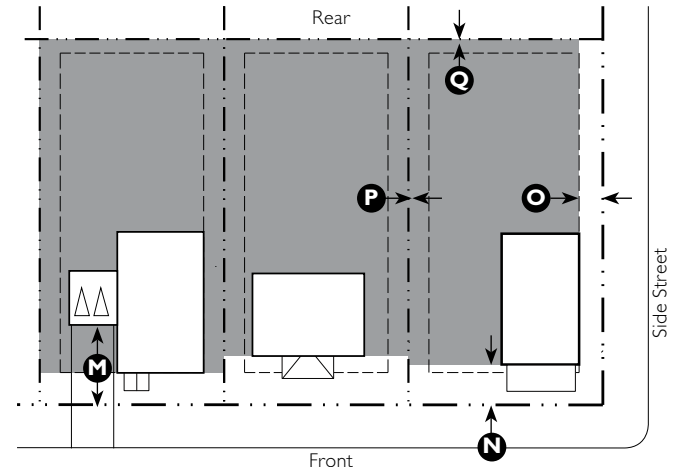
---

Porch

---

Stoop

<sup>2</sup>See 4.03 (Frontage Standards) for descriptions and regulations.



## Key

---ROW / Property Line      ■ Allowed Parking Area  
--- Setback Line

### G. Required Parking

## Spaces

## Residential Uses

Studio or 1 Bedroom	1 space/unit min.
2+ Bedrooms	2 spaces/unit min.

**Location (Setback from Property Line)**

## Front

Covered or Attached	Match front facade + width of garage min.	<b>M</b>
Uncovered	Match front facade min.	<b>N</b>
Side Street	5' min.	<b>O</b>
Side	0' min.	<b>P</b>
Rear	0' min.	<b>Q</b>

### Miscellaneous

Linear feet of front or side facade that may be garage	35% max.
---	----------

Tandem parking is allowed for off-street parking only if both spaces are behind the required setback and are for the same residential unit.

See Chapter 4.04 (Parking Standards) for additional general parking requirements.

**T3 Neighborhood (T3N) Standards****H.T3N Use Table**

Land Use Type <sup>1,2</sup>	Specific Use Regulations	Permit Required
<b>Agricultural</b>		
Community Gardens		P
<b>Recreation, Education, and Public Assembly</b>		
Park, Playground		P
Public and Quasi-Public	6.02.090	CUP
School, Private		CUP
<b>Residential <sup>3</sup></b>		
Dwelling: Carriage House		P
Dwelling: Single-Family		P
Dwelling: Duplex <sup>4</sup>		P
Home Occupation	6.02.060	HOP
Residential Accessory Use or Structure	4.02.030	P
Health Facility:	6.02.050	
Residential care, 1 - 6 clients		P
Residential care, 7 or more clients		CUP

Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required
<b>Services: General</b>		
Bed & Breakfast	6.02.010	ZUP
Child Day Care Facility	6.02.020	
Small family day care home		P
Large family day care home		ZUP
Family day care center		CUP

**Key**

P	Permitted Use
CUP	Conditional Use Permit Required
HOP	Home Occupation Permit Required
ZUP	Zoning Use Permit Required
—	Use Not Allowed

**End Notes**

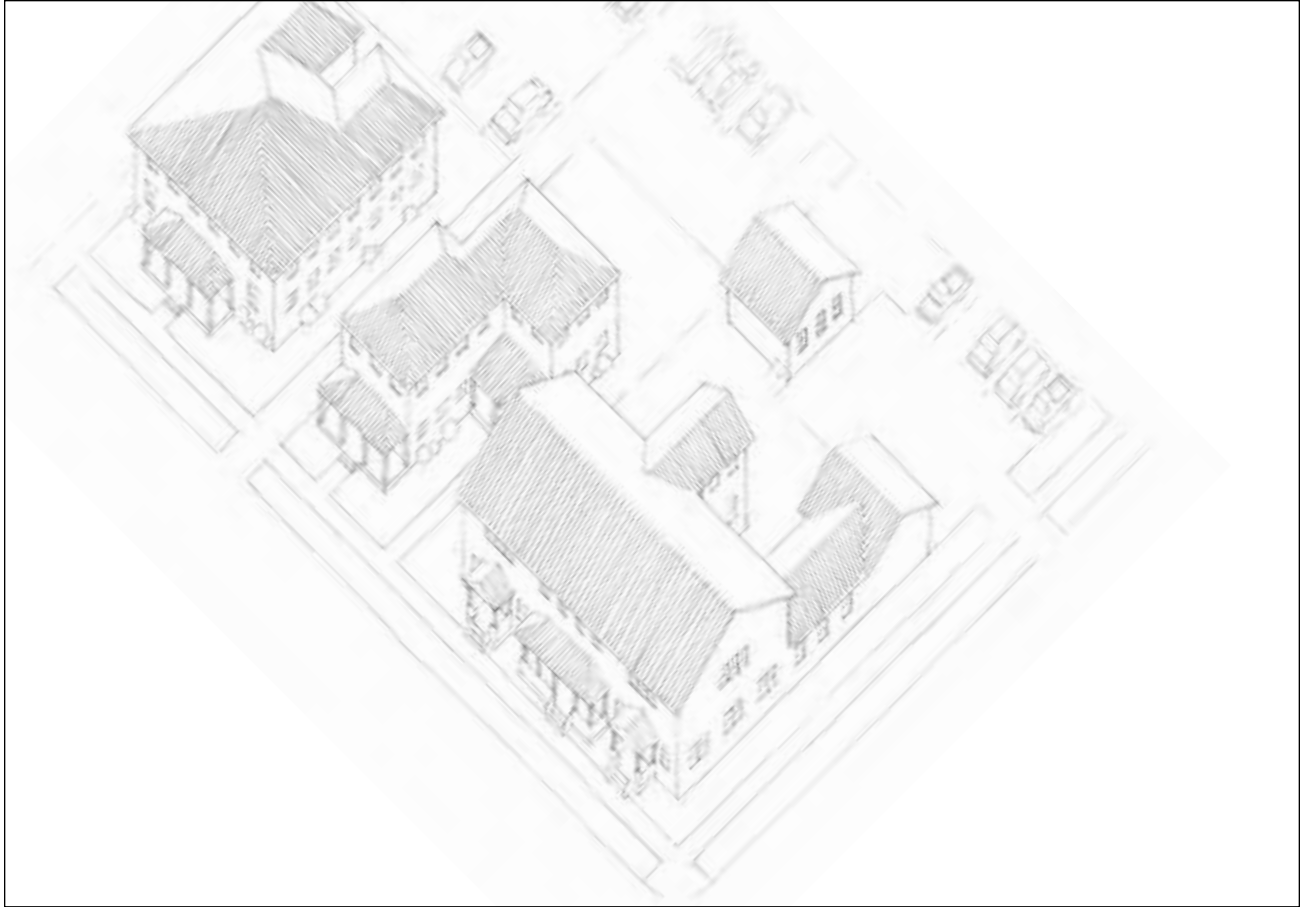
<sup>1</sup> A definition of each listed use type is in Part II.

<sup>2</sup> Uses not listed are specifically prohibited, unless Director determines use is consistent pursuant to the Code.

<sup>3</sup> A Zoning Clearance is required for new units and additions.

<sup>4</sup> Permitted only if already legally existing at time of Code adoption, 05/01/10.

### 3.02.080 T4 Neighborhood (T4N) Standards



*General Note: the illustration above is intended to provide a brief overview of the Transect Zone and are descriptive in nature.*

#### A. Purpose

This Zone's primary purpose is to build upon the unique characteristics of Livermore's walkable Downtown neighborhoods, while allowing them to evolve. A mixture of different small-footprint, medium-density building types such as bungalow courts, duplexes, and courtyard apartments help reinforce the walkable nature of the neighborhood and support neighborhood-serving commercial uses adjacent to this zone.

This zone allows new additions and single-family houses to be built in scale and character with the existing neighborhood, subject to a Zoning Clearance.

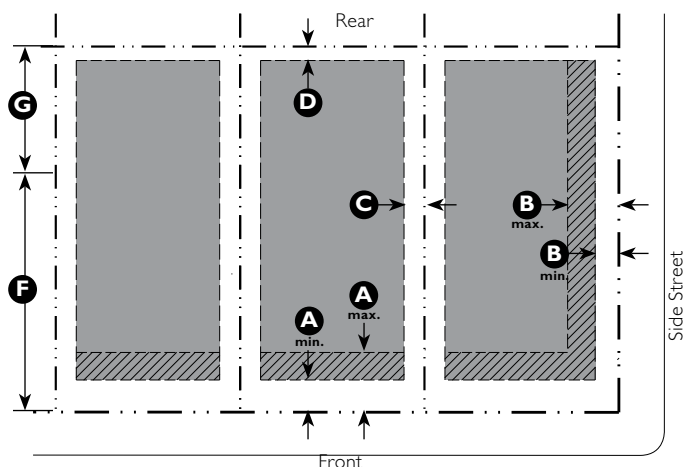
#### B. Allowed Building Types <sup>1</sup>

Carriage House	Single-Family House <sup>2</sup>
Duplex, Side by Side	Duplex, Stacked
Duplex, Front and Back	Bungalow Court
Townhouse	Fourplex and Sixplex
Courtyard Apartment	

<sup>1</sup> See Part 5 (Building Types) for descriptions and regulations.

<sup>2</sup> Permitted on parcels with an underlying General Plan land use designation of Urban High (UH).

## T4 Neighborhood (T4N) Standards



## Key

- ROW / Property Line      ■ Building Area  
 --- Setback Line              ▨ Facade Zone

## C. Building Placement

## Setback (Distance from ROW / Property Line)

Front		<b>A</b>
Minimum <sup>1,2</sup>	Match adjacent property	
Maximum <sup>3</sup>	25'	
Front facade within facade zone	50% min.	
Side Street	10' min.; 15' max.	<b>B</b>
Side <sup>4</sup>		<b>C</b>
1 Story	5' min.	
2+ Stories	7.5' min.	
Rear	5' min.	<b>D</b>

<sup>1</sup> In developments on lots over 20,000 sf, the first building defines setback for block in new construction.

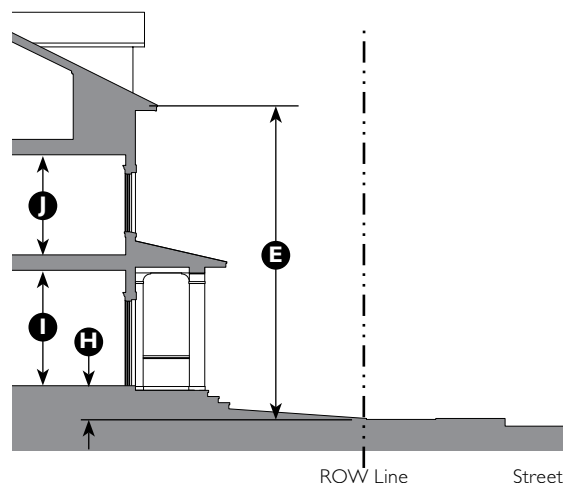
<sup>2</sup> 5' min.

<sup>3</sup> No maximum front setback for Carriage houses.

<sup>4</sup> No side setback required between Townhouse and/or Live/Work building types.

## Miscellaneous

Distance between Main Buildings	on Same Lot
1 Story	8' min.
2+ Stories	15' min.



## D. Building Form

## Lot Size

See Part 5 (Building Types).

Building Height <sup>5,6</sup>

Lot depth ≤ 100': Within 75' of street property line or	<b>F</b>
Lot depth > 100': Within 90' of street property line	
Stories	2-½ stories max <b>E</b>
To Eave or Parapet	24' max.
Overall	35' max.
Other lot area	<b>G</b>
Stories	1-½ stories max <b>E</b>
To Eave or Parapet	15' max.
Overall	24' max.
Ground Floor Finish Level	18" min. above sidewalk <b>H</b>
Ground Floor Ceiling	9' min. clear <b>I</b>
Upper Floor(s) Ceiling	8' min. clear <b>J</b>

<sup>5</sup> Does not apply to accessory structures. See 4.02.030 (Accessory Structures)

<sup>6</sup> See Part 5 (Building Types) for additional height regulations.

## Miscellaneous

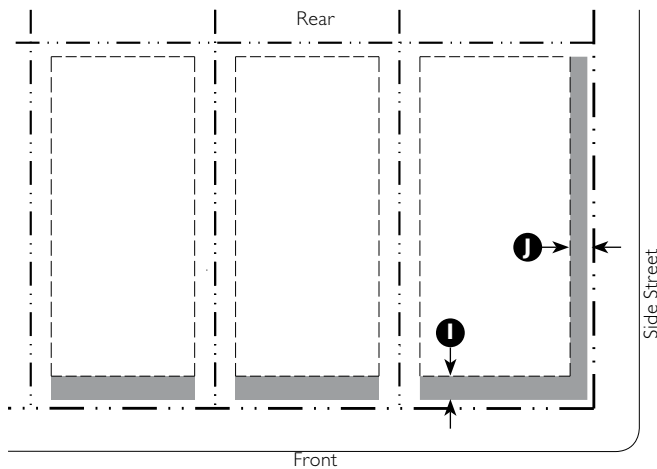
Mansard roof forms are not allowed.

Upper-floor units must have a primary entrance along a street facade or to a courtyard.

Ground-floor residential units facing a street shall have individual entries.



## T4 Neighborhood (T4N) Standards

**Key**

- ROW / Property Line    ■ Encroachment Area  
 --- Setback Line

**E. Allowed Use Types**

Ground Floor <sup>1</sup>	Residential
Upper Floor <sup>1</sup>	Residential

<sup>1</sup> See 3.02.080.H (T4N Use Table) for specific use

**F. Frontage Types and Encroachments****Encroachments into Setback<sup>2</sup>**

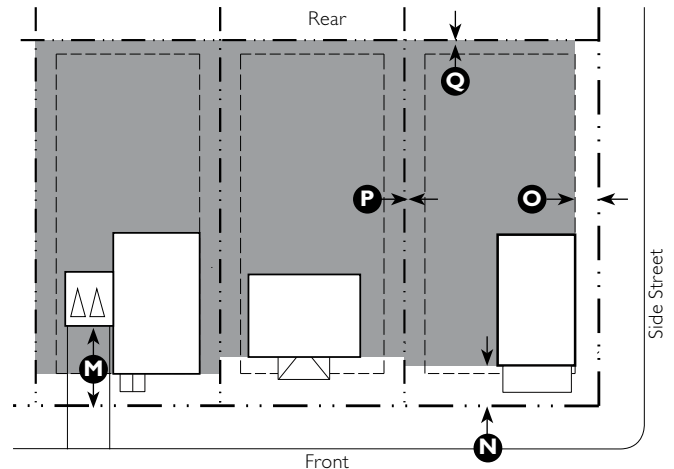
Front	5' max.	ⓘ
Side Street or Civic Space	3' max.	ⓐ
Side	0' max.	
Rear		
Property Line	0' max.	
Rear Lane	3' max.	

<sup>2</sup> Encroachments are not allowed within a Street ROW.  
 See 4.02.020.B (Encroachments) for complete list of allowed encroachments.

**Required Frontage Types<sup>3</sup>**

Porch	Forecourt
Stoop	

<sup>3</sup> See 4.03 (Frontage Standards) for descriptions and regulations.

**Key**

- ROW / Property Line    ■ Allowed Parking Area  
 --- Setback Line

**G. Required Parking****Spaces****Residential Uses**

Studio or 1 Bedroom	1 space/unit min.
2+ Bedrooms	2 spaces/unit min.

**Location (Setback from Property Line)**

Front		
Covered or Attached	Match front facade + width of garage min.	Ⓜ
Uncovered	Match front facade min.	Ⓝ
Side Street	5' min.	ⓐ
Side	0' min.	Ⓟ
Rear	0' min.	ⓞ

**Miscellaneous**

Linear feet of front or side facade that may be garage	35% max.
---	----------

Tandem parking is allowed for off-street parking only if both spaces are behind the required setback and are for the same residential unit.

See Chapter 4.04 (Parking Standards) for additional general parking requirements.

**T4 Neighborhood (T4N) Standards****H.T4N Use Table**

Land Use Type <sup>1,2</sup>	Specific Use Regulations	Permit Required
<b>Agricultural</b>		
Community Gardens		P
<b>Recreation, Education, and Public Assembly</b>		
Park, Playground		P
Public and Quasi-Public	6.02.090	CUP
School, Private		CUP
<b>Residential <sup>3</sup></b>		
Dwelling: Single-family <sup>4</sup>		P
Dwelling: Duplex, Townhouse, Bungalow Court, Fourplex and Sixplex, Courtyard Apartment		P
Home Occupation	6.02.060	HOP
Residential Accessory Use or Structure		P
Health Facility:	6.02.050	
Residential care, 1 - 6 clients		P
Residential care, 7 or more clients		CUP

Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required
<b>Services: General</b>		
Bed & Breakfast	6.02.010	ZUP
Child Day Care Facility	6.02.020	
Small family day care home		P
Large family day care home		ZUP
Family day care center		CUP

**Key**

P	Permitted Use
CUP	Conditional Use Permit Required
HOP	Home Occupation Permit Required
ZUP	Zoning Use Permit Required
—	Use Not Allowed

**End Notes**

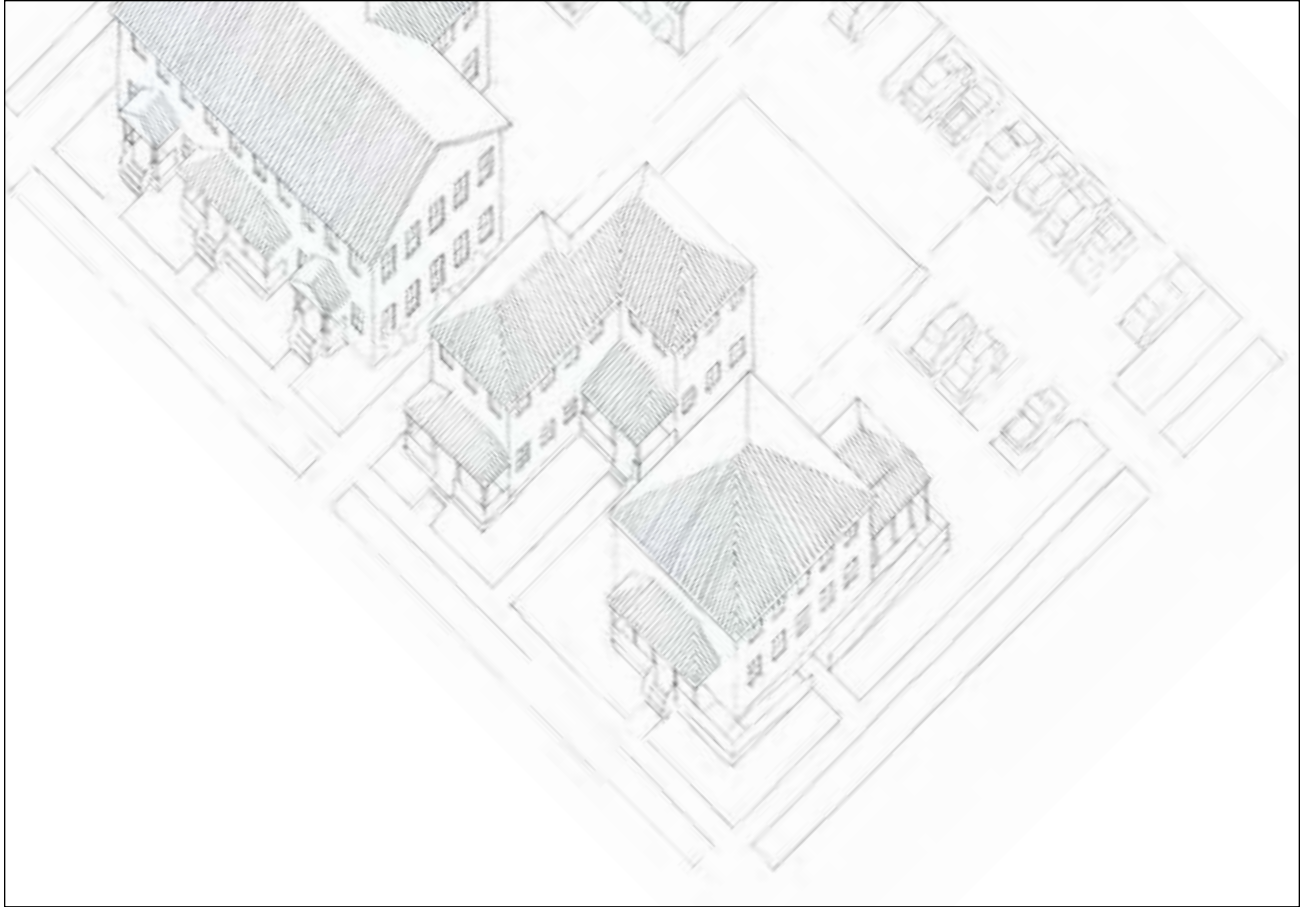
<sup>1</sup> A definition of each listed use type is in Part II.

<sup>2</sup> Uses not listed are specifically prohibited, unless Director determines use is consistent pursuant to the Code.

<sup>3</sup> A Zoning Clearance is required for new units and additions.

<sup>3</sup> Permitted only if already legally existing at time of Code adoption, 05/01/10.

### 3.02.090 T4 Neighborhood-Open (T4N-O) Standards



*General Note: the illustration above is intended to provide a brief overview of the Transect Zone and is descriptive in nature.*

#### A. Purpose

This Zone's primary purpose is to provide an appropriate transition from a neighborhood main street environment into the residential areas, and to provide flexible buildings in a residential form that can allow a mix of residential and walkable neighborhood-serving commercial and service uses.

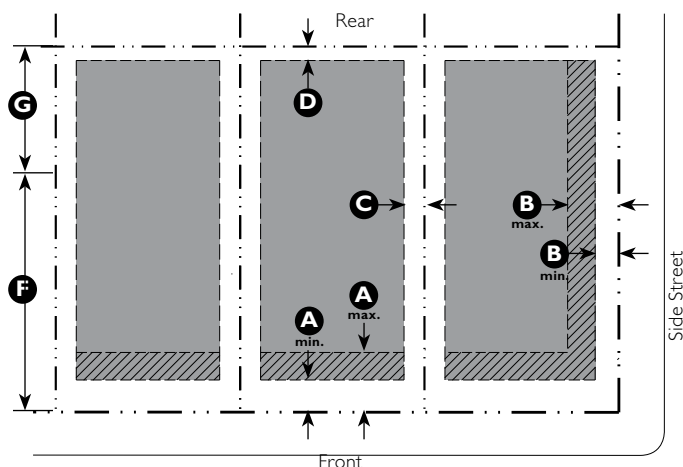
#### B. Allowed Building Types <sup>1</sup>

Carriage House	Single-Family House <sup>2</sup>
Duplex, Side by Side	Duplex, Stacked
Duplex, Front and Back	Bungalow Court
Townhouse	Live/Work
Fourplex and Sixplex	Courtyard Apartment

<sup>1</sup> See Part 5 (Building Types) for descriptions and regulations.

<sup>2</sup> Permitted only if already legally existing at time of adoption, 05/01/10.

## T4 Neighborhood-Open (T4N-O) Standards



## Key

- ROW / Property Line      ■ Building Area  
 --- Setback Line              ▨ Facade Zone

## C. Building Placement

## Setback (Distance from ROW / Property Line)

Front		<b>A</b>
Minimum <sup>1,2</sup>	Match adjacent property	
Maximum <sup>3</sup>	25'	
Front facade within facade zone	50% min.	
Side Street	5' min.; 10' max.	<b>B</b>
Side <sup>4</sup>		<b>C</b>
1 Story	5' min.	
2+ Stories	7.5' min.	
Rear	5' min.	<b>D</b>

<sup>1</sup> In developments on lots over 20,000 sf, the first building defines setback for block in new construction.

<sup>2</sup> 5' min.

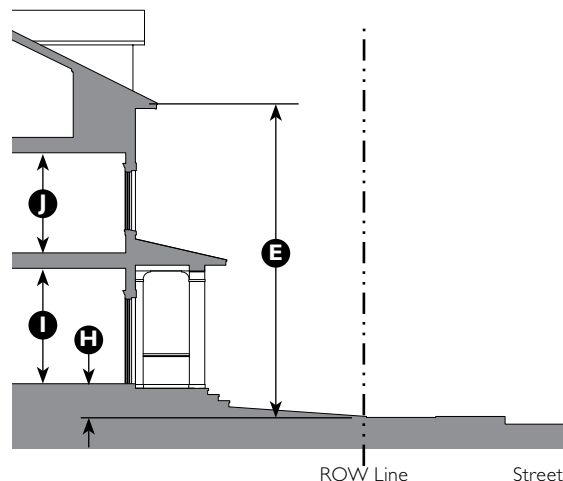
<sup>3</sup> No maximum front setback for Carriage houses.

<sup>4</sup> No side setback required between Townhouse and/or Live/Work building types.

## Miscellaneous

Distance between Main Buildings on Same Lot

1 Story	8' min.
2+ Stories	15' min.



## D. Building Form

## Lot Size

See Part 5 (Building Types).

Building Height <sup>5,6</sup>

Lot depth ≤ 100': Within 75' of street property line or	<b>F</b>
Lot depth > 100': Within 90' of street property line	
Stories	2-½ stories max <b>E</b>
To Eave or Parapet	24' max.
Overall	35' max.
Other lot area	<b>G</b>
Stories	1-½ stories max <b>E</b>
To Eave or Parapet	15' max.
Overall	24' max.
Ground Floor Finish Level	18" min. above sidewalk <b>H</b>
Ground Floor Ceiling	9' min. clear <b>I</b>
Upper Floor(s) Ceiling	8' min. clear <b>J</b>

<sup>5</sup> Does not apply to accessory structures. See 4.02.030 (Accessory Structures)

<sup>6</sup> See Part 5 (Building Types) for additional height regulations.

## Miscellaneous

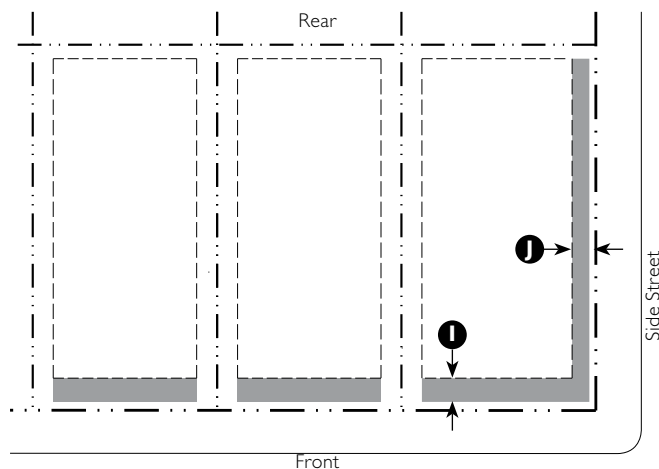
Mansard roof forms are not allowed.

Upper-floor units must have a primary entrance along a street facade or to a courtyard.

Ground-floor residential units facing a street shall have individual entries.

**Livermore Development Code**

## T4 Neighborhood-Open (T4N-O) Standards

**Key**

- ROW / Property Line    ■ Encroachment Area  
 --- Setback Line

**E. Allowed Use Types**

Ground Floor<sup>1</sup>                      Res./Com./Ser.

Upper Floor<sup>1</sup>                      Res./Com./Ser.

<sup>1</sup> See 3.02.090.H (T4N-O Use Table) for specific use

**F. Frontage Types and Encroachments****Encroachments into Setback<sup>2</sup>**

Front	5' max.	ⓘ
Side Street or Civic Space	3' max.	ⓙ
Side	0' max.	
Rear		
Property Line	0' max.	
Rear Lane	3' max.	

<sup>2</sup> Encroachments are not allowed within a Street ROW.  
 See 4.02.020.B (Encroachments) for complete list of  
 allowed encroachments.

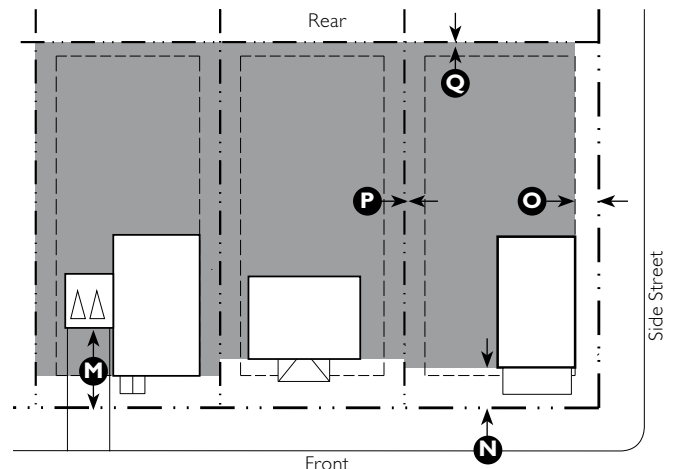
**Required Frontage Types<sup>3</sup>**

Porch	Forecourt
Stoop	

<sup>3</sup> See 4.03 (Frontage Standards) for descriptions and  
 regulations.

**Miscellaneous**

Linear feet of street facing facade 35% max.  
 that may be garage

**Key**

- ROW / Property Line    ■ Allowed Parking Area  
 --- Setback Line

**G. Required Parking****Spaces****Residential**

Studio or 1 Bedroom	1 space/unit min.
2+ Bedrooms	2 spaces/unit min.

**Commercial or Service**

All except Restaurant	1 space/500 sf
Restaurant ≤ 1,500 sf	1 space/150 sf
Restaurant 1,501 to 6,000 sf	1 space/100 sf
Restaurant > 6,000 sf	1 space/60 sf

**Location (Setback from Property Line)****Front**

Covered or Attached	Match front facade + width of garage min.	Ⓜ
Uncovered	Match front facade min.	Ⓝ
Side Street	5' min.	ⓐ
Side	0' min.	Ⓟ
Rear	0' min.	Ⓠ

**Miscellaneous**

Tandem parking is allowed for off-street parking only if  
 both spaces are behind the required setback and are for  
 the same residential unit.

See Chapter 4.04 (Parking Standards) for additional  
 general parking requirements.

## T4 Neighborhood-Open (T4N-O) Standards

## H.T4N-O Use Table

Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required	Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required
<b>Agricultural</b>			<b>Commercial</b>		
Community Gardens		P	Neighborhood-Serving Retail ≤ 3,000 sf		P
<b>Recreation, Education, and Public Assembly</b>			Neighborhood Market ≤ 3,000 sf		P
Commercial Recreation Facility: Studio: art, dance, martial arts, music, etc. <1,500 sf		P	> 3,000 sf		CUP
Fitness Facility		CUP	Café, Coffee Shop		P
Meeting Facility, Public or Private		CUP	Restaurant		CUP
Park, Playground		CUP	<b>Services: Business, Financial, Professional</b>		
Public and Quasi-Public	6.02.090	CUP	ATM		P
School, Private		CUP	Bank, Financial Services		CUP
<b>Residential</b>			Business Support Services		CUP
Dwelling: Single-Family <sup>2</sup>		P	Medical Services: Clinic, Urgent Care		CUP
Dwelling: Duplex, Townhouse, Bungalow Court, Fourplex and Sixplex, Courtyard Apartment		P	Medical Services: Doctor Office		P
Home Occupation	6.02.060	HOP	Office: Business, Service		P
Live/Work		P	Office: Professional, Administrative		P
Mixed-Use Project: Residential Component		P	<b>Services: General</b>		
Residential Accessory Use or Structure		P	Child Day Care Facility	6.02.020	
Health Facility:	6.02.050		Small family day care home		P
Residential care, 1 - 6 clients		P	Large family day care home		ZUP
Residential care, 7 or more clients		CUP	Family day care center		CUP

## Key

P	Permitted Use
CUP	Conditional Use Permit Required
HOP	Home Occupation Permit Required
ZUP	Zoning Use Permit Required
—	Use Not Allowed

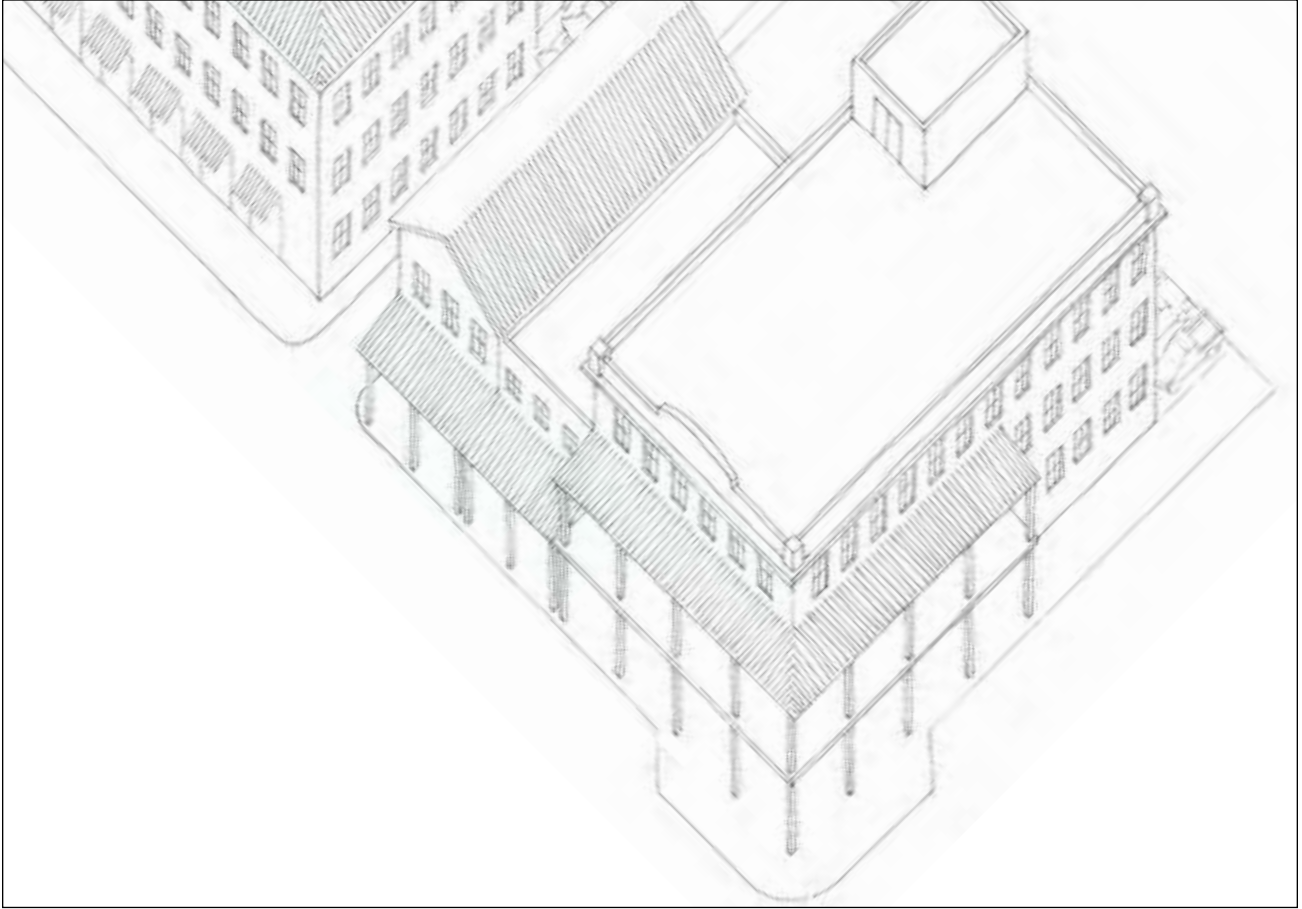
## End Notes

<sup>1</sup> A definition of each listed use type is in Part II.

<sup>2</sup> Permitted only if already existing at time of Code adoption, 05/01/10.

<sup>3</sup> Uses not listed are specifically prohibited, unless Director determines use is consistent pursuant to the Code.

### 3.02.100 T4 Main Street-Open (T4MS-O) Standards



*General Note: the illustration above is intended to provide a brief overview of the Transect Zone and is descriptive in nature.*

#### A. Purpose

This Zone's primary purpose is to provide an appropriate transition from a neighborhood main street environment into the residential areas, and to provide flexible ground-floor spaces in a commercial form that can allow the ground-floor “shopfront” environment to expand as the market desires.

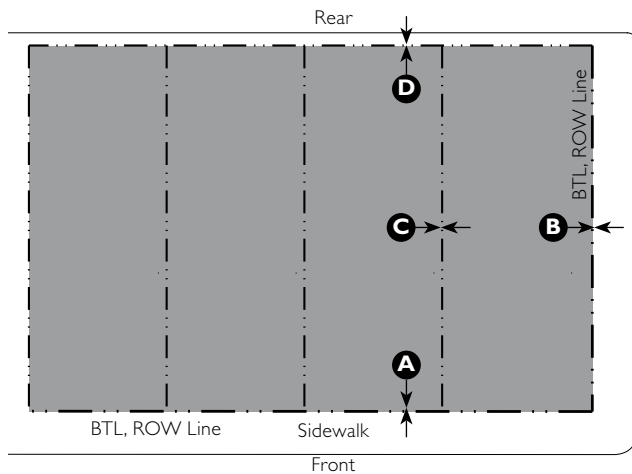
#### B. Allowed Building Types <sup>1</sup>

Live/Work

Commercial Block

<sup>1</sup> See Part 5 (Building Types) for descriptions and regulations.

## T4 Main Street-Open (T4MS-O) Standards

**Key**

- ROW / Property Line    ■ Building Area  
 --- Build-to Line (BTL)

**C. Building Placement****Build-to Line (Distance from ROW / Property Line)**

Front <sup>1</sup>	0'	<b>A</b>
BTL defined by facade	80% min.	
Side Street <sup>1</sup>	0'	<b>B</b>
BTL defined by facade	30% or 50' min. for buildings deeper than 50'	

**Setback (Distance from ROW / Property Line)**

Side	0' min.	<b>C</b>
Rear	0' min.	<b>D</b>

<sup>1</sup> On cross-slope lots the BTL may be set 12' back from property line, when a terrace frontage is used.

**Miscellaneous**

Street facades must be built to BTL along first 30' from every intersection, except for chamfered corners up to 10' in width and depth.

Entire BTL must be defined by a building or a 2'0" to 3'6" high decorative fence or stucco or masonry wall, except for entry ways, driveways and walkways.

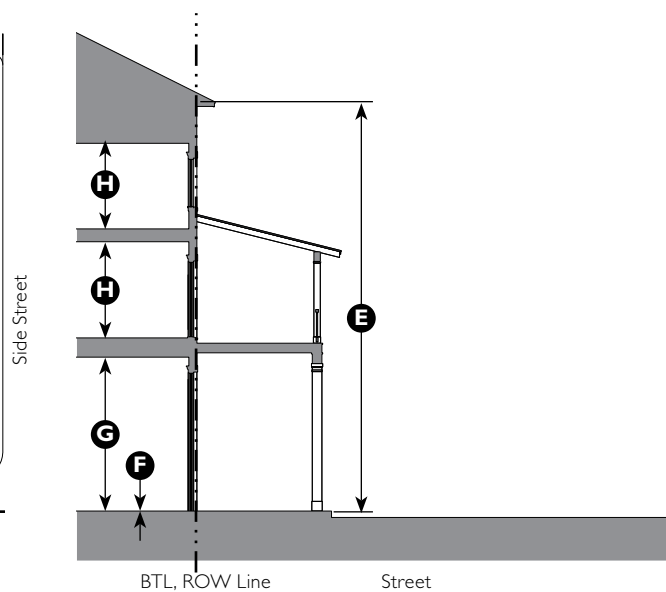
No planting strips allowed between sidewalk and building.

Distance between                      0' or 8' min.

Main Buildings on same lot

**D. Building Form****Lot Size**

See Part 5 (Building Types).

**Height**

Building <sup>2</sup>	3 stories max. up to 35' to eave/parapet	<b>E</b>
Ground Floor Finish Level		<b>F</b>
Residential	18" min. above sidewalk	
Commercial/Flex	6" max. above sidewalk	
Ground Floor Ceiling	14' min. clear	<b>G</b>
Upper Floor(s) Ceiling	8' min. clear	<b>H</b>

<sup>2</sup> Does not apply to accessory structures. See 4.02.030 (Accessory Structures)

**Footprint**

Ground-floor Commercial/Flex/Residential space along primary street frontage shall have a minimum depth of 40', excluding vertical circulation and parking.

**Miscellaneous**

50' max. distance between ground floor entries.

All floors must have a primary entrance along the front facade or to a courtyard.

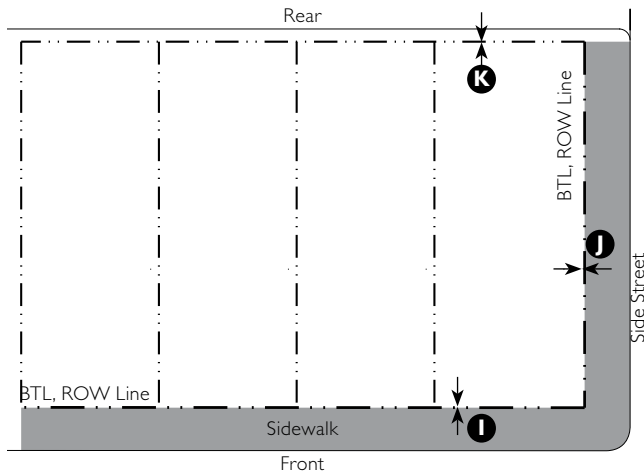
Any buildings wider than 75' must be designed to read as a series of buildings no wider than 75' each.

Ground-floor residential units facing a street shall have individual entries.

Mansard roof forms are not allowed.



## T4 Main Street-Open (T4MS-O) Standards

**Key**

- ROW / Property Line    ■ Encroachment Area  
 --- Build-to Line (BTL)

**E. Allowed Use Types**

Ground Floor<sup>1</sup>                      Res/Com/Ser

Upper Floor<sup>1</sup>                      Res/Com/Ser

<sup>1</sup> See 3.03.100.H (T4MS-O Use Tables) for specific use

**F. Frontage Types and Encroachments****Encroachments into Setback<sup>2</sup>**

Front	0' max.	<b>I</b>
Side Street or Civic Space	0' max.	<b>J</b>
Side Setbacks ≥ 10'	0' max.	
Rear	0' max.	<b>K</b>

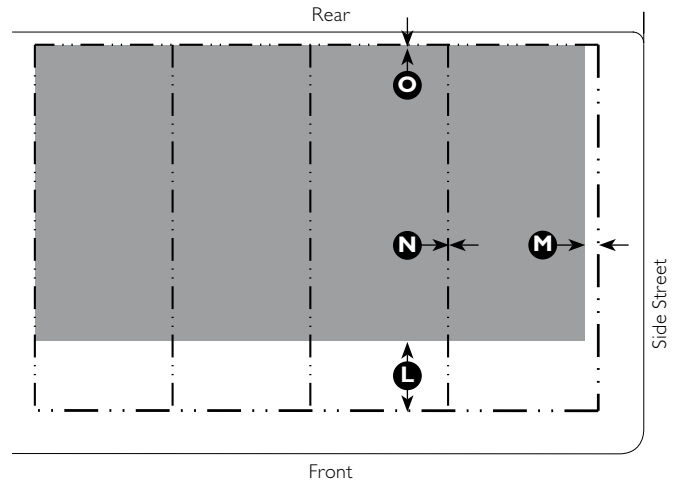
<sup>2</sup> Encroachments are not allowed within a Street ROW.  
 See 4.02.020.B (Encroachments) for complete list of allowed encroachments.

**Required Frontage Types<sup>3</sup>**

Forecourt	Terrace Shopfront <sup>4</sup>
Shopfront	Gallery

<sup>3</sup> See 4.03 (Frontage Type) for descriptions and regulations.

<sup>4</sup> Only allowed on cross slope lots.

**Key**

- ROW / Property Line    ■ Parking Area  
 --- Build-to Line (BTL)

**G. Required Parking****Spaces****Residential Uses**

Studio or 1 Bedroom	1 space/unit min.
2+ Bedrooms	2 spaces/unit min.

**Commercial or Service**

All except Restaurant	1 space/500 sf
Restaurant ≤ 1,500 sf	1 space/150 sf
Restaurant 1,501 to 6,000 sf	1 space/100 sf
Restaurant > 6,000 sf	1 space/60 sf

**Setback (Distance from ROW/Property Line)**

Front	20' min.	<b>L</b>
Side Street from property line	5' min.	<b>M</b>
Side from property line	0' min.	<b>N</b>
Rear property line/rear alley	0' min./5' min.	<b>O</b>

**Miscellaneous**

Tandem parking is allowed for off-street parking only if both spaces are behind the required setback and are for the same residential unit.

See Chapter 4.04 (Parking Standards) for additional general parking requirements.

## T4 Main Street-Open (T4MS-O) Standards

## H.T4MS-O Use Table

Land Use Type <sup>1,2</sup>	Specific Use Regulations	Permit Required	Land Use Type <sup>1,2</sup>	Specific Use Regulations	Permit Required
<b>Agricultural</b>			<b>Commercial</b>		
Community Gardens		P	Neighborhood-Serving Retail		
			≤ 10,000 sf		P
			> 10,000 Sf		CUP
<b>Recreation, Education, and Public Assembly</b>			Neighborhood Market		
Commercial Recreation Facility:			≤ 10,000 sf		P
Commercial amusement facility < 3000 sf		P	> 10,000 sf		CUP
Fitness Facility < 3000 sf		P	Café, Coffee Shop, Restaurant		P
Public and Quasi Public	6.02.090	CUP	Bar, Pub		CUP
Studio: Art, Dance, Martial Arts, Music, Etc. <3000 sf		P	<b>Services: Business, Financial, Professional</b>		
<b>Residential</b>			ATM		P
Home Occupation	6.02.060	HOP	Bank, Financial Services		P
Live/Work		P	Business Support Services		P
Mixed-Use Project: Residential Component		P	Medical Services: Clinic, Urgent Care		P
Residential Accessory Use or Structure		P	Medical Services: Doctor Office		P
Health Facility:	6.02.050		Medical Services: Extended Care		CUP
Residential care, 1 - 6 clients		P	Office: Business, Service		P
Residential care, 7 or more clients		CUP	Office: Professional, Administrative		P
			<b>Services: General</b>		
			Child Day Care Facility	6.02.020	
			Small family day care home		P
			Large family day care home		ZUP
			Family day care center		CUP
			Personal Service		P

## Key

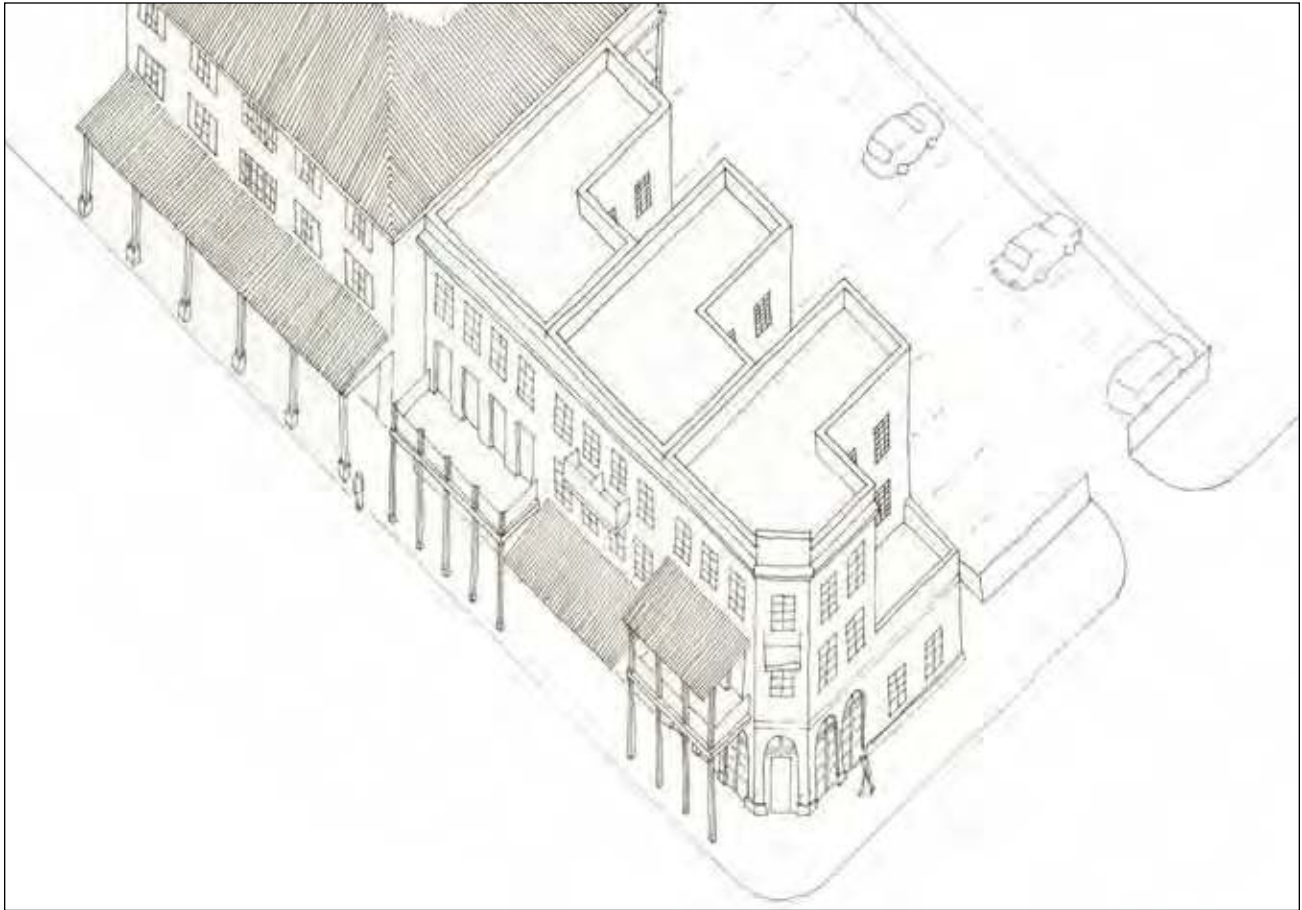
P	Permitted Use
CUP	Conditional Use Permit Required
HOP	Home Occupation Permit Required
ZUP	Zoning Use Permit Required
—	Use Not Allowed

## End Notes

<sup>1</sup> A definition of each listed use type is in Part II.

<sup>2</sup> Uses not listed are specifically prohibited, unless Director determines use is consistent pursuant to the Code.

### 3.02.110 T4 Main Street (T4MS) Standards



*General Note: the illustration above is intended to provide a brief overview of the Transect Zone and are descriptive in nature.*

#### A. Purpose

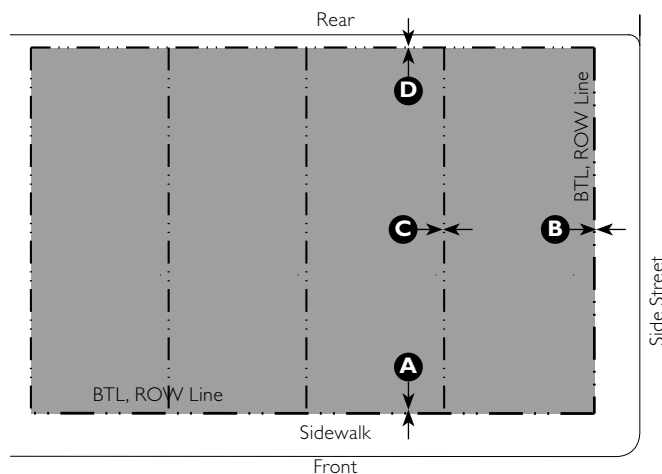
This Zone's primary purpose is to integrate vibrant main-street commercial and retail environments within walking distance of neighborhoods that will provide day-to-day commercial amenities, reinforce an existing or potential transit stop, and serve as a focal point within the neighborhood.

#### B. Allowed Building Types<sup>1</sup>

Commercial Block

<sup>1</sup> See Part 5 (Building Types) for descriptions and regulations.

## T4 Main Street (T4MS) Standards



## Key

- ROW / Property Line    ■ Building Area  
 --- Build-to Line (BTL)

## C. Building Placement

## Build-to Line (Distance from ROW / Property Line)

Front <sup>1,2</sup>	0'	<b>A</b>
BTL defined by facade	80% min.	
Side Street <sup>1,2</sup>	0'	<b>B</b>
BTL defined by facade	30% or 50' min. for buildings deeper than 50'	

## Setback (Distance from ROW / Property Line)

Side	0' min.	<b>C</b>
Rear	0' min.	<b>D</b>

<sup>1</sup> On cross-slope lots the BTL may be set 12' back from property line, when using a Terrace Shopfront frontage.

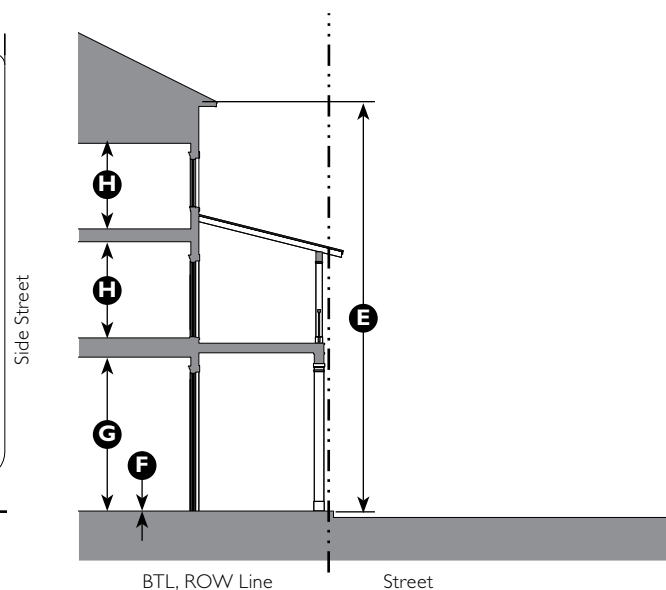
<sup>2</sup> BTL set 12' back from property line when using a Gallery frontage.

## Miscellaneous

Street facades must be built to BTL along first 30' from every intersection, except for chamfered corners up to 10' in width and depth.

Entire BTL must be defined by a building or a 2'0" to 3'6" high decorative fence or stucco or masonry wall, except for entry ways, driveways and walkways.

Distance between Main Buildings on same lot	0' or 8' min.
---	---------------



## D. Building Form

## Lot Size

See Part 5 (Building Types).

## Height

Main Building <sup>3</sup>	3 stories max. up to 35' to eave/parapet <b>E</b>
Ground Floor Finish Level	6" max. above sidewalk <b>F</b>
Ground Floor Ceiling	14' min. clear <b>G</b>
Upper Floor(s) Ceiling	8' min. clear <b>H</b>

<sup>3</sup> Does not apply to accessory structures. See 4.02.030 (Accessory Structures)

## Footprint

Ground-floor Commercial/Flex/Residential space along primary street frontage shall have a minimum depth of 40', excluding vertical circulation and parking.

## Miscellaneous

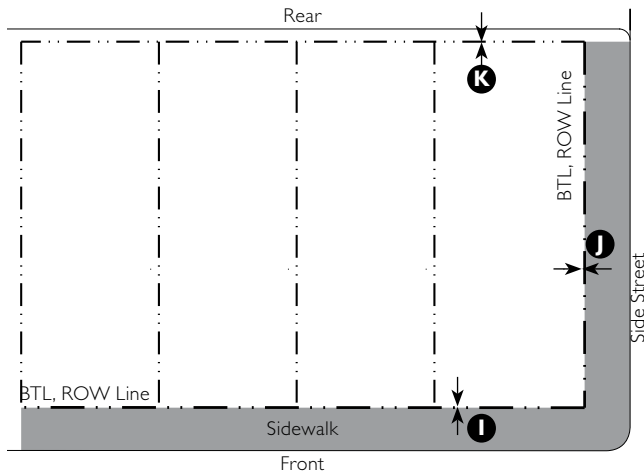
50' max. distance between ground floor entries.

All floors must have a primary entrance along the front facade or to a courtyard.

No planting strips allowed between sidewalk and building

Mansard roof forms are not allowed.

## T4 Main Street (T4MS) Standards

**Key**

- ROW / Property Line    ■ Encroachment Area  
 — Build-to Line (BTL)

**E. Allowed Use Types**

Ground Floor <sup>1</sup>	Com/Ser
Upper Floor <sup>1</sup>	Res/Com/Ser

<sup>1</sup> See 3.02.110.H (T4MS Use Table) for specific use

**F. Frontage Types and Encroachments****Encroachments into Setback<sup>2</sup>**

Front	0' max.	Ⓢ
Side Street or Civic Space	0' max.	Ⓣ
Side Setbacks ≥ 10'	0' max.	
Rear	0' max.	Ⓚ

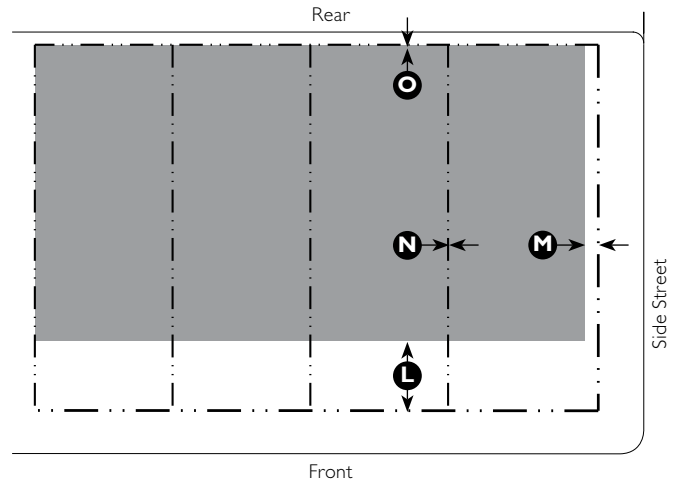
<sup>2</sup> Encroachments are not allowed within a Street ROW.  
 See 4.02.020.B (Encroachments) for complete list of allowed encroachments.

**Required Frontage Types<sup>3</sup>**

Forecourt	Terrace Shopfront <sup>4</sup>
Shopfront	Gallery

<sup>3</sup> See 4.03 (Frontage Standards) for descriptions and regulations.

<sup>4</sup> Only allowed on cross slope lots.

**Key**

- ROW / Property Line    ■ Parking Area

**G. Required Parking****Spaces****Residential Uses**

Studio or 1 Bedroom	1 space/unit min.
2+ Bedrooms	2 spaces/unit min.

**Commercial or Service**

All except Restaurant	1 space/500 sf
Restaurant ≤ 1,500 sf	1 space/150 sf
Restaurant 1,501 to 6,000 sf	1 space/100 sf
Restaurant > 6,000 sf	1 space/60 sf

**Setback (Distance from ROW/Property Line)**

Front	20' min.	Ⓛ
Side Street from property line	5' min.	Ⓜ
Side from property line	0' min.	Ⓝ
Rear property line/rear alley	0' min./5' min.	Ⓞ

**Miscellaneous**

Tandem parking is allowed for off-street parking only if both spaces are behind the required setback and are for the same residential unit.

See Chapter 4.04 (Parking Standards) for additional general parking requirements.

## T4 Main Street (T4MS) Standards

## H.T4MS Use Table

Land Use Type <sup>1,2</sup>	Specific Use Restrictions	Permit Required	Land Use Type <sup>1,2</sup>	Specific Use Restrictions	Permit Required
<b>Agricultural</b>			<b>Commercial</b>		
Community Gardens		P	Neighborhood-Serving Retail		
<b>Recreation, Education, and Public Assembly</b>			≤ 10,000 sf		P
Commercial Recreation Facility:			> 10,000 Sf		CUP
Indoor < 3000 sf		P	Neighborhood Market		
Fitness Facility < 3000 sf		P	≤ 10,000 sf		P
Public and Quasi-Public	6.02.090	CUP	> 10,000 sf		CUP
Studio: Art, Dance, Martial Arts, Music, Etc. < 3000 sf		P	Café, Coffee Shop, Restaurant		P
<b>Residential</b>			Bar, Pub		CUP
Home Occupation	6.02.060	HOP	<b>Services: Business, Financial, Professional</b>		
Mixed-Use Project: Residential Component		P	ATM		P
Residential Accessory Use or Structure		P	Bank, Financial Services		P
Health Facility:	6.02.050		Business Support Services		P
Residential care, 1 - 6 clients		P	Medical Services: Clinic, Urgent Care		P
Residential care, 7 or more clients		CUP	Medical Services: Doctor Office		P
			Medical Services: Extended Care		CUP
			Office: Business, Service		P
			Office: Professional, Administrative		P
			<b>Services: General</b>		
			Child Day Care Facility	6.02.020	
			Small family day care home		P
			Large family day care home		ZUP
			Family day care center		CUP
			Personal Service		P

## Key

P	Permitted Use
CUP	Conditional Use Permit Required
HOP	Home Occupation Permit Required
ZUP	Zoning Use Permit Required
—	Use Not Allowed

## End Notes

<sup>1</sup> A definition of each listed use type is in Part II.

<sup>2</sup> Uses not listed are specifically prohibited, unless Director determines use is consistent pursuant to the Code.

## 3.02.120 T5 Urban Center

Reserved

## 3.02.130 T6 Urban Core

Reserved

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T6 Urban Core



## Chapter 3.03: Non-Transect Zones

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### Sections:

3.03.010	Purpose
3.03.020	Applicability
3.03.030	Residential Rural (R-R) Zone
3.03.040	Suburban Residential (R-S) Zone
3.03.050	Residential Low Density (R-L) Zone
3.03.060	Multiple Family Residential (MFR) Zone
3.03.070	Suburban Multiple Residential (RG) Zone
3.03.080	Commercial Service (CS) Zone
3.03.090	Highway Service Commercial (CHS) Zone
3.03.100	Neighborhood Business Commercial (CNB) Zone
3.03.110	Commercial Office (CO) Zone
3.03.120	Professional Office (CP) Zone
3.03.130	Research and Development (I-1) Zone
3.03.140	Light Industrial (I-2) Zone
3.03.150	Heavy Industrial (H-I) Zone
3.03.160	Education and Institution (E) Zone
3.03.170	Open Space (OS) Zone
3.03.180	Airport (AIR) Zone

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### 3.03.010 Purpose

This chapter provides regulatory standards governing land use and building form within the Non-Transect-based zoning areas. The Code is a reflection of the community vision for implementing the intent of the General Plan. These standards are intended to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of desirable character, consistent with the General Plan and any applicable specific plan.

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### 3.03.020 Applicability

The requirements of this Chapter shall apply to all proposed development within Non-Transect-based zones, and shall be considered in combination with the standards for the applicable zone in Part 4 (General to Zones) and those in Part 6 (Specific to Uses). If there is a conflict between any standards, the provisions of Part 3 (Specific to Zones) control over Part 4 and the provisions of Part 6 control over Parts 3 and 4.



## 3.03.030 Residential Rural (R-R) Zone

### A. Purpose

The Residential Rural (R-R) zone is applied to areas of the City that are appropriate for rural single-family dwellings on large parcels of land. Other related uses, including agriculture and community services and accessory facilities, may also be allowed.

### B. Sub-zones

R-R-1, R-R-3, R-R-5

### C. Building Placement Requirements

#### Setback

Front	30' min.
-------	----------

Rear	50' min.
------	----------

#### Side

One Side	20' min.
----------	----------

Total Both Sides	45' min.
------------------	----------

### D. Building Form Requirements

#### Building Height

Main Building	35' max.
---------------	----------

Lot Coverage	25% max.
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### E. Parking Requirements

See Chapter 4.04 (Parking Standards).

### F. Density and Lot Size Requirements

Density	1 unit per lot max.
---------	---------------------

#### Lot Size (sf)

R-R-1	40,000 min.
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R-R-3	125,000 min.
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R-R-5	210,000 min.
-------	--------------

### G. Lot Requirements

#### Average Lot Width

R-R-1	150' min.
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R-R-3	200' min.
-------	-----------

R-R-5	250' min.
-------	-----------

#### Average Lot Depth

R-R-1, R-R-3	200' min.
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R-R-5	300' min.
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### H. Miscellaneous Requirements

Site Plan and Design Review Approval is required for all Conditional Use Permits (Section 9.07).

## Residential Rural (R-R) Zone

## H. R-R Use Table

Land Use Type <sup>1</sup>	Specific Use Regulations	Permit Required	
		R-R-1	R-R-3 R-R-5
Agricultural			
Agriculture		P	P
Animal Keeping Facility:	LMC Title 6		
Animal husbandry		CUP	P
Equestrian facility		CUP	CUP
Community Gardens		P	P
Recreation, Education & Public Assembly			
Public and Quasi-Public	6.02.090	CUP <sup>2</sup>	CUP <sup>2</sup>
Residential			
Dwelling: Secondary Unit	6.03.120	ZUP	ZUP
Dwelling: Single-Family		P	P
Health Facility:	6.02.050		
Residential care, 1 - 6 clients		P	P
Home Occupation	6.02.060	HOP	HOP
Farmworker Housing	6.03.070	P	P
Transitional/Supportive			
Housing		P	P

Land Use Type <sup>1</sup>	Specific Use Regulations	Permit Required	
		R-R-1	R-R-3 R-R-5
Retail			
Subdivision or Sales Office, Equipment and Material Yard	6.03.140	TUP	TUP
Services: General			
Child Day Care Facility:	6.02.020		
Small family day care home		P	P
Large family day care home		ZUP	ZUP
Day care center		CUP	CUP
Lodging:			
Bed & Breakfast	6.02.010	CUP	CUP
Transportation, Communications, Infrastructure			
Telecommunication Facility	6.02.100	CUP	CUP

## Key

P Permitted Use

CUP Conditional Use Permit Required

HOP Home Occupation Permit Required

TUP Temporary Use Permit Required

ZUP Zoning Use Permit Required

— Use Not Allowed

## End Notes:

<sup>1</sup> A definition of each listed use type is in Part II.<sup>2</sup> Use must provide a direct service to residential areas or are otherwise related to residential activities.

## 3.03.040 Suburban Residential (R-S) Zone

### A. Purpose

The Suburban Residential (R-S) zone is applied to areas of the City that are appropriate for low-density residential dwellings of a single-family dwelling type. The R-S zone preserves and protects a single-family residential character, but allows flexible subdivision design and development that encourages a variety of lot sizes, housing types, and housing opportunities for all income groups.

### B. Building Placement Requirements

#### Setback

Front	20' min.
-------	----------

Side Street	15' min.
-------------	----------

Garage Along Any Street	20' min.
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#### Rear<sup>1</sup>

Lots 10,000 sf or less	25' min., 30' avg.
------------------------	--------------------

Lots greater than 10,000 sf	25' min., 35' avg.
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#### Side<sup>2,3</sup>

Lots 10,000 sf or less	10' min.
------------------------	----------

Lots greater than 10,000 sf	12' min.
-----------------------------	----------

<sup>1</sup> 15' min. for attached, single-story screened enclosures.

<sup>2</sup> Along the side yard that is set back 0', any portion of the building that is not built on the property line shall be set back at least 7'.

<sup>3</sup> Additional 5' for every story above the first story.

### C. Building Form Requirements

Building Height	35' max.
-----------------	----------

Floor to Area Ratio (FAR)	0.35 max.
---------------------------	-----------

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Lot Requirements

Lot Size (sf)	6,000 min.
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Lot Street Frontage Width <sup>4,5</sup>	50' min.
--	----------

Average Lot Width	50' min.
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Average Lot Depth	80' min.
-------------------	----------

<sup>4</sup> Existing lot street frontages smaller than 50' for lots of record as of adoption of this code allowed.

<sup>5</sup> Lots on a cul-de-sac de sac or elbow may be allowed at Director discretion.

### F. Miscellaneous Requirements

Any project that has an approved tentative subdivision map shall be permitted to file a final map in conformance with the regulations in effect when the tentative map was approved.

Since the purpose of this district is to regulate the density of a subdivision or other development rather than lot size, a lot once subdivided and recorded shall not be further divided or significantly reduced in area unless the lot was created as a "remainder lot" under the provisions of the California Subdivision Map Act.

## Suburban Residential (R-S) Zone

## G. R-S Use Table

Land Use Type <sup>1</sup>	Specific Use Regulations	Permit Required
<b>Agricultural</b>		
Animal Keeping Facility:	LMC Title 6	
Limited animal husbandry		CUP
Equestrian Facility		CUP
Community Gardens		P
<b>Recreation, Education &amp; Public Assembly</b>		
Commercial Recreation Facility:		
Private swim club and recreation center	6.03.110	CUP
Public and Quasi-Public	6.02.090	CUP
<b>Residential</b>		
Dwelling: Secondary Unit	6.03.120	P
Dwelling: Single-Family		P
Dwelling:		
Couplet <sup>2</sup>		CUP
Townhouse <sup>2</sup>		CUP
Zero Lot Line Unit <sup>2</sup>		CUP
Health Facility:	6.02.050	
Residential care, 1 - 6 clients		P
Residential care, 7 or more clients		CUP
Home Occupation	6.02.060	HOP
Transitional/Supportive Housing		P

Land Use Type <sup>1</sup>	Specific Use Regulations	Permit Required
<b>Retail</b>		
Subdivision or Sales Office, Equipment And Material Yard	6.03.140	TUP
<b>Services: General</b>		
Child Day Care Facility:	6.02.020	
Small family day care home		P
Large family day care home		ZUP
Day care center		CUP
Lodging:		
Bed & Breakfast	6.02.010	CUP
<b>Transportation, Communications, Infrastructure</b>		
Telecommunication Facility	6.02.100	CUP

## Key

P Permitted Use

CUP Conditional Use Permit Required

HOP Home Occupation Permit Required

TUP Temporary Use Permit Required

ZUP Zoning Use Permit Required

— Use Not Allowed

## End Notes:

<sup>1</sup> A definition of each listed use type is in Part II.<sup>2</sup> Permitted only if already existing at time of adoption, 05/01/10.

## 3.03.050 Residential Low Density (R-L) Zone

### A. Purpose

The Residential Low Density (R-L) zone is applied to areas of the City that are appropriate for low-density residential dwellings of a single-family dwelling type on smaller lots than in the R-S zone. Directly related types of uses, such as community services and accessory facilities, may also be allowed. The R-L district provides a variety of lot sizes, and dwelling types, as well as flexibility in development.

### B. Building Placement Requirements

#### Setback

Front	15' min.
-------	----------

Side Street	15' min.
-------------	----------

Garage Along Any Street <sup>1</sup>	20' min.
--------------------------------------	----------

#### Rear

Lots 6,500 sf or less	5' min.
-----------------------	---------

Lots greater than 6,500 sf	10' min.
----------------------------	----------

#### Side <sup>2,3</sup>

Lots 5,000 sf or less	5' min.
-----------------------	---------

Lots 5,001 to 7,500 sf	5' and 7 min.
------------------------	---------------

Lots greater than 7,500 sf	5' and 10' min.
----------------------------	-----------------

<sup>1</sup> Garages may be set back 15' provided there is a minimum distance of 20' between garage and inside edge of a public sidewalk.

<sup>2</sup> Each front, side, and rear yard minimum setback shall be increased five feet at the second story on initial construction of a two-story dwelling or when adding a new second story to an existing single-story dwelling.

<sup>3</sup> Along the side yard that is set back 0', any portion of the building that is not built on the property line shall be set back at least 5'.

### C. Building Form Requirements

Building Height	35' max.
-----------------	----------

Lot Coverage <sup>4</sup>	40% max.
---------------------------	----------

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Lot Requirements

Lot Size (sf)	5,000 min.
---------------	------------

Lot Street Frontage Width <sup>5,6</sup>	50' min.
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<sup>4</sup> Existing lot coverages exceeding 40% allowed if legally existing at time of adoption 05/01/10.

<sup>5</sup> Existing lot street frontages smaller than 50' for lots of record as of adoption of this code are permitted.

<sup>6</sup> Lots on a cul-de-sac de sac or elbow may be allowed at Director discretion.

### F. Miscellaneous Requirements

Since the purpose of this zone is to regulate the density of a subdivision or other development rather than lot size, a lot once subdivided and recorded shall not be further divided or significantly reduced in area unless the lot was created as a "remainder lot" under the provisions of the California Subdivision Map Act.

**Residential Low Density (R-L) Zone****G. R-L Use Table**

Land Use Type <sup>1</sup>	Specific Use Regulations	Permit Required
<b>Agricultural</b>		
Animal Keeping Facility:	LMC Title 6	
Limited animal husbandry		CUP
Equestrian Facility		CUP
Community Gardens		P
<b>Recreation, Education &amp; Public Assembly</b>		
Commercial Recreation Facility:		
Private swim club and recreation center	6.03.110	CUP
Public and Quasi-Public	6.02.090	CUP
<b>Residential</b>		
Dwelling: Secondary Unit	6.03.120	ZUP
Dwelling: Single-Family		P
Dwelling:		
Duplex, Multi-Family <sup>2</sup>		P
Health Facility:	6.02.050	
Residential care, 1 - 6 clients		P
Residential care, 7 or more clients		CUP
Home Occupation	6.02.060	HOP
Transitional/Supportive Housing		P

Land Use Type <sup>1</sup>	Specific Use Regulations	Permit Required
<b>Retail</b>		
Subdivision or Sales Office, Equipment And Material Yard	6.03.140	TUP
<b>Services: General</b>		
Child Day Care Facility:	6.02.020	
Small family day care home		P
Large family day care home		ZUP
Day care center		CUP
Lodging:		
Bed & Breakfast	6.02.010	CUP
<b>Transportation, Communications, Infrastructure</b>		
Telecommunication Facility	6.02.100	CUP

**Key**

P Permitted Use

CUP Conditional Use Permit Required

HOP Home Occupation Permit Required

ZUP Zoning Use Permit Required

— Use Not Allowed

**End Notes:**<sup>1</sup> A definition of each listed use type is in Part II.<sup>2</sup> Permitted only if already existing at time of adoption, 05/01/10.



## 3.03.060 Multiple Family Residential (MFR) Zone

### A. Purpose

The Multiple Family Residential (MFR) zone is applied to areas of the City that are appropriate for the highest range of residential densities to accommodate multiple family dwellings. The MFR zone establishes a transition from the residential environment into the commercial core. Housing accommodated in the MFR zone includes townhouses, garden apartments, and apartments.

### B. Building Placement Requirements

#### Setback

Street Frontage	15' min.
-----------------	----------

Non-street Frontage	½ height of building
---------------------	----------------------

#### Min. Distance Between Dwellings

I story	8'
Over I story	8' plus 5' for every story

#### Front-to-Back Type

Min. distance between rear of building fronting street and front of building to the rear	20'
--	-----

#### Single Row Side-to-Side Group

Width of Side yard providing access	12' min.
-------------------------------------	----------

#### Courtyard Type

Min. width of court: 1 story buildings	15'
Min. width of Court: 2 or more story Buildings	25'

General Notes: no more than two units attached side by side and four total

### C. Building Form Requirements

#### Building Height

Main Building	3 stories (45') max.
Accessory Structure	15' max.

Lot Coverage	50% max.
--------------	----------

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Lot Size Requirements

Lot Size (sf)	5,000 min.
---------------	------------

### F. Lot Requirements

Lot Width	50' min.
-----------	----------

### G. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction of any structure, the establishment of any open land use, and the development of related off-street parking (Section 9.07).

Usable Open Space. For each dwelling unit in the MFR zone, there shall be provided a minimum of 300 square feet of usable open space, as defined in Part II (Definitions of Terms and Uses).

## Multiple Family Residential (MFR) Zone

H. MFR Use Table					
Land Use Type <sup>1</sup>	Specific Use Regulations	Permit Required	Land Use Type <sup>1</sup>	Specific Use Regulations	Permit Required
<b>Agricultural</b>			<b>Retail</b>		
Community Gardens		P	Subdivision or Sales Office, Equipment And Material Yard	6.03.140	TUP
<b>Recreation, Education &amp; Public Assembly</b>			<b>Services: General</b>		
Commercial Recreation Facility:			Child Day Care Facility:	6.02.020	
Private swim club and recreation center	6.03.110	CUP	Small family day care home		P
Meeting Facility, Public or Private	6.02.070	CUP	Large family day care home		ZUP
Public and Quasi-Public	6.02.090	CUP	Day care center		CUP
<b>Residential</b>			Lodging:		
Dwelling: Secondary Unit	6.03.120	P	Bed & Breakfast	6.02.010	CUP
Dwelling:			<b>Transportation, Communications, Infrastructure</b>		
Duplex		P	Telecommunication Facility	6.02.100	CUP
Multiple Family Units		P			
Health Facility:	6.02.050				
Residential care, 1 - 6 clients		P			
Residential care, 7 or more clients		P			
Home Occupation	6.02.060	HOP			
Mobile Home Parks	6.03.080	CUP			
Transitional/Supportive Housing		P			

## Key

P Permitted Use

CUP Conditional Use Permit Required

HOP Home Occupation Permit Required

TUP Temporary Use Permit Required

ZUP Zoning Use Permit Required

-- Use Not Allowed

## End Notes:

<sup>1</sup> A definition of each listed use type is in Part II.

## 3.03.070 Suburban Multiple Residential (RG) Zone

### A. Purpose

The purpose of the RG zone is to provide areas for the location of low density, multiple-family residential dwellings and to establish regulations for their development. It is intended that the zone be used in higher density areas designated in the General Plan or in other areas when found to be necessary or desirable to achieve good neighborhood design and for purposes of stabilizing land use.

### B. Sub-zones

RG-16, RG-14, RG-12, RG-10

### C. Building Placement Requirements

#### Setback

##### Front

RG-10	30' min.
RG-12	25' min.
RG-14	20' min.
RG-16	20' min.

Garage Along Any Street <sup>1</sup>	20' min.
--------------------------------------	----------

##### Side <sup>2</sup>

RG-10	20' min.
RG-12	20' min.
RG-14	20' min.
RG-16	10' min.

<sup>1</sup> 6' min. where the natural grade of a lot within the required front setback slopes so much that it is not practical to provide a driveway with a 12% grade or less.

<sup>2</sup> Unless a greater setback is specified based in Section 3.03.070.G (Building Height).

### D. Building Form Requirements

Building Height Main Structure	Refer to 3.03.070
--------------------------------	-------------------

#### Lot Coverage:

RG-16	50% max.
RG-14	40% max.
RG-12	35% max.
RG-10	30% max.

### E. Parking Requirements

See Chapter 4.04 (Parking Standards).

### F. Lot Requirements

#### Average Lot Width

RG-16	60' min.
RG-14	65' min.
RG-12	75' min.
RG-10	90' min.

**Suburban Multiple Residential (RG) Zone****G. Lot Requirements****Building Height <sup>1</sup>****Setback**

Where contiguous to property zoned for multiple residential use, found by the city to be indicated in the general plan to be for future multiple-family residential use, or in use or proposed for future use as a public or quasi-public use other than a public park:

10' - 40'	20' plus 4' for each 3' of wall height in excess of 10'
> 40' - 60'	60' plus 3' for each 4' of wall height in excess of 40'
> 60'	75'

Where contiguous to property zoned for single-family residential use, found by the city to be indicated in the general plan to be for future single-family residential use, or adjacent to a commercial, industrial, or similar nonresidential use, or a public park:

10' - 25'	20' plus 5' for each 1' of wall height in excess of 10'
> 25' - 40'	95' plus 3' for each 1' of wall height in excess of 25'
> 40' - 50'	140' plus 2' for each 1' of wall height in excess of 40'
> 55'	170' plus 1' for each 1' of wall height in excess of 55'

Reduction in setbacks of 10% in each case stated [in the following rows] to a total of 40% shall be permitted for structures having a height in excess of 10 feet, as follows:

>10'	For a one story structure or portion of a structure.
>10'	For a multi-story dwelling unit such as a townhouse.
>10'	For a wall or side having no windows, glass doors, balconies, sun decks, or similar openings above a height of 15 feet.
>10'	For a wall having a width less than 40 feet.
>10'	For walls of a structure that are diagonal to the property line between 40 and 50 degrees.

<sup>1</sup> Maximum allowable building height shall be determined by the distance a structure is set back from non-street frontage property lines.

For purposes of determining the required setback, structure height shall be measured along the horizontal plane of the property line to which the structure wall is parallel or closest related.

An accessory structure located on a lot contiguous to the right-of-way of any major street, freeway, or major highway existing or shown as an adopted route in the City's General Plan or any railroad or rail transit line, and within a non-street frontage setback contiguous to such right-of-way, shall not exceed a height of five feet within 20 feet of the right-of-way.

Development in excess of three stories shall be subject to approval of a Conditional Use Permit where, in addition to the prerequisite findings, it can also be found that:

The height of proposed development will not be to the detriment of adjacent properties; and

The amenities gained in the increased height limit will provide additional amenities in the form of light, air, and open space.

## Suburban Multiple Residential (RG) Zone

H. Density and Lot Size Requirements			
Zone	Maximum Density (du/net ac)	Maximum Dwellings per Structure	Minimum lot size (sf)
RG-16	--	No Limit	6,000
RG-14	14.5	No Limit	6,500
RG-12	12.4	10	7,500
RG-10	9.7	6	9,000
Minimum Site Area (sf) Per Dwelling Unit			
RG-16	1-story	2-story	3-story
One Bedroom/DU	2,500	2,200	2,100
Two Bedrooms/DU	3,100	2,700	2,550
Three or more Bedrooms/DU	3,400	2,950	2,800
RG-14	3,000		
RG-12	3,500		
RG-11	4,500		
Area required for off-street parking, which is located under main structures, may be utilized for calculating the number of dwelling units, provided the total density of the site does not exceed one dwelling unit per 2,000 square feet. A ground story devoted to off-street parking and utility purposes shall not constitute an additional story.			
I. Miscellaneous Requirements			
Site Plan and Design Review is required for all residential development of two or more units (Section 9.07)..			
Minimum Zone Size shall be 1 acre; none when adjacent to any C, I, or MFR zone.			
Open areas, exclusive of required off-street parking areas and developed recreation areas, shall be landscaped and/or developed as common or private recreation areas with surfacing not to exceed 20 percent of such open area.			

## Suburban Multiple Residential (RG) Zone

## J. Suburban Multiple Residential (RG) Zone - Use Table

Land Use Type <sup>1</sup>	Specific Use Restrictions	Permit Required	Land Use Type <sup>1</sup>	Specific Use Restrictions	Permit Required
<b>Recreation, Education, &amp; Public Assembly</b>			<b>Services: General</b>		
Public and quasi-public	6.02.090	CUP <sup>2</sup>	Health Facility:	6.02.050	
<b>Residential</b>			Residential Care, 1 - 6 clients		P
Dwelling: Multiple-Family		P	Residential Care, 7 or more clients		CUP
Dwelling: Duplex,					
Dwelling: Single Family		P	Child Day Care Facility::	6.02.020	
Home Occupation	6.02.060	HOP	Small family day care home		P
Mobile Home Parks	6.03.080	CUP	Large family day care home		ZUP
<b>Retail</b>			Day care center		CUP
Subdivision or Sales Office,			Lodging:		
Equipment And Material Yard	6.03.140	TUP	Bed & Breakfast	6.02.010	CUP
			Mortuaries	6.03.040	CUP
			<b>Transportation, Communications, Infrastructure</b>		
			Telecommunication Facility	6.02.100	CUP

## Key

P	Permitted Use
CUP	Conditional Use Permit Required
HOP	Home Occupation Permit Required
TUP	Temporary Use Permit Required
ZUP	Zoning Use Permit Required
--	Use Not Allowed

## End Notes

<sup>1</sup> A definition of each listed use type is in Part II.

<sup>2</sup> Use must provide a direct service to residential areas or are otherwise related to residential activities.

## 3.03.080 Commercial Service (CS) Zone

### A. Purpose

The Commercial Services (CS) zone is applied to areas of the City that are appropriate for uses of relatively low pedestrian traffic generation, including areas for high land demand, recreational, home improvement, repair services, and auto-related uses.

### B. Building Placement Requirements

#### Setback <sup>1</sup>

Street Frontage	25' min.
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Non-Street Frontage	
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Where parcel abuts R zone	25' min.
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All Others	0' min.
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<sup>1</sup> All required setbacks shall be permanently maintained as a landscaped yard.

### C. Building Form Requirements

Building Height <sup>2</sup>	35' max.
------------------------------	----------

Floor to Area Ratio (FAR)	0.30 max.
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<sup>2</sup> Any structure may exceed the maximum building height up to 50', with a Conditional Use Permit provided the zoning requirements and General Plan policies, such as scenic corridor policies, are met.

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Lot Requirements

Minimum Lot Size	No minimum
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Minimum Street Frontage	No minimum requirement for street frontage, provided that any lot with street frontage has an unobstructed access easement at least 25' wide.
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### F. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction of any structure, the establishment of any open land use, and the development of related off-street parking (Section 9.07).

The minimum zone size for the CS zone shall be two acres.

Outdoor storage shall be screened from the public view by a masonry wall, not less than 6' in height. Storage may not exceed the height of the wall. Walls greater than 8' in height require approval of a Conditional Use Permit.

**Commercial Service (CS) Zone****G. CS Use Table**

Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required
<b>Industry, Manufacturing and Processing</b>		
Contract Construction:		
No outdoor storage		P
Outdoor storage	6.03.100	CUP
Construction and Other Large Scale Equipment Rental		CUP
Metal Products Fabrication <sup>2</sup>		P
Recycling Facility <sup>4</sup> :		
Retailed certified		P
Wholesale certified		CUP
Wholesale Trade Warehousing Establishment		CUP
<b>Recreation, Education &amp; Public Assembly</b>		
Cardroom	6.03.030	CUP
Commercial Recreation Facility:	6.03.050	
Commercial amusement facility		P
Golf course and country club		CUP
Golf driving range		CUP
Fitness Facility < 3000 sf		CUP
Public and Quasi-Public	6.02.090	CUP
School, Specialty		P

**Key**

P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

**End Notes:**

<sup>1</sup> A definition of each listed use type is in Part II

<sup>2</sup> Permitted on sites not adjacent to a residential zone.

<sup>3</sup> Similar uses and any other retail business or service establishment permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.

<sup>4</sup> Permitted within a building or fully screened from public view by a solid wall or fence.

Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required
<b>Commercial</b>		
Drive-In Business (Includes Restaurant with Drive-Through)		CUP
Farm Equipment Sales and Service		P
Home Improvement Sales and Services:		
Major/Minor		P
Night club		P
Plant Nursery Sales And Garden Supplies		P
Bar, Pub		P
Restaurant		P
<b>Services: Business, Financial, Professional</b>		
ATM		P
<b>Services: General</b>		
Child Day Care Facility:	6.02.020	
Day care center		CUP
Dog Day Care		CUP
Lodging:		
Hotel, motel		P
Travel trailer park		CUP
Miscellaneous Service Uses:		
No outdoor storage		P
Outdoor storage	6.03.100	CUP
Printing and Processing		P
Rental Shops, Consumer Goods		P
Repair Service: Equipment, appliances, etc., as primary use		P
<b>Communications</b>		
Telecommunication Facility	6.02.100	CUP
<b>Vehicle Services</b>		
Auto Parts Sales		P
Auto Service Stations	6.03.160	CUP
Auto/Vehicle Sales And Rental		P
Car Wash		P
Auto Repair Garage	6.03.160	P <sup>2</sup> /CUP



## 3.03.090 Highway Service Commercial (CHS) Zone

### A. Purpose

The Highway Service Commercial (CHS) zone is applied to areas of the City that are highly visible to major transportation corridors, generally surrounding freeway interchanges, and supports uses that are appropriate for businesses predominantly serving the traveling public and convention trade with lodging, food service, motor vehicle repair and service, motor fuels, and similar activities. Because of the prominent locations involved, the highest degree of excellence in architecture and site design is applied.

### B. Building Placement Requirements

#### Setback <sup>1</sup>

Street Frontage	25' min.
Non-Street Frontage	
Where parcel abuts R zone	25' min.
All Others	0' min.

<sup>1</sup> All required setbacks shall be permanently maintained as a landscaped yard.

### C. Building Form Requirements

Building Height <sup>2</sup>	35' max.
Floor to Area Ratio (FAR)	0.30 max <sup>3</sup> .

<sup>2</sup> Any structure may exceed the maximum building height up to 50', with a Conditional Use Permit provided the zoning requirements and General Plan policies, such as scenic corridor policies, are met.

<sup>3</sup> For parcels with an underlying Highway Commercial (HC) General Plan land use designation a 0.30 maximum FAR applies. For parcels with an underlying Business Commercial Park (BCP) General Plan land use designation a coverage of 30-50% applies, as specified in the General Plan BCP land use category.

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Lot Requirements

Minimum Lot Size	No minimum
Minimum Street Frontage	No minimum requirement for street frontage; provided that any lot with street frontage has an unobstructed access easement at least 25' wide.

### F. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction of any structure, the establishment of any open land use, and the development of related off-street parking (Section 9.07).

The minimum zone size for the CHS zone shall be two acres.

Where a parcel abuts a residential use, there shall be provided a masonry wall having a height of not less than 8'.

## Highway Service Commercial (CHS) Zone

## G. CHS Use Table

Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required
<b>Recreation, Education &amp; Public Assembly</b>		
Commercial Recreation Facility:	6.03.050	
Commercial amusement facility		CUP
Golf course and country club		CUP
Golf driving range		CUP
Public and Quasi-Public	6.02.090	CUP
<b>Commercial</b>		
Drive-In Business (Includes restaurant with drive-through)		CUP
Restaurant		P
<b>Services: Business, Financial, Professional</b>		

Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required
ATM		P
<b>Services: General</b>		
Lodging:		
Hotel, motel		P
Travel trailer park		CUP
<b>Transportation, Communications, Infrastructure</b>		
Telecommunication Facility	6.02.100	CUP
<b>Vehicle Services</b>		
Auto Parts Sales		P
Auto Service Stations <sup>2</sup>	6.03.160	P/CUP
Auto Repair Garage	6.03.160	P
Car Wash		P

## Key

P Permitted Use

ZUP Zoning Use Permit Required

CUP Conditional Use Permit Required

-- Use Not Allowed

## End Notes:

<sup>1</sup> A definition of each listed use type is in Part II.<sup>2</sup> Permitted when located at the intersection of a freeway or public street and major street designated in General Plan, however a Conditional Use Permit is required when not located at a major street intersection.<sup>3</sup> Similar uses and any other retail business or service establishment permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.

## 3.03.100 Neighborhood Business Commercial (CNB) Zone

### A. Purpose

The Neighborhood Business Commercial (CNB) zone is applied to areas of the City that are appropriate for low impact commercial service uses and neighborhood shopping centers. The uses of the CNB zone shall be designed in a way so as to be operated completely compatible to and harmonious with the character of surrounding residential areas and shall provide primarily those services that are intended to serve the surrounding neighborhood so as not to compete with the uses in the Downtown Specific Plan Zone. As the city's entry way into the Downtown area from the west, the enhancement of this area is crucial to the orderly development and revitalization of the Downtown commercial areas.

### B. Building Placement Requirements

#### Setback <sup>1</sup>

Street Frontage	15' min.
Lots adjacent to R use and/or zone	30' min.
All Others	No Minimum

<sup>1</sup> Street frontage setbacks and all setbacks adjacent to residential uses shall be permanently maintained as a landscaped yard.

### C. Building Form Requirements

Building Height	35' max.
Floor to Area Ratio (FAR)	0.30 max.

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Lot Size Requirements

Minimum Lot Size	No minimum
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### F. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction or expansion of any structure, the establishment of any open land use, and the development of related off-street parking (Section 9.07).

The maximum CNB zone size shall be 12 acres exclusive of public rights-of-way. There is no minimum zone size.

Where a parcel abuts a residential use, there shall be provided a masonry wall having a height of not less than 6'.

Landscaping and fencing shall be in compliance with development standards established in Chapter 4.05 (Landscape Standards).

Uses in the CNB zone shall be conducted primarily within a completely enclosed structure, except for off-street parking and loading facilities. Parking and loading areas shall be screened or otherwise designed so as not to be visible from public rights-of-way.

## Neighborhood Business Commercial (CNB) Zone

## G. CNB Use Table

Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required
<b>Agricultural</b>		
Animal Keeping Facility:	LMC Title 6	
Veterinary clinic, animal hospital		CUP
<b>Industry, Manufacturing and Processing</b>		
Recycling Facility <sup>4</sup> :		
Retailed certified		P
Wholesale certified		CUP
<b>Recreation, Education &amp; Public Assembly</b>		
Fitness Facility:		
≤ 3,000 sf		P
> 3,000 sf		CUP
Meeting Facility, Public or Private	6.02.070	CUP
Public and Quasi-Public	6.02.090	CUP
School, Specialty		P
Studio: Art, Dance, Martial Arts, Music, Etc. ≤3000 sf		P

**Key**

P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

**End Notes:**

<sup>1</sup> A definition of each listed use type is in Part II.

<sup>2</sup> No automotive service station structure or equipment shall be permitted within 75' of a residential zone.

<sup>3</sup> Similar uses and any other retail business or service establishment permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.

<sup>4</sup> Permitted within a building or fully screened from public view by a solid wall or fence.

Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required
<b>Commercial</b>		
Restaurant		P
Drive-In Business (Includes Restaurant with Drive-Through)		CUP
General Retail (Not of a Regional Nature)		P
Home Improvement Sales and Services:		
Minor		P
Pharmacy		P
Plant Nursery Sales and Garden Supplies		CUP
Bar, Pub		CUP
Supermarket		P
<b>Services: Business, Financial, Professional</b>		
ATM		P
Bank, Financial Services		P
Business Support Services		P
Catering Service		P
Medical Services: Doctor Office		P
Office: Business, Service		P
Office: Professional, Administrative		P
<b>Services: General</b>		
Child Day Care Facility:	6.02.020	
Day care center		P
Personal service		P
<b>Transportation, Communications, Infrastructure</b>		
Telecommunication Facility	6.02.100	CUP
<b>Vehicle Services</b>		
Auto Service Stations <sup>2</sup>	6.03.160	CUP

## 3.03.110 Commercial Office (CO) Zone

### A. Purpose

The Commercial Office (CO) zone is applied to areas of the City that are appropriate for the grouping of professional offices, business offices, medical clinics, and research laboratories. The CO zone provides restrictive commercial areas that are to be non-retail in nature, grouping permitted uses in areas most favorable to those uses and to the community as a transitional area between more intensive commercial zones and residential zones.

### B. Building Placement Requirements

#### Setback

#### Street Frontage

Lots adjacent to R zone <sup>1</sup>	15' min.
All Others	5' min.

#### Non-Street Frontage

Lots adjacent to R zone <sup>2</sup>	10' min.
All Others	0' min.

<sup>1</sup> Street frontage setbacks shall be improved with a sprinkler irrigation system and landscaping. The setback shall not be used for parking.

<sup>2</sup> Lots located in a block that is partially in an R zone and partially in the CO zone, or has street frontage across the street from R zone property.

### C. Building Form Requirements

Building Height	35' max.
Floor to Area Ratio (FAR)	0.30 max.

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Lot Requirements

Minimum Lot Size	5,000 sf
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### F. Miscellaneous Requirements

Site Plan and Design Review is required for each use involving a new structure or expansion of an existing structure (Section 9.07).

The minimum zone size shall be one acre, if surrounded by a residential use. No minimum zone size is required if adjacent to non-residential on at least one side.

**Commercial Office (CO) Zone****G. CO Use Table**

Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required
<b>Agricultural</b>		
Animal Keeping Facility:	LMC Title 6	
Veterinary clinic, animal hospital		CUP
<b>Recreation, Education &amp; Public Assembly</b>		
Public and Quasi-Public	6.02.090	CUP
School, Specialty		CUP
<b>Residential</b>		
Residential Uses <sup>2</sup>		CUP
Health Facility:	6.02.050	
Residential care, 7 or more clients		CUP
<b>Commercial</b>		
Pharmacy		P
Restaurant		CUP

Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required
<b>Services: Business, Financial, Professional</b>		
ATM		P
Medical Services: Doctor Office		P
Office: Business, Service		P
Office: Professional, Administrative		P
<b>Services: General</b>		
Lodging:		
Bed & Breakfast	6.02.010	CUP
Mortuaries	6.03.040	CUP
Child Day Care Facility:	6.02.020	
Day care center		P
<b>Transportation, Communications, Infrastructure</b>		
Telecommunication Facility	6.02.100	CUP

**Key**

P Permitted Use

ZUP Zoning Use Permit Required

CUP Conditional Use Permit Required

-- Use Not Allowed

**End Notes:**<sup>1</sup> A definition of each listed use type is in Part 11.<sup>2</sup> Subject to MFR zone standards.<sup>3</sup> Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.

## 3.03.120 Professional Office (CP) Zone

### A. Purpose

The Professional Office (CP) zone is applied to areas of the City that are appropriate for professional offices. Other related and office-supporting uses may also be allowed. The CP zone allows for permanent transitional uses between nonresidential zones and residential zones. Uses are meant to be service in nature and compatible with residential areas. Structures should be residential in character.

### B. Building Placement Requirements

#### Setback

Street Frontage	15' min.
Non-street Frontage	5' min.

### C. Building Form Requirements

Building Height . <sup>1</sup>	2 stories, 26' max
Floor to Area Ratio (FAR)	0.30 max.

<sup>1</sup> 35' max. with Conditional Use Permit, provided the zoning requirements and the General Plan policies are met.

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Lot Requirements

Minimum Lot Size	5,000 sf
Maximum Lot Size	10,000 sf

### F. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction of any structure and the establishment of any open land use (Section 9.07).

Residential and professional office uses shall not be permitted to occupy the same structure. In the event residential and professional office uses occupy the same site, each use shall be defined and separately maintained.

The conversion of an existing structure to a professional office use or to any permitted use in this zone shall not be subject to the above building placement and building form requirements, provided that no structural expansion or increase of floor area is proposed.

**Professional Office (CP) Zone****G. CP Use Table**

Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required
<b>Agricultural</b>		
Animal Keeping Facility:	LMC Title 6	
Veterinary clinic, animal hospital		CUP
<b>Recreation, Education &amp; Public Assembly</b>		
Public and Quasi-Public	6.02.090	CUP
School, Specialty		CUP
<b>Residential</b>		
Residential Uses <sup>2</sup>		CUP
Health Facility:	6.02.050	
Residential care, 1 - 6 clients		P
Residential care, 7 or more clients		CUP
<b>Commercial</b>		
Pharmacy		P

Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required
<b>Services: Business, Financial, Professional</b>		
ATM		P
Medical Services: Doctor Office		P
Office: Business, Service		P
Office: Professional, Administrative		P
<b>Services: General</b>		
Lodging:		
Bed & Breakfast	6.02.010	CUP
Mortuaries	6.03.040	CUP
Child Day Care Facility:	6.02.020	
Day care center		P
<b>Transportation, Communications, Infrastructure</b>		
Telecommunication Facility	6.02.100	CUP

**Key**

P Permitted Use

ZUP Zoning Use Permit Required

CUP Conditional Use Permit Required

-- Use Not Allowed

**End Notes:**<sup>1</sup> A definition of each listed use type is in Part II.<sup>2</sup> Subject to MFR zone standards.<sup>3</sup> Similar uses permitted or conditionally permitted as determined by the Review Authority to be of the same general character as the listed uses.



## 3.03.130 Research and Development (I-I) Zone

### A. Purpose

The I-I (Research and Development) zone is applied to areas of the City that are appropriate for professional and administrative facilities, research institutions, manufacturing operations, and green technology facilities. The I-I zone encourages working environments that are of a “campus” type character, which includes landscaped open space between buildings, screened service areas, uniform sign ads, street lighting standards, and maintenance of a landscape theme throughout. Land uses within the zone should be compatible with adjacent residential uses and buffered from them. High standards of appearance and design will be required and amenities provided will be for employee-oriented activity where problems of product handling, storage and distribution are not of significant concern.

### B. Building Placement Requirements

#### Setback<sup>1,2</sup>

##### Front and Side Streets

Major streets	35' min.
All Other Streets	30' min.

##### Rear

Lots adjacent to R zone	25' min.
All Others <sup>3</sup>	No minimum

##### Side

Lots adjacent to R zone	25' min.
All Others <sup>3</sup>	No minimum

<sup>1</sup> All required setbacks adjacent to streets shall be landscaped, except for driveways and sidewalks that are found to be necessary for the efficient use of the property. Where a building front is visible from the street, a minimum five-foot wide landscape strip abutting the foundation shall be included, allowing for necessary entrances.

<sup>2</sup> A landscaped strip of land, at least 25' wide, shall be maintained along any property line where a I-I zone abuts a residential area.

<sup>3</sup> 20' min. rear and side setbacks for structures with height greater than 45'.

### C. Building Form Requirements

Building Height <sup>4</sup>	45' max.
Lot Coverage	45%

<sup>4</sup> The height may be increased up to a maximum of 100' with a Conditional Use Permit.

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Lot Requirements

Minimum Lot Size	10,000 sf
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### F. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction of any structure and the establishment of any open land use (Section 9.07).

No use shall be permitted that creates vibration, heat, glare or electrical disturbance beyond the boundaries of the site.

## Research and Development (I-I) Zone

## G. I-I Use Table

Land Use Type <sup>1,2</sup>	Specific Use Regulations	Permit Required
<b>Industry, Manufacturing and Processing</b>		
Fuel Station, Private	6.03.160	ZUP
Laboratory: Experimental, Analytical		P
Manufacturing/Processing		
Light industrial		P
Medium industrial <sup>3,4</sup>		CUP
Research and Development Facility		P
<b>Recreation, Education &amp; Public Assembly</b>		
Public and Quasi-Public <sup>5</sup>	6.02.090	CUP
<b>Commercial</b>		
Restaurant		P
Drive-In Business:		
Restaurant <sup>5</sup>		CUP

## Key

P Permitted Use

ZUP Zoning Use Permit Required

CUP Conditional Use Permit Required

-- Use Not Allowed

## End Notes:

<sup>1</sup> A definition of each listed use type is in Part II.<sup>2</sup> Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses or reasonably required for the convenience and support of occupants of uses in the surrounding I-District.<sup>3</sup> Individual buildings shall not exceed 25 percent lot coverage and individual businesses shall generally be limited to 4,000 sf of storage and one truck delivery door. All activities shall occur within a wholly inclosed building.<sup>4</sup> Proposed use shall not generate traffic or parking demand, which will negatively impact other uses on the project site or vicinity. Delivery area for the proposed use will not be visible from major streets.

Land Use Type <sup>1,2</sup>	Specific Use Regulations	Permit Required
<b>Services: Business, Financial, Professional</b>		
ATM		CUP
Bank, Financial Services <sup>5</sup>		CUP
Office: Professional, Administrative		P
<b>Services: General</b>		
Child Day Care Facility:	6.02.020	
Day care center		P
Dog Day Care		CUP
Lodging:		
Hotel, motel <sup>5</sup>		CUP
Personal Service <sup>5</sup>		CUP
<b>Transportation, Communications, Infrastructure</b>		
Telecommunication Facility	6.02.100	CUP

## Key

## End Notes (continued):

<sup>5</sup> Uses are secondary uses and are to be permitted only after the permitted uses have created a demonstrable demand for the CUP.

## 3.03.140 Light Industrial (I-2) Zone

### A. Purpose

The I-2 (Light Industrial) zone is applied to areas of the City that are appropriate for professional and administrative facilities, research institutions, manufacturing operations, and green technology facilities not proposed to be located in a “campus” type environment. It is intended to provide an optimum general industrial environment by providing an alternate choice for industrial land uses that are compatible with adjacent residential uses and buffered from them.

### B. Building Placement Requirements

#### Setback<sup>1,2</sup>

##### Front and Side Streets

Major streets	35' min.
All Other Streets	25' min.

##### Rear

Lots adjacent to R zone	25' min.
All Others <sup>3</sup>	No minimum

##### Side

Lots adjacent to R zone	25' min.
All Others <sup>3</sup>	No minimum

<sup>1</sup> All required setbacks adjacent to streets shall be landscaped, except for driveways and sidewalks that are found to be necessary for the efficient use of the property. Where a building front is visible from the street, a minimum five-foot wide landscape strip abutting the foundation shall be included, allowing for necessary entrances.

<sup>2</sup> A landscaped strip of land, at least 25' wide, shall be maintained along any property line where a I-2 zone abuts a residential area.

<sup>3</sup> 20' min. rear and side setbacks for structures with height greater than 40'.

### C. Building Form Requirements

Building Height <sup>4</sup>	45' max.
Lot Coverage	45%

<sup>4</sup> The height may be increased up to a maximum of 100' with a Conditional Use Permit.

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Lot Requirements

Minimum Lot Size	20,000 sf
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### F. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction of any structure and the establishment of any open land use (Section 9.07).

No use shall be permitted that creates vibration, heat, glare or electrical disturbance beyond the boundaries of the site.

## Light Industrial (I-2) Zone

## G. I-2 Use Table

Land Use Type <sup>1,2</sup>	Specific Use Regulations	Permit Required
<b>Industry, Manufacturing and Processing</b>		
Fuel Station, Private	6.03.160	ZUP
Laboratory: Experimental, Analytical		P
Manufacturing/Processing		
Heavy industrial		CUP
Light industrial		P
Medium industrial		P
Recycling Facility:		
Processing <sup>4</sup>		P
Wholesale certified <sup>5</sup>		P
Research and Development Facility		P
Storage:		
Self-storage facility		P
Contractor storage yard	6.03.100	CUP

Key	
P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

**End Notes:**

<sup>1</sup> A definition of each listed use type is in Part II.

<sup>2</sup> Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.

<sup>3</sup> Use shall be shown as reasonably required for the convenience or support of occupants of uses in the surrounding I-District.

<sup>4</sup> Permitted when all activities occur within a wholly enclosed building.

<sup>5</sup> Permitted within a building or fully screened from public view by a solid wall or fence.

Land Use Type <sup>1,2</sup>	Specific Use Regulations	Permit Required
<b>Recreation, Education &amp; Public Assembly</b>		
Commercial Recreation Facility:	6.03.050	
Commercial amusement facility		CUP
Public and Quasi-Public	6.02.090	CUP
<b>Commercial</b>		
Restaurant		P
Drive-In Business:		
Restaurant <sup>3</sup>		CUP
<b>Services: Business, Financial, Professional</b>		
ATM		CUP
Bank, Financial Services <sup>3</sup>		CUP
Office: Professional, Administrative		P
<b>Services: General</b>		
Child Day Care Facility:	6.02.020	
Day care center		P
Dog Day Care		CUP
Lodging:		
Hotel, motel <sup>3</sup>		CUP
Personal Service <sup>3</sup>		CUP
<b>Transportation, Communications, Infrastructure</b>		
Telecommunication Facility	6.02.100	CUP

## 3.03.150 Heavy Industrial (I-3) Zone

### A. Purpose

The I-3 (Heavy Industrial) zone is applied to areas of the City that are appropriate for a range of industrial activities including manufacturing, assembly and processing, the storage and distribution of raw materials, and related industrial uses that are neither objectionable nor detrimental to adjacent properties because of hazards, noise, or other disturbance. The I-3 zone also accommodates professional and administrative facilities accessory to research and manufacturing operations. The I-3 zone provides a sound heavy industrial environment by providing and protecting areas within the City for such development.

### B. Building Placement Requirements

#### Setback<sup>1,2</sup>

##### Front and Street Side

Major streets	35' min.
All Other Streets	25' min.

##### Rear

Lots adjacent to R zone	25' min.
All Others <sup>3</sup>	No minimum

##### Side

Lots adjacent to R zone	25' min.
All Others <sup>3</sup>	No minimum

<sup>1</sup> All required setbacks adjacent to streets shall be landscaped, except for driveways and sidewalks that are found to be necessary for the efficient use of the property. Where a building front is visible from the street, a minimum five-foot wide landscape strip abutting the foundation shall be included, allowing for necessary entrances.

<sup>2</sup> A landscaped strip of land, at least 25' wide, shall be maintained along any property line where an I-3 zone abuts an R zone or an OS zone designated for future residential use in the General Plan.

<sup>3</sup> 20' min. rear and side setbacks for structures with height greater than 45'.

### C. Building Form Requirements

Building Height <sup>4</sup>	45' max.
Lot Coverage	60% max.

<sup>4</sup> The height may be increased up to a maximum of 100' with a Conditional Use Permit.

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Lot Requirements

Minimum Lot Size	20,000 sf
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### F. Miscellaneous Requirements

Site Plan and Design Review is required prior to the development of any site, including the construction of any structure and the establishment of any open land use.

Landscaping and fencing shall be in compliance with development standards established in Part 4.05 (Landscape Standards).

No use shall be permitted that creates vibration, heat, glare or electrical disturbance beyond the boundaries of the site.

## Heavy Industrial (I-3) Zone

G. I-3 Use Table					
Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required	Land Use Type <sup>1,3</sup>	Specific Use Regulations	Permit Required
<b>Industry, Manufacturing and Processing</b>			<b>Commercial</b>		
Fuel Station, Private	6.03.160	ZUP	Drive-In Business:		
Manufacturing/Processing			Restaurant <sup>5</sup>		CUP
Medium industrial		P	Restaurant		P
Heavy industrial	6.02.040	CUP	<b>Services: Business, Financial, Professional</b>		
Recycling Facility:			ATM		CUP
Processing <sup>2</sup>		P	Bank, Financial Services <sup>5</sup>		CUP
Wholesale certified <sup>4</sup>		P	Office: Professional, Administrative		P
Research and Development Facility		P	<b>Services: General</b>		
Storage:			Dog Day Care		CUP
Self-storage facility		P	Lodging:		
Contractor storage yard/open			Hotel, motel <sup>5</sup>		CUP
storage <sup>2</sup>	6.03.100	P	Personal Service <sup>5</sup>		CUP
Warehousing and Distribution			<b>Transportation, Communications, Infrastructure</b>		
Facility		P	Telecommunication Facility	6.02.100	CUP
<b>Recreation, Education &amp; Public Assembly</b>			Live Adult Entertainment	LMC Title 5	CUP
Commercial Recreation Facility:	6.03.050				
Commercial amusement facility		CUP			
Public and Quasi-Public	6.02.090	CUP			

Key	
P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

**End Notes:**

<sup>1</sup> A definition of each listed use type is in Part II.

<sup>2</sup> Outdoor storage shall be fully screened.

<sup>3</sup> Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.

<sup>4</sup> Permitted within a building or fully screened from public view by a solid wall or fence.

<sup>5</sup> Use shall be shown as reasonably required for the convenience or support of occupants of uses in the surrounding I-District.

## 3.03.160 Education and Institution (E) Zone

### A. Purpose

The E zone is applied to areas of the City that are appropriate for the development of public and private educational institutions wherein all directly related types of uses may be located. The E zone is also applied to areas for publicly owned park and recreation facilities, and areas for governmental buildings and facilities.

### B. Building Placement Requirements

#### Setback<sup>1</sup>

Front	25' min.
Side	25' min.
Rear	25' min.

<sup>1</sup> Required front, side and rear setbacks that are not enclosed by fencing shall be planted and permanently maintained.

### C. Building Form Requirements

Building Height	35' max.
Lot Coverage	50%

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Lot Requirements

Minimum Lot Size <sup>2</sup>	20,000 sf
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<sup>2</sup> Institutions above high school level shall be required to have a minimum lot size to be determined by the Planning Commission on the basis of location, proposed enrollment, and type of institution.

### F. Miscellaneous Requirements

Site Plan and Design Review is required for public-supported institutions, subject to the provisions of Section 53091 of the Government Code of the State of California. Site Plan and Design Review shall be required of all other uses (Section 9.07).

Public-supported institutions shall be subject to only those fees necessary to cover costs of legal publication.

## Education and Institution (E) Zone

## G. E Use Table

Land Use Type <sup>1,4</sup>	Specific Use Regulations	Permit Required <sup>2</sup>
<b>Agricultural</b>		
Community Gardens		P
<b>Industry, Manufacturing and Processing</b>		
Laboratory, Research <sup>3</sup>		P
<b>Recreation, Education &amp; Public Assembly</b>		
Park and Recreation Area, Public		P
Public and Quasi Public	6.02.090	CUP
School, Private		P

Land Use Type <sup>1,4</sup>	Specific Use Regulations	Permit Required <sup>2</sup>
School, Public		P
<b>Residential</b>		
Dwelling: Single-Family <sup>3</sup>		P
Health Facility:	6.02.050	
Residential care, 7 or more clients		CUP
<b>Services: Business, Financial, Professional</b>		
Office: Government		P
<b>Services: General</b>		
Mortuaries	6.03.040	CUP
Child Day Care Facility:	6.02.020	
Day care center		P
<b>Transportation, Communications, Infrastructure</b>		
Telecommunication Facility	6.02.100	CUP

## Key

P Permitted Use

ZUP Zoning Use Permit Required

CUP Conditional Use Permit Required

-- Use Not Allowed

## End Notes:

<sup>1</sup> A definition of each listed use type is in Part II.<sup>2</sup> A Conditional Use Permit shall be required for any other use that is not specifically permitted in the E zone and for education intuitions above high school level.<sup>3</sup> Accessory to any permitted use.<sup>4</sup> Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.



## 3.03.170 Open Space (OS) Zone

### A. Purpose

The Open Space (OS) zone is applied to areas of the City that are appropriate for permanent or semi-permanent open space. Lands shall be zoned to the OS zone where the open space designation meets one or more of the following criteria:

- A. Represents the actual use of the land;
- B. Establishes the best use of the land;
- C. Indicates land intended by the City not to be converted to urban use in the foreseeable future;
- D. Indicates land having resources found to be in the public interest to preserve; or
- E. Indicates land found not suitable for urban use due to natural or other hazards associated with the land.

### B. Sub-zones

OS-A (Agriculture), OS-R (Rural Preservation), OS-F (Flood Plain)

### C. Building Placement Requirements

#### Setback

Front	20' min.
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Side Street	15' min.
-------------	----------

Garage Along Any Street	20' min.
-------------------------	----------

Rear <sup>1</sup>	25' min.
-------------------	----------

Side <sup>2,3</sup>	
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Lots 10,000 sf or less	10' min.
------------------------	----------

Lots greater than 10,000 sf	12' min.
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### D. Building Form Requirements

Building Height	35' max.
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Coverage	35% max.
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### E. Parking Requirements

See Chapter 4.04 (Parking Standards).

### F. Lot Size Requirements

Lot Size

OS-A	20 acres min., 100' min. frontage
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OS-R	1 acre min., 100' min. frontage
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OS-F	None
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### G. Miscellaneous Requirements

Site Plan and Design Review is required for all

Conditional Use Permits (Section 9.07).

Construction of buildings for the conduct of agricultural activities or the exterior conduct of any agricultural activities, which activities involve the keeping of animals other than grazing in open pasture, shall require approval of a Conditional Use Permit where located within 500' of any residential, commercial, or educational/institutional uses.

Any lot hereinafter zones OS or annexed and so zoned shall be considered a lot of record and may be developed or utilized in accordance with applicable regulations. No lot shall be split or subdivided, nor shall property lines be otherwise revised except in conformance with above regulations.

## Open Space (OS) Zone

## H. OS Use Table

Land Use Type <sup>1</sup>	Specific Use Regulations	Permit Required	
		OS-A OS-R	OS-F
Agricultural			
Agriculture			
Agriculture accessory structure		ZUP <sup>2</sup>	ZUP
Agriculture Roadside Stand, ≤ 50 sf		ZUP	--
Animal Keeping Facility:	LMC Title 6		
Equestrian facility		CUP	--
Kennel		CUP	--
Veterinary clinic, animal hospital		CUP	--
Crop Production, Horticulture, Orchard, Vineyard, Grazing, Livestock, and Poultry		P	P
Industry, Manufacturing and Processing			
Agriculture Processing	6.03.010	CUP	--
Warehousing and Distribution Facilities		CUP	--

Land Use Type <sup>1</sup>	Specific Use Regulations	Permit Required	
		OS-A OS-R	OS-F
Recreation, Education & Public Assembly			
Commercial Recreation			
Facility:	6.03.050		
Golf course and country club		CUP	--
Camping and Picnicking Area		CUP	--
Public and Quasi Public	6.02.090	CUP	--
Residential			
Dwelling: Single-Family		P	CUP
Farmworker Housing	6.03.070	CUP	--
Health Facility:	6.02.050		
Residential care, 1 - 6 clients		P <sup>3</sup>	
Residential care, 7 or more clients		CUP <sup>3</sup>	
Services: General			
Cemetery	6.03.040	CUP	--
Transportation, Communications, Infrastructure			
Telecommunication Facility	6.02.100	CUP	CUP

## Key

P Permitted Use

ZUP Zoning Use Permit Required

CUP Conditional Use Permit Required

-- Use Not Allowed

## End Notes:

<sup>1</sup> A definition of each listed use type is in Part II.<sup>2</sup> Exceptions: CUP required when such uses are located within 500 feet of any R, E, or C zones<sup>3</sup> Only in OS-A zone.

## 3.03.180 Airport (AIR) Zone

### A. Purpose

#### General

The purpose of the Airport (AIR) zone is to provide the City with a unique area occupied by aviation oriented uses. To encourage a functional and compatible association of uses in identifiable areas, the AIR zone is divided into two subzones, the Airport-Operations subzone (AIR-OP) and the Airport-Services subzone (AIR-SE), as described below.

#### Airport-Operations (AIR-OP)

The purpose of this subzone is to provide standards for airport operation facilities. The AIR-OP subzone is intended to provide development standards and allow aviation land uses and related structures/facilities necessary for the safe operation of the Livermore Municipal Airport.

#### Airport-Services (AIR-SE)

The purpose of this subzone is to provide standards for airport support facilities. The AIR-SE subzone is intended to provide development standards and allow aviation-related land uses and related structures/facilities necessary to adequately support the operation of the Livermore Municipal Airport.

### B. Sub-zones

AIR-OP (Airport-Operations), AIR-SE (Airport-Service)

### C. Building Placement Requirements

#### Setback <sup>1</sup>

Front <sup>2,3,4</sup>

Major Street	25' min.
Non-major Street	20' min.

Side None

Rear None

<sup>1</sup> No setbacks required for AIR-OP, except where subject to FAA, State and county regulations.

<sup>2</sup> Setback areas fronting a public street in existence as of December 31, 2008, are considered conforming.

<sup>3</sup> All required setback areas adjacent to a public street shall be landscaped, except for driveways and sidewalks that are found to be necessary for the efficient use of the site.

<sup>4</sup> Regional trail landscaping located on the same parcel may be included to meet any applicable landscape requirement.

### D. Building Form Requirements

Building Height

AIR-OP Subject to FAA regulations

AIR-SE <sup>5</sup> 40' max.

Coverage <sup>6</sup> 60% max.

<sup>5</sup> The height may be increased if determined to be necessary to facilitate the storage of aircraft, with a Conditional Use Permit and subject to FAA regulations.

<sup>6</sup> No more than 60% of the Airport area designated Community Facility-Airport (CF-AIR) in the General Plan shall be covered with impervious surfaces, including but not limited to buildings, taxiways, runways, parking areas, fuel areas, and wash areas.

**Airport (AIR) Zone****E. Parking Requirements****Spaces**

AIR-OP	None
AIR-SE <sup>1</sup>	
Hangar storage	0.5 spaces/1,500 sf
Aircraft tie-down	1 space/7,000 sf of tie-down area
Restaurant	1 space/three seats
Commercial and Service	1 space/250 sf
Car rental	Space as required for office use, plus spaces sufficient to accommodate rental fleet
Miscellaneous hangar activities	
≤ 5,000 sf	1 space/1,000 sf
> 5,000 sf	5 spaces, plus 0.5 spaces/1,000 sf above 5,000 sf

<sup>1</sup> If a proposed use is not addressed above or in Chapter 4.04, parking shall be provided, at a minimum, to accommodate the estimated number of employees, customers, and visitors, subject to Director discretion.

**F. Lot Requirements**

None.

**G. Miscellaneous Requirements**

Any site or property zoned AIR may be developed or utilized in accordance with applicable regulations as established in this zone, plus any additional regulations imposed as a condition of approval. The Airport's Minimum Standards for Commercial Aeronautical Activities establish the minimum facility size required for such activities. Total development shall be limited to 1,418,680 square feet of building space.

In addition to the site development requirements of the zone, all development applications for the AIR zone shall be accompanied by a written statement of authorization signed by the Airport Manager.

All development must meet Federal Aviation Administration (FAA) and State of California airfield design guidelines, including obstacle clearances.

Site Plan and Design Review is required for any site development or expansion of any site, structure or use (Chapter 9.07).

In any case where a building is visible from the public street, a five-foot landscape strip abutting the foundation shall be included, allowing for necessary entrances. In any case where a parking lot is located between a building and a public street, the landscape strip adjacent to the street may be reduced up to 10 feet; provided, that a landscape strip equal to the amount of reduction is added to a landscape planter adjacent to the street-side of the building.

All landscaping shall be carried out in accordance with a landscape plan that shall be submitted with the entitlement application and shall be consistent with the City's Water Efficient Landscape Ordinance (Chapter 13.25 LMC).

## H.AIR Use Table

Land Use Type	Specific Use Regulations	Permit Required	
		AIR-OP <sup>1</sup>	AIR-SE <sup>2</sup>
Airport			
Aerial Photography/Surveying		--	P
Air Cargo Operations <sup>3</sup>		--	P
Aircraft Charter/Rental		--	P
Aircraft Hangars <sup>4</sup>		--	P
Aircraft Tiedown and Parking		--	P
Air Rescue		--	P
Aviation Service Operator, specialized		--	P
Emergency Facilities/ Equipment Storage		--	P
Lighting/Signage <sup>5</sup>		P	--
Medical Transport Operations		--	P
Pilot Supply Sales		--	P
Run-up Aprons		P	--
Runways		P	--
Service and Emergency Roads		P	--
Taxilanes		--	P
Taxiways		P	P
24-hour Security Facilities		--	CUP
Commercial			
Aircraft Sales		--	P
Restaurant			P <sup>6/</sup>
		--	CUP

Land Use Type	Specific Use Regulations	Permit Required	
		AIR-OP <sup>1</sup>	AIR-SE <sup>2</sup>
Industry, Manufacturing and Processing			
Aircraft Manufacturing and Research <sup>7</sup>			
		--	P
Recreation, Education & Public Assembly			
Aviation Museums			
		--	CUP
Flight Schools/Training			
		--	P
Public and Quasi Public	6.02.090	--	CUP
Services: Business, Financial, Professional			
Aircraft Service and Maintenance			
		--	P
Airport Administrative Offices			
		--	P
Car Rental			
			P <sup>8/</sup>
		--	CUP
Transportation, Communications, Infrastructure			
Communication Equipment			
		--	P
Control Tower, Terminal and Equipment <sup>9</sup>			
		--	P
Navigational Antennas <sup>10</sup>			
		P	--
Meteorological Equipment <sup>10</sup>			
		P	--

## Key

P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

## End Notes:

<sup>1</sup> Any other uses consistent with Federal Aviation Administration (FAA) regulations and State of California airfield design guidelines including obstacle clearances.

<sup>2</sup> Similar uses permitted or conditionally permitted as determined by the Director and Airport Manager to be of the same general character as the listed uses.

**Airport (AIR) Zone****Key (continued)****End Notes: (continued)**

<sup>3</sup> Single main gear aircraft up to 45,000 lbs., dual main gear aircraft up to 65,000 lbs., in association with a fixed base operator.

<sup>4</sup> T, box, or corporate configuration.

<sup>5</sup> In association with runways, taxiways, and apron operations, as required by applicable federal, State, and County standards.

<sup>6</sup> One restaurant maximum, in association with airport administrative offices or a fixed base operator.

<sup>7</sup> General aviation aircraft.

<sup>8</sup> In association with a fixed base operator.

<sup>9</sup> Necessary for airport operation.

<sup>10</sup> As required by applicable federal, State, and County standards.

(Ord. 1903 § I (Exh.A), 2010)

## Chapter 3.04: Planned Development

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### Sections:

3.04.010	Purpose
3.04.020	Applicability
3.04.030	Planned Development (PD) Zone
3.04.040	Planned Development/Agriculture (PD-AG) Zone
3.04.050	South Livermore Valley/Agriculture (SLV-AG) Zone
3.04.060	Planned Development - South Livermore Valley Specific Plan Area (PD-SLVSP)

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#### 3.04.010 Purpose

This chapter provides regulatory standards governing land use and building form within the Non-Transect-based zoning areas currently zoned Planned Development. The Code is a reflection of the community vision for implementing the intent of the General Plan. These standards are intended to ensure that proposed development is compatible with existing and future development on neighboring properties, and produces an environment of desirable character, consistent with the General Plan and any applicable specific plan.

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#### 3.04.020 Applicability

The requirements of this Chapter shall apply to all proposed development within Non-Transect-based zones, and shall be considered in combination with the standards for the applicable zone in Part 4 (General to Zones) and those in Part 6 (Specific to Uses). If there is a conflict between any standards, the provisions of Part 3 (Specific to Zones) control over Part 4 and the provisions of Part 6 control over Parts 3 and 4.





## 3.04.030 Planned Development (PD) Zone

### A. Purpose

The Planned Development (PD) zone is applied to areas of the City appropriate for residential, commercial and industrial planned development projects that require more flexible design standards.

The flexibility allows a developer to address geologic, topographical and environmental factors. A PD zone allows projects to be developed with open space and neighborhood amenities.

A PD zone shall conform to the requirements of the General Plan and the intent of this Code and the Municipal Code in requiring adequate standards necessary to protect the public health, safety and general welfare. The PD zone is divided into four subzones: Planned Development Residential (PD-R), Planned Development Commercial (PD-C), Planned Development Industrial (PD-I), and Planned Development Open Space (PD-OS).

The PD zone for commercial and industrial is particularly (but not necessarily) applied to areas near a freeway or freeway interchange, near a major entrance to the City, or adjacent to residential uses. Both the Community Serving General Commercial (CSGC) and the Business and Commercial Park (BCP) General Plan designations require implementation through a PD zone.

### B. Sub-zones

PD-R, PD-C, PD-I, PD-OS

### C. Development Standards

PD-R <sup>1</sup>

Single-family	≤ 6 du/acre - RS or T3N
Multifamily	≤ 14 du/acre - MFR or T4N
Multifamily	> 14 du/acre - T4N
PD-C	Refer to I-I zone
PD-I	Refer to I-I zone
PD-OS	Refer to OS-A zone

<sup>1</sup> Density shall conform to the density specified in the General Plan and to the residential zone that is the closest to that density.

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Miscellaneous Requirements

Except as otherwise set forth in the PD ordinance, property in a PD zone is subject to all other applicable regulations of this Code (i.e. sign regulations, secondary dwelling unit standards, etc.) as they exist at the time of a PD ordinance and as they may be amended in the future.

Environmental Design. If there are any geologic, topographical and environmental factors and constraints on the site, the proposed design shall address these in a manner that could not be achieved in a more conventional zone without frontage on a public street may be permitted subject to the following private street requirements:

CSGC designated property in the General Plan

Property shall meet the requirements set forth in Section 3.04.030.C.

Property shall be located along a major street in the vicinity of a freeway interchange.

**Planned Development (PD) Zone****F. PD Use Table**

PD Zone	Uses Allowed Where No Specific Regulations Are Adopted	
PD-R		
Uses shall conform to the density specified in the General Plan and to the residential zone that is closest to that density	Single-family	Refer to RS
	Multifamily	Refer to MFR
PD-C <sup>1,2</sup>		
Uses allowed in the CNB zone		
PD-I <sup>3</sup>		
Uses allowed in the I-2 zone		
PD-OS		
Uses allowed in the OS-A zone		

<sup>1</sup> Including property designated CSGC in the General Plan. A proposed PD zone in the CSGC designation shall include any one or a combination of community serving retail, office, service or mixed residential uses. If commercial uses are proposed, they consist of a size, bulk and coverage found in a retail shopping center, including destination-oriented large retail tenant, business and commercial services, and professional and administrative offices.

<sup>2</sup> In property designated CSGC in the General Plan superstores are not allowed.

<sup>3</sup> Including property designated BCP in the General Plan

**A. Application.**

1. An application for a rezoning to a PD district (a PD ordinance) shall be filed and processed in compliance with Chapter 9.01 (Application Processing and Procedures).
2. The application shall include the information and materials specified in the Department handout for Planned Development (PD) applications, together with the required fee in compliance with the Planning Fee Schedule.
3. It is the responsibility of the applicant to provide evidence in support of the findings required, below.

**B. Review authority.**

1. Planning Commission hearing and recommendation. The planning commission shall hold a noticed public hearing to consider the application. The commission shall recommend to the City Council either approval, conditional approval or disapproval of the application.
2. City Council hearing and decision. The City Council shall hold a noticed public hearing to consider the application and the Commission's recommendation. The Council shall by ordinance approve, approve subject to conditions or deny the application. The Director shall notify the applicant in writing of the Council's decision.

**C. Amendments.** The procedures for amending a PD ordinance are set forth in Chapter 9.14 (Amendments).**D. Additional design features to justify variation from conventional zoning.**

1. Residential Planned Developments. For each variation from the conventional regulations, the applicant shall describe a design feature which is in proportion to the degree of variation, and shall explain why the variation is appropriate. The City

shall consider only those design features which exceed what is otherwise legally required by the City or by the California Environmental Quality Act.

- a. Reservation of open space;
- b. Parks, trails, bicycle paths or playgrounds beyond those required under the parkland dedication ordinance;
- c. Clustering of homes (in order to provide greater open space, or more parks, trails, neighborhood amenities, etc.);
- d. Inclusion of more affordable (low- and very-low-income) housing, above what is required by the General Plan and State law;
- e. Provision of public, neighborhood amenities;
- f. Diversification of building sizes and types; or
- g. Other public features not generally available in the neighborhood of a standard zoning district.

2. **Commercial and industrial planned developments.** For each variation from the conventional regulations, the applicant shall describe a design feature which is in proportion to the degree of variation, and shall explain why the variation is appropriate. The City shall consider only those design features which exceed what is otherwise legally required by the city or by the California Environmental Quality Act.

- a. Increased landscaping;
- b. Increased landscape setbacks;
- c. Provision of open space in excess of what is otherwise required;
- d. Pedestrian areas, outdoor benches, fountains, trails, or other outdoor recreation areas;
- e. Extraordinary architecture;
- f. Employee facilities, such as on-site day care, showers and locker rooms.

E. **Development Agreement.** Any design feature approved under this subsection shall be assured and implemented through a Development Agreement or tentative map condition of approval, or both. Any Development Agreement shall be approved concurrently with the PD ordinance and in consistent with the requirements in Chapter 9.04 (Development Agreements).

F. **Site Plan and Design Review.** The Planned Development ordinance shall include the following provision:

- I. Before a building permit is issued for any new structure, or a grading permit for grading, the property owner shall obtain Site Plan and Design Review under Chapter 9.07. In addition to any requirements under Chapter 9.07, the Site Plan and Design Review approval for property within this PD district may include development conditions not limited to building design and arrangement; architectural standards; storage facilities; phasing of improvements; circulation; access; lighting; fencing; landscaping and screening; buffers; hours of operation; regulations of noise, vibration and odors; and property maintenance.

G. **Exemption.** The requirements of subsection F, above, do not apply to property which is designated BCP and CSGC in the General Plan by City-initiated action rather than by application of the property owner.

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**Planned Development (PD) Zone**

## 3.04.040 Planned Development/Agriculture (PD-AG) Zone

### A. Purpose

The PD-AG zone is applied to areas of the City to preserve and promote agriculture and viticulture uses in locations suitable for cultivated agriculture and to protect sensitive or unique environmental or land characteristics, including the area's rural character. Land shall be zoned to the PD-AG zone to reflect:

- A. The actual use of the land;
- B. The best use of the land based on soil type, location, and surrounding land uses;
- C. Land intended by the city not to be converted to urban use in the foreseeable future;
- D. Land found not suitable for urban use due to environmental constraints and natural or other hazards associated with the land; and
- E. Land having resources found to be in the public interest to preserve.

### B. Building Placement Requirements

#### Setback

Front	30' min.
Rear	50' min.
Side	20' min.

The construction of buildings for the conduct of agricultural activities or the exterior conduct of any agricultural activities which involve the keeping of animals, other than grazing in open pasture, shall have a minimum setback of 500 feet adjacent to any areas designated for residential, commercial or educational/institutional uses. Setbacks may be reduced subject to approval of a Zoning Use Permit.

### C. Building Form Requirements

#### Building Height

Main Building	40' max.
Agriculture-related or Public Structures <sup>1</sup>	100' max.

Lot Coverage	No max.
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<sup>1</sup> Upon approval of a Conditional Use Permit.

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Density and Lot Requirements

#### Lot Size

Minimum Lot	100 acres min.
Reduced Lot Option <sup>2</sup>	18 acres min.
Lot Street Frontage Width	100' min.

<sup>2</sup> Following criteria shall be met:

- A. Adequate water supplies are available for both domestic and irrigation needs, and all proposed uses can be served by individual septic systems;
- B. Sensitive or unique environmental and land characteristics are protected;
- C. The property owner shall grant an agricultural conservation easement (see Section 3.04.040.H);
- D. Each new parcel has adequate area for building sites and agriculture uses outside of the environmentally sensitive areas and slopes exceeding 25 percent; and
- E. Development of each bonus parcel shall be subject to design review guidelines approved for the project.

### F. Miscellaneous Requirements

Site Plan and Design Review is required for all Conditional Use Permits (Section 9.07).

**Planned Development/Agriculture (PD-AG) Zone****F. Density bonus provision.**

1. Minimum lot specifications. Any land division under the density bonus provisions shall not exceed a maximum average density of one dwelling unit per 20 acres. The gross acreage of any special purpose parcels shall be deleted from the total site gross acreage for the purpose of calculating maximum allowed density. The minimum parcel size is 18 acres. Nonresidential parcels less than 18 acres may be created for special purpose uses only, including:
  - a. Necessary public facilities, such as storm drainage, flood control and water management facilities;
  - b. Existing uses and facilities, as identified under 3.04.040.G, excluding roadside stands and caretaker residences;
  - c. Wildlife habitat protection; and
  - d. Preservation of historic/archaeological resources.
2. Site development regulations. Site development regulations under the density bonus provision shall be in conformance with the regulations set forth in 3.04.040.B. In addition, coverage on the building sites shall not exceed 30 percent for residential buildings, or a total of 40 percent coverage for all development on the building site. No solid fencing will be allowed along property lines. All development must be consistent with the terms of the conservation easement.

**G. Private street and driveway standards.** Lots without frontage on a public street may be permitted subject to the following requirements:

1. Private Streets. All private streets shall conform to the following minimum requirements:
  - a. A minimum paved width of 20 feet.
  - b. Four-foot-wide compacted aggregate base shoulders on each side of the paving.
  - c. No parking permitted along the street.
  - d. All private streets shall have a minimum right-of-way width of 40 feet.
  - e. Maintenance of private streets shall be privately funded by the benefitting property owners through a homeowner's association (HOA), maintenance association, or other appropriate funding mechanism.
2. Private Driveways. All private driveways shall conform to the following minimum requirements:
  - a. A minimum width of 16 feet. If the driveway will be utilized by more than one lot or when it crosses over another lot it shall be paved. For a driveway utilized by only one owner on his/her property, it may be constructed with a compacted aggregate base.
  - b. For paved driveways, four-foot-wide compacted aggregate base shoulders on each side of the driveway.
  - c. If any driveway will be utilized by more than one lot or if it crosses over another lot, use of the driveway shall be assured by joint ownership or granting of easements.
3. Access to Lots.
  - a. All lots shall have clear unobstructed access to a public street over a driveway or private street.

- b. All structures or landscaping over the private driveways and streets shall provide a minimum clearance of 15 feet to provide unobstructed access for emergency vehicles.
- 4. Minimum Improvements. Improvements shall be in conformance with the City of Livermore Standard Street Sections for Traffic Index 5, for private streets within the project, except as otherwise provided by Section G.1.a-e, above.
- 5. Development Standards. The development of private streets shall not preclude the subdivision of adjacent properties, shall not preclude the development of streets necessary to handle local traffic needs, and shall be adequate to protect the health, safety and general welfare of the city.

**H. Agricultural conservation easement.**

- 1. No later than 24 months after approval of the final subdivision map, grantor shall initiate and thereafter diligently pursue planting of wine grapes or other cultivated agriculture on a minimum of 90 percent of each parcel created by the final subdivision map; provided, however, that improvements which are directly related to agriculture need not be completed. The planting required shall be completed within 15 months after the initiation thereof (total time of 39 months from approval of the final map to completion of planting).
- 2. In the event that the planting is not completed prior to approval of the final subdivision map, grantor shall provide surety in form and content acceptable to the city that such planting will be initiated and/or completed within the time limits specified in this section.
- 3. Notwithstanding the foregoing, grantor shall not be required to plant on any lands on which the city has reasonably determined it is not feasible or practicable to plant ("less suitable lands"), such as areas
  - a. with excessive slope
  - b. required buffer zones for waterways and courses
  - c. areas to preserve significant vegetation (e.g., oak trees) and
  - d. environmentally sensitive features.
- 4. The time for initiating and/or completing planting may be extended if the city determines that additional time is reasonably necessary for completion of planting.
- 5. To the extent practicable and consistent with city policies, all land uses other than cultivated agriculture on each parcel shall be sited on less suitable lands if necessary to ensure that 90 percent of each parcel is planted.
- 6. Grantor shall ensure continued cultivated agricultural use through a long-term (minimum of eight years) agreement for operation and maintenance in form and content acceptable to the city;

## Planned Development/Agriculture (PD-AG) Zone

## G. PD-AG Use Table

Land Use Type <sup>1</sup>	Specific Use Regulations	PD-AG	Land Use Type <sup>1</sup>	Specific Use Regulations	PD-AG
<b>Agricultural</b>			<b>Residential</b>		
Agriculture Accessory Structure <sup>2</sup>		ZUP	Caretaker Residence, Single		CUP
Agriculture Roadside Stand ≤ 100 sf		ZUP	Dwelling: Single-Family		P
Animal Keeping Facility:	LMC Title 6		Farmworker Housing	6.03.070	P
Equestrian facility		CUP	<b>Services: General</b>		
Kennel		CUP	Lodging:		
Veterinary clinic, animal hospital		CUP	Bed & Breakfast	6.02.010	CUP
Crop Production, Horticulture, Orchard, Vineyard, Grazing, Livestock, and Poultry		P	Cemetery	6.03.040	CUP
<b>Industry, Manufacturing and Processing</b>			<b>Transportation, Communications, Infrastructure</b>		
Agriculture Processing	6.03.010	CUP	Telecommunication Facility	6.02.100	CUP
Warehousing and Distribution Facilities (agricultural products)		CUP			
<b>Recreation, Education &amp; Public Assembly</b>					
Commercial Recreation Facility:	6.03.050				
Golf course and country club		CUP			
Camping and picnicking areas		CUP			
Public and Quasi-Public	6.02.090	CUP			

## Key

P Permitted Use

ZUP Zoning Use Permit Required

CUP Conditional Use Permit Required

-- Use Not Allowed

## End Notes:

<sup>1</sup> A definition of each listed use type is in Part II.<sup>2</sup> Exceptions: CUP required when such uses are located within 500 feet of any R, E, or C zones or areas designated for residential, commercial or educational/institutional uses.



## 3.04.050 South Livermore Valley/Agriculture (SLV-AG) Zone

### A. Purpose

The purpose of the South Livermore Valley/Agriculture (SLV-AG) zone is to implement the Agriculture Viticulture General Plan designation. The zone will provide for uses and development standards that enhance and support agriculture, viticulture, and related wine country commercial uses. This designation protects existing viticultural and cultured agricultural uses, and provides space for and encourages such uses in places where more intensive development is not desirable or necessary for the general welfare. This zone should be used in areas where the urban designation of the South Livermore Valley Specific Plan is not applicable. Land shall be zoned to the SLV-AG zone to reflect::

- A. The actual use of the land at the time of adoption of this chapter;
- B. The best use of the land based on soil type, location, and surrounding land uses;
- C. Land intended by the City not to be converted to urban use in the foreseeable future;
- D. Land found not suitable for urban use due to environmental constraints and natural or other hazards associated with the land;
- E. Land having resources found to be in the public interest to preserve; and
- F. Land found inappropriate for the density bonus provisions of PD-AG zone.

### B. Building Placement Requirements

#### Setback

Front	30' min.
Rear	50' min.
Side	20' min.

The construction of buildings for the conduct of agricultural activities or the exterior conduct of any agricultural activities which involve the keeping of animals, other than grazing in open pasture, shall have a minimum setback of 50 feet adjacent to any areas designated for residential, commercial or educational/institutional uses.

### C. Building Form Requirements

#### Building Height

Main Building	40' max.
Agriculture-related or Public Structures <sup>1</sup>	100' max.

Lot Coverage	20% max.
--------------	----------

<sup>1</sup> Upon approval of a Conditional Use Permit.

### D. Parking Requirements

See Chapter 4.04 (Parking Standards).

### E. Lot Requirements

Density	See 6.02.030 (Density Bonus)
Lot Size <sup>2</sup>	100 acres min.
Lot Street Frontage Width	100' min.

<sup>2</sup> Any existing lot, parcel, or site zoned SLV-AG shall be considered a lot of record and may be developed or utilized in accordance with applicable regulations. No lot, parcel, or site shall be subdivided nor shall property lines be otherwise revised except in conformance with the minimum lot specifications.

**South Livermore Valley/Agriculture (SLV-AG) Zone****F. Miscellaneous Requirements**

Site Plan and Design Review is required for all Conditional Use Permits (Section 9.07).

Lots without frontage on a public street may be permitted subject to the following private street requirements:

A minimum paved width of 20 feet.

Four-foot-wide compacted aggregate base shoulders on each side of the paving.

No parking permitted along the street.

All private streets shall have a minimum right-of-way width of 40 feet.

All private driveways shall conform to the following minimum requirements:

A minimum width of 16 feet. If the driveway will be utilized by more than one lot or when it crosses over another lot it shall be paved. A driveway utilized by only one owner may be constructed with a compacted aggregate base.

For paved driveways, four-foot-wide compacted aggregate base shoulders on each side of the driveway.

If any driveway will be utilized by more than one lot or if it crosses over another lot, use of the driveway shall be assured by joint ownership or granting of easements.

## South Livermore Valley/Agriculture (SLV-AG) Zone

G. SLV-AG Use Table					
Land Use Type <sup>1</sup>	Specific Use Regulations	SLV-AG	Land Use Type <sup>1</sup>	Specific Use Regulations	SLV-AG
<b>Agricultural</b>			<b>Industry, Manufacturing and Processing</b>		
Agriculture Accessory Structure		ZUP	Agriculture Processing <sup>2</sup>	6.03.010	CUP
Agriculture Roadside Stand ≤ 400 sf		CUP	Warehousing and Distribution Facilities (agricultural products)		CUP
<b>Animal Keeping Facility:</b>			<b>Recreation, Education &amp; Public Assembly</b>		
Equestrian facility	LMC Title 6	CUP	Commercial Recreation Facility:	6.03.050	
Kennel		CUP	Golf course and country club		CUP
Veterinary clinic, animal hospital		CUP	Camping and picnicking areas		CUP
Crop Production, Horticulture, Orchard, Vineyard, Grazing, Livestock, and Poultry		P	Public and Quasi-Public	6.02.090	CUP
Grazing of horses or cattle, noncommercial breeding, or training of horses		P	<b>Residential</b>		
Olive Mill:			Caretaker Residence, Single <sup>4</sup>		CUP
Boutique		P	Dwelling: Secondary Unit <sup>4</sup>	6.03.120	CUP
Large		CUP	Dwelling: Single-Family		P
<b>Winery:</b>			<b>Services: General</b>		
Boutique		P	Lodging:		
Small <sup>3</sup>		P	Bed & Breakfast	6.02.010	CUP
Large		CUP	Bicycle Rental, 50 bicycles or less		CUP
			Cemetery	6.03.040	CUP
			Restaurant <sup>5</sup>		CUP
			<b>Transportation, Communications, Infrastructure</b>		
			Telecommunication Facility	6.02.100	CUP

Key	
P	Permitted Use
ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

**End Notes:**

<sup>1</sup> A definition of each listed use type is in Part II.

<sup>3</sup> Not associated with on site winery or olive mill.

<sup>3</sup> On parcels greater than ten acres.

<sup>4</sup> Up to 1,200 sf.

<sup>5</sup> Maximum of 49 permanent indoor seats (seated service only), that features agricultural products of the South Livermore Valley Area.

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**South Livermore Valley/Agriculture (SLV-AG) Zone**

## 3.04.060 South Livermore Valley Specific Plan Area (PD-SLVSP)

### A. Purpose.

The planned development district for the South Livermore Valley Specific Plan Area (PD-SLVSP) zone is applied to areas of the City to implement the South Livermore Valley Specific Plan. This zone applies only to properties within the South Livermore Valley Specific Plan Area.

### B. Uses Permitted.

The uses permitted are limited to those uses permitted in the PD-AG zone. However, a Planned Development Permit (PD) may be granted to permit additional uses, in compliance with 3.04.030 (Planned Development Zone).

### C. Building Form Requirements.

1. For a parcel without an approved PUD permit, development shall be in accordance with the SLV-AG zone.
2. For a parcel with an approved PUD permit, development shall conform to the regulations specified in the permit.

### D. Procedures for rezoning and for PUD permits.

1. An applicant proposing to rezone property to PD-SLVSP shall follow the rezoning procedures set forth in Chapter 9.14 (Amendments).
2. An applicant seeking a PUD permit shall follow the procedures set forth in Subsections 3.04.50 E through 3.04.50.K.

### E. PUD permit application.

An applicant for a PUD permit shall submit the following information:

1. Title report not more than six months old showing that the applicant is the property owner. Property owners may file a joint application.
2. Development plans showing:
  - a. Proposed uses;
  - b. Dimensions and locations of proposed structures;
  - c. Dimensions and locations of proposed areas, if any, for streets, yards, playgrounds, school sites, landscaping, open space;
  - d. Site plans, design guidelines, and architectural drawings or sketches demonstrating the design and character of the proposed uses and the physical relationship of the elements.
3. Other pertinent information necessary for a determination that the proposed project is consistent with and satisfies the requirements of the South Livermore Valley Specific Plan.

### F. PUD permit – Public hearings and decision.

1. Public Hearings. In considering a PUD permit application, the planning commission and city council shall hold public hearings as required by law.
2. Planning Commission Recommendation. The planning commission shall consider the PUD permit application at a public hearing and shall make a recommendation to the city council to either approve, approve subject to conditions, or disapprove the

**South Livermore Valley Specific Plan Area (PD-SLVSP)**

application.

3. **City Council Action.** The city council shall consider the application and the recommendations of the planning commission at a public hearing before making a decision.
4. **Notice of Decision.** The planning division shall notify the applicant in writing of the action taken. If the application is approved and the requirements of Subsection 3.04.050.I are met, the planning division shall issue the PUD permit.

**G. Regulations – Conditions of approval.**

1. **Regulations.** The PUD permit shall constitute the zoning regulations for the property covered by the permit. Those regulations may include, but are not limited to, permitted uses; setbacks and buffers; site coverage/floor coverage; fences and/or walls; lighting; surfacing or parking areas subject to city specifications; requirements for agricultural mitigation; regulation of time for certain activities; regulation of points of vehicular ingress or egress; regulation of noise, vibrations, odors, etc.; sign regulation; landscaping and maintenance; requiring maintenance of grounds and signs; requiring service roads and/or alleys; and other conditions which contribute to orderly development. Some of the regulations may be set forth by referring to and incorporating specific provisions from the city's zoning code.
2. **Consistency.** The PUD permit and its regulations shall be consistent with the general plan and the South Livermore Valley Specific Plan.
3. **Conditions of Approval.** The regulations shall be set forth as conditions of approval for the PUD permit. The conditions shall include the effective date terms set forth in Subsection 3.04.050.I.

**H. Findings required for PUD permit.**

The city council may approve a PUD permit only if it finds that the proposed development is consistent with and satisfies the requirements of the Livermore General Plan and the South Livermore Valley Specific Plan.

**I. Effective date of PUD permit.**

The PUD permit takes effect when all of the following are satisfied:

1. The city council has approved the PUD permit; and
2. The property has been rezoned to PD-SLVSP and the rezoning ordinance has taken effect (30 days after its adoption).

**J. Use of PUD permit.**

The PUD permit is void if not exercised within the period specified in the permit, or any extension authorized by the permit. The permit is "exercised" by the commencement of development, which means: (1) the beginning of construction of a structure approved under the permit and under a city building permit; or (2) for a subdivision, the completion of excavation of streets to the subgrade elevation on at least one-third of the area within the development or stage under development.

**K. Amendment of PUD permit.**

1. **Minor Amendments.** The planning commission may approve minor amendments to a PUD permit if the amendment is:
  - a. Minor in nature;
  - b. To grant an extension of the permit for six months or less;

- c. Necessary to clarify the original permit.
- 2. Other Amendments. Amendments of a PUD permit which are not minor are subject to the same procedures as approval of a new permit.





# Part 4: General to Zones

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## Chapter 4.01: Introduction

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### Sections:

- 4.01.010 Purpose
- 4.01.020 Applicability

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#### **4.01.010 Purpose**

This Chapter expands upon the zone standards of Part 3 (Specific to Zones) 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 desirable character, consistent with the General Plan and any applicable specific plan.

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#### **4.01.020 Applicability**

The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in Chapter 9.16 (Nonconforming Uses), and shall be considered in combination with the standards for the applicable zone in Part 3 (Specific to Zones) and those in Part 6 (Specific to Uses). If there is a conflict between any standards, the provisions of Part 3 control over Part 4 (General to Zones) and the provisions of Part 6 control over Parts 3 and 4.



## Chapter 4.02: Development Standards

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### Sections:

4.02.010	Calculation of Residential Density and Units
4.02.020	General Development Standards
4.02.030	Accessory Structures
4.02.040	Special Height Regulations
4.02.050	Development Standards Related to the Seismic Hazard Mitigation Program
4.02.060	Transferable Development Credits Regulations
4.02.070	Interstate 580 Plan Lines
4.02.080	Grading Activities
4.02.090	Public Utility Undergrounding

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### **4.02.010      Calculation of Residential Density and Units**

- A. Gross acreage is used for the purpose of density calculation.
- B. The maximum number of dwelling units permitted in each residential project shall be calculated by multiplying the gross residential acreage of the project site, as defined by the General Plan, times the maximum allowable density under the General Plan residential land use designation and as adjusted by any variation permitted in the General Plan.
- C. Where this calculation results in a fraction the result will be rounded down to the nearest whole number.
- D. One secondary dwelling unit per lot may be permitted in the City's single-family residential zoning districts including Planned Unit Developments and Planned Development – Residential districts, subject to the requirements set forth in Section 6.03.120 (Secondary Dwelling Units).
- E. Additional density is allowed under the State density bonus law (California Government Code Section 65915). The law provides increased residential densities for projects that guarantee a portion of the housing units will be affordable to very low-, low-, or moderate-income households, provide senior citizen housing, or include child care facilities. See Section 6.02.030 (Density Bonuses).
- F. Residential project densities shall be consistent with City of Livermore Housing Element.

**4.02.020 General Development Standards****A. Green building standards**

1. Civic buildings see LMC 15.32 (*Civic Green Buildings*).
2. Commercial, industrial, and residential buildings see LMC 15.76 (*Commercial and Residential Green Buildings*).

**B. Encroachments**

1. Allowed encroachments into required yards (Transect zones).

**Table 4.1: Street frontage yards Transect Zones**

Frontages Types see 4.03 (Frontage Standards)

Architectural features	5' max.
Fire escapes	3' max.
Uncovered stairs and necessary landings <sup>1</sup>	6' max.
Bay window <sup>2</sup>	3' max.

**Table 4.2: Non-street frontage yards Transect Zones**

Frontages Types see 4.03 (Frontage Standards)

Architectural features	5' max., or ½ required non-street frontage yard max. (most restrictive of these two)
Fire escapes <sup>3</sup>	4 ½ ' max
Uncovered stairs and necessary landings <sup>1</sup>	6' max.
Bay window <sup>2</sup>	1/3 required non-street frontage yard max.
Fireplace or chimney <sup>4</sup>	2 ½ ' max

Uncovered deck, patio or porch, not above the first floor level and unenclosed except for a wall or railing not exceeding 42 inches in height.

≤ 1' in height	Zero setback required from property line
>1' and ≤ 3' in height	5' setback from property line
> 3' in height	10' setback from property line

<sup>1</sup> Such stairs and landing shall not extend above the entrance floor of the building, except for a railing not exceeding three feet in height.

<sup>2</sup> 10' max. width. Any floor area added by the projection shall be included in the calculation of the floor area ratio or coverage for the site.

<sup>3</sup> Projections must be 8' above ground level

<sup>4</sup> Max. width 8'

2. Allowed encroachments into required yards.(Non-Transect zones)



**Table 4.3: Street frontage yards Non-Transect Zones**

Architectural features	5' max.
Fire escapes	3' max.
Uncovered stairs and necessary landings <sup>1</sup>	6' max.
Bay window <sup>2</sup>	3' max.

**Table 4.4: Non-street frontage yards Non-Transect Zones**

Architectural features	5' max., or ½ required non-street frontage yard max. (most restrictive of these two)
Fire escapes <sup>3</sup>	4 ½' max.
Uncovered stairs and necessary landings <sup>1</sup>	6' max.
Bay window <sup>2</sup>	1/3 required non-street frontage yard max.
Fireplace or chimney <sup>4</sup>	2 ½' max.

Uncovered deck, patio or porch, not above the first floor level and unenclosed except for a wall or railing not exceeding 42 inches in height.

≤ 1' in height	Zero setback required from property line
> 1' and ≤ 3' in height	5' setback from property line
> 3' in height	10' setback from property line

<sup>1</sup> Such stairs and landing shall not extend above the entrance floor of the building, except for a railing not exceeding three feet in height.

<sup>2</sup> 10' max. width. Any floor area added by the projection shall be included in the calculation of the floor area ratio or coverage for the site.

<sup>3</sup> Projections must be 8' above ground level

<sup>4</sup> Max. width 8'

## C. Yards

### I. General.

- a. For the purpose of measuring yards, cantilevered walls shall be considered as exterior walls and measurements of yards shall be made from the edge thereof.
- b. The minimum side or rear yard setback for any residential use located within a residential zoning district shall be the lesser of the setback established for the zoning district or the setback of the existing dwelling existing on the lot, excluding garages or accessory structures.
- c. In any case of an irregularly shaped lot where the yard requirements do not clearly apply, or lots having unusual design, location, or relation to adjacent lots, the Director shall establish the requirements in conformity with the intent of the definitions for yard area.
- d. Paving within front yard: On detached single-family residential lots, no more than 600 square feet or 50 percent, whichever is greater, of the required street frontage yard may be paved, up to a maximum of 800 square feet. For purposes of this section, "paving" shall include any permanent hard surface such as asphalt, concrete, interlocking pavers, bricks, or other masonry, but not including loose gravel. Uncovered patios, stairs, landings and walkways as discussed in 4.02.020.B (Encroachments) not exceeding six feet in width, do not count toward this area. Any paved areas in excess of this requirement in existence at the time

of adoption shall be deemed legal nonconforming. On irregularly shaped lots, or where special physical circumstances are found, the Director may approve additional paving upon up to five percent of the area described above, as long as the intent of this section is met.

2. Front within non-Transect residential districts:
  - a. Reduction of front setback: In any non-Transect residential district where 50 percent or more of the building sites on any one block in the same district have been improved with buildings, the required front yard, exclusive of garages facing the street, may be reduced to a depth equal to the average of the front yards of improved building sites, but not less than 15 feet.
  - b. Designation of front yard on corner lots: In any R district, the front yard of a corner lot shall be on a public street as designated by the owner.

**4.02.030 Accessory Structures****A. Purpose.**

1. To ensure accessory structures in residential districts are consistent with the residential character of the neighborhood;
2. To maintain light and air between structures;
3. To minimize the visual impact associated with the height and bulk of accessory structures;
4. To ensure accessory structures are secondary to the primary dwelling in size and use.

**B. Exemptions.** The standards in this section do not apply to the following unless otherwise stated in the applicable zoning district:

1. Detached secondary dwelling units that conform to the regulations of Section 6.03.120 (Secondary Dwelling Units).
2. Covered parking for multifamily developments that conforms to the design review requirements of Chapter 9.07 and all development standards and requirements of the underlying zoning district.
3. Landscape features including the following, provided they do not restrict visibility at a street intersection:
  - a. Light poles and similar lighting features not more than eight feet in height.
  - b. Gates or archways for pedestrian access not more than eight feet in height located in a primary dwelling frontage.
  - c. Planters and similar landscape features.
  - d. Statuary and similar features not more than 8 feet in height.

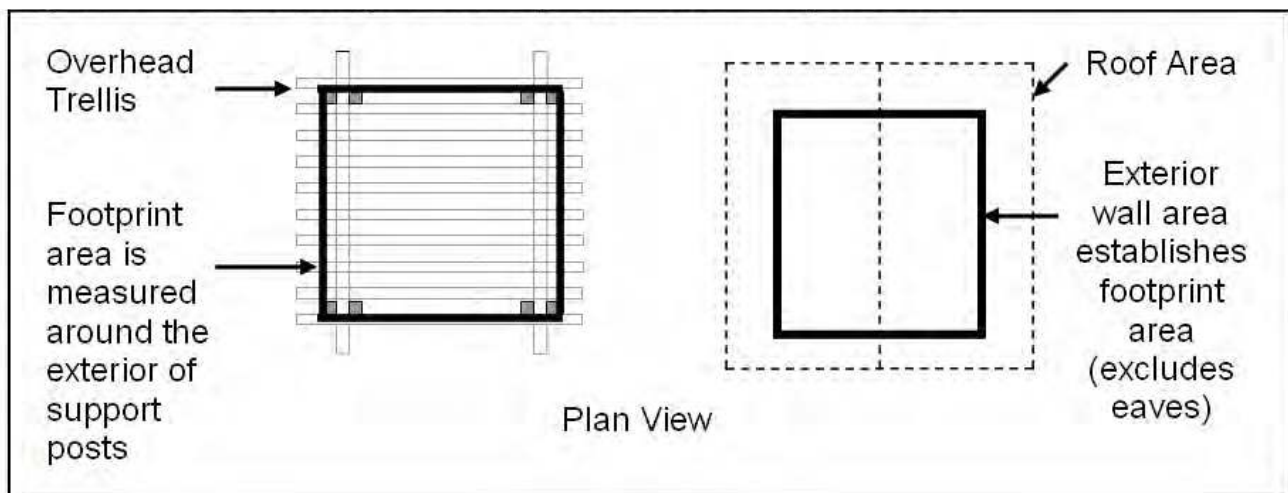


Figure 4.1: Footprint area.

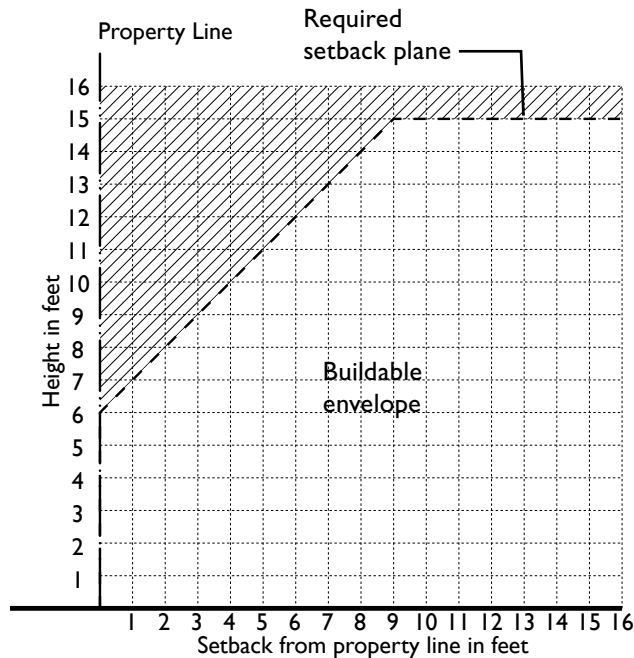


Figure 4.2: Setback diagram for Open Structures.

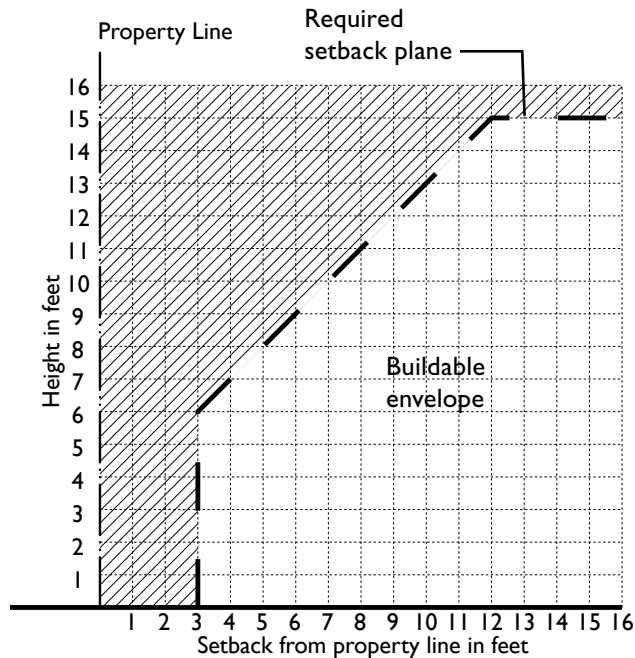


Figure 4.3: Setback diagram for Major Accessory Structures.

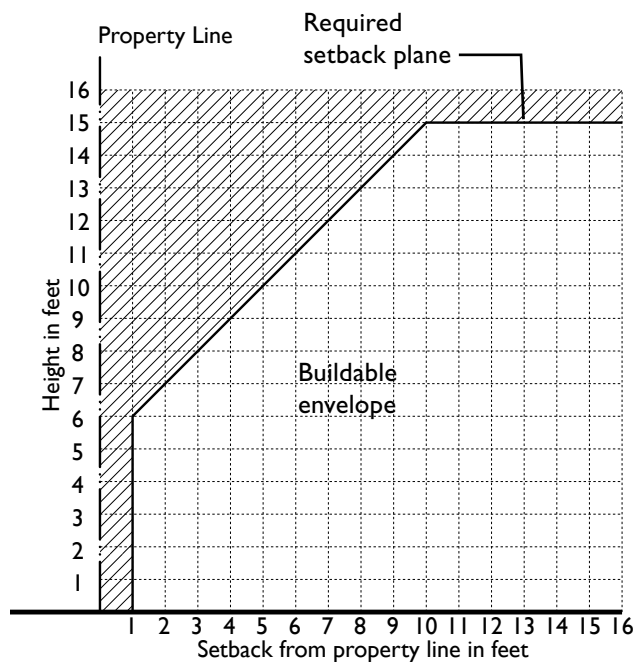


Figure 4.4: Setback diagram for Minor Accessory Structures.

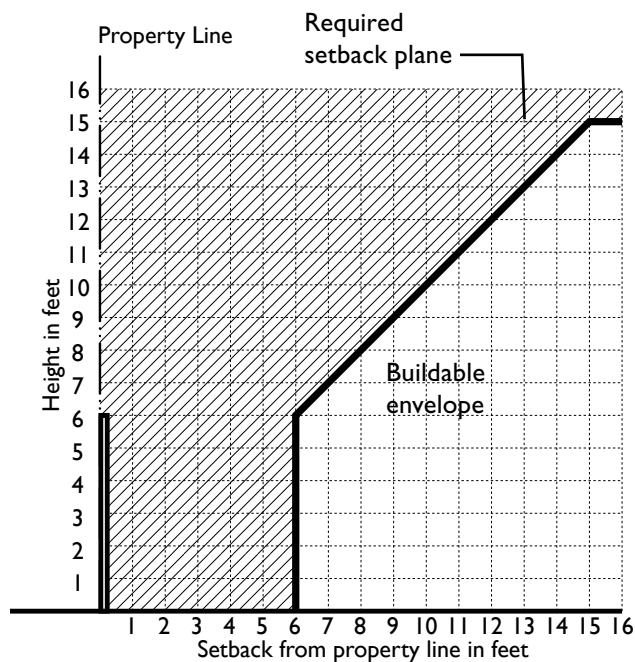


Figure 4.5: Setback diagram for Accessory Structures within 50 feet of Major Street.

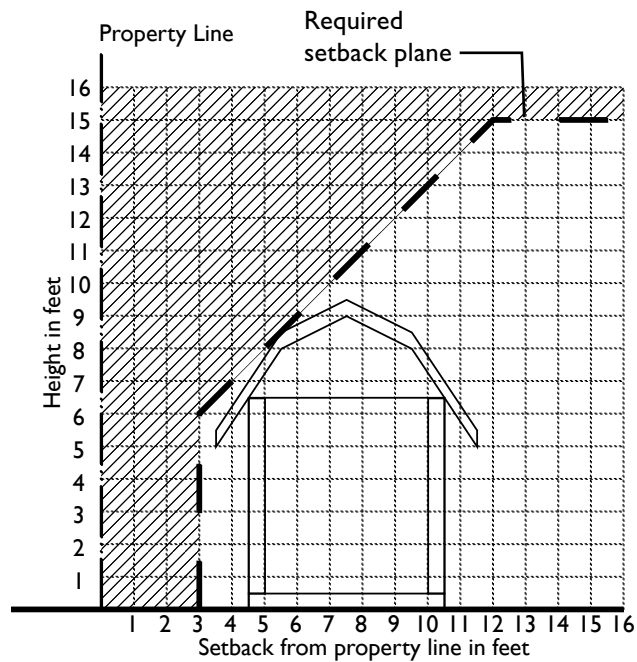


Figure 4.6: Illustrative example of Major Accessory Structures. with complex pitch roof.

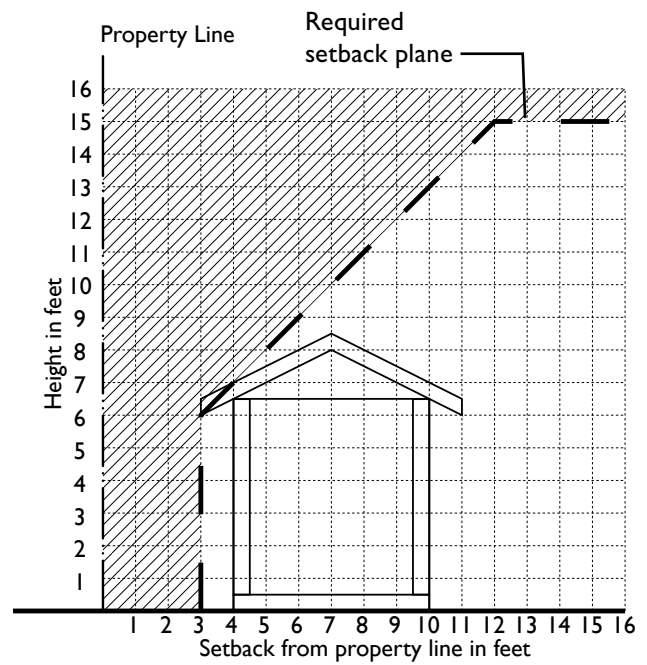


Figure 4.7: Illustrative example of Major Accessory Structures. with low-pitched roof.

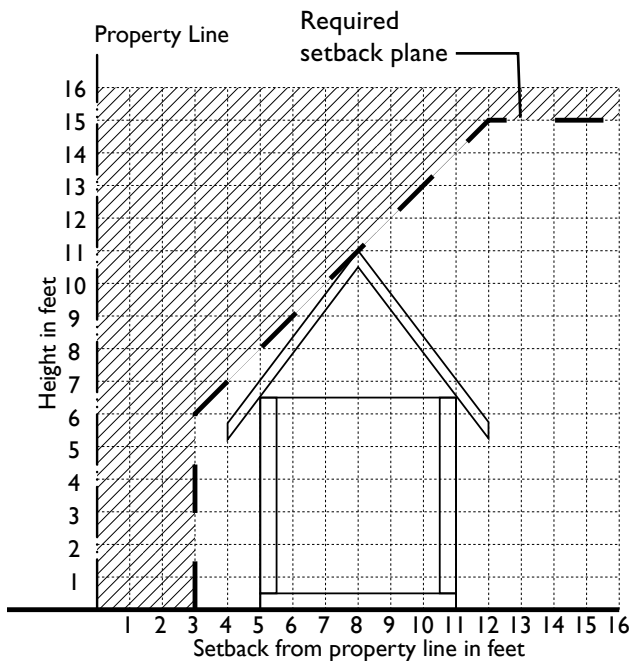


Figure 4.8: Illustrative example of Major Accessory Structures. with high-pitched roof.

**Table 4.5: Standards <sup>1</sup>**

<b>Height</b>	
Height Maximum	1 story, up to 15' tall <sup>2</sup>
Rooftop designed so that it may be used as a deck	Shall not be permitted except for decks on play structures that are 6 feet or less above ground level.
<b>Setback <sup>3</sup></b>	
Within 50 feet of a major street and behind sound wall or solid fence (blocks 90% of light and air)	6 feet + 1 foot for every foot above 6 feet (as measured from wall or fence)
Uncovered (e.g., patios, decks)	See Tables 4.2 and 4.4 for setbacks
Open Structure <sup>4</sup>	1 foot for every foot above 6 feet
Minor ≤ 120 sf footprint	1 foot + 1 foot for every foot above 6 feet
Major > 120 sf footprint	3 feet + 1 foot for every foot above 6 feet <sup>5</sup>
<b>Maximum footprint</b>	
Individual structure	640 square feet
Combined total	10% of lot size or 1,000 square feet, whichever is less
<b>Number of Accessory Structures</b>	
< 6 feet tall	No limit
≥ 6 feet tall	5, up to two major accessory structures <sup>6</sup>

<sup>1</sup> Where a standard in the underlying zoning district or Planned Unit Development (PUD) addresses a specific accessory structure standard (e.g., height or setback) those standards shall take precedence over this section.

<sup>2</sup> Play structures may include two stories. For the purposes of this section, a play structure is an accessory structure principally designed for and used by children at play.

<sup>3</sup> Projection of eaves and overhangs that conform to Subsection 4.02.020.B (Encroachments) are not considered when determining setback requirements. See Figure 4.1 Footprint area for illustration of how to calculate square footage. See Figures 4.2-4.8 for illustrations of setback requirements.

<sup>4</sup> Shall allow light and air to pass through a minimum of 50 percent of the roof surface and shall allow light and air to pass through a minimum of 75 percent of each side. Play structures do not qualify as open structures, but are regulated as minor or major accessory structures.

<sup>5</sup> For properties designated RL, detached garages used primarily for the off-street storage of vehicles shall have a minimum 3-foot setback, provided the property is rectangular in shape and has street frontage of 50 feet or less.

<sup>6</sup> First two open structures ≤ 9 feet in height do not count toward the limitation.

- C. **General regulation.** The following regulations shall apply to all accessory structures which are not exempt per subsection B.
1. Floor area within legal accessory structures shall not be counted against floor area ratio or coverage limit (whichever applies) of the underlying zoning district.
  2. A building permit shall be required for any accessory structure greater than 120 square feet or contains light fixtures or heating appurtenances, or is otherwise served by a utility such as electricity, gas, or plumbing, or is structurally attached to a dwelling or another accessory structure.
  3. Accessory structures shall not be located in a primary dwelling frontage. See Figure 4.9 below.
  4. Accessory structures not within a primary dwelling frontage but located within 50 feet of a street right-of-way shall be located behind a conforming six-foot fence, except for detached garages. See figure 4.9 below.
  5. Limitations on use
    - a. An accessory structure shall be permitted on a lot only in conjunction with a primary dwelling unit.
    - b. Use of an accessory building as a dwelling unit, sleeping quarters, or a housekeeping unit is prohibited, unless permitted as an approved secondary dwelling unit, subject to the provisions of Section 6.03.120 (Secondary Dwelling Units).
    - c. A bathroom is permitted within an enclosed accessory structure.
    - d. A kitchen is prohibited in an enclosed accessory structure, unless permitted in an approved secondary dwelling unit, subject to the provisions of Section 6.03.120.
    - e. A shipping container is not permitted as an accessory structure in a residential

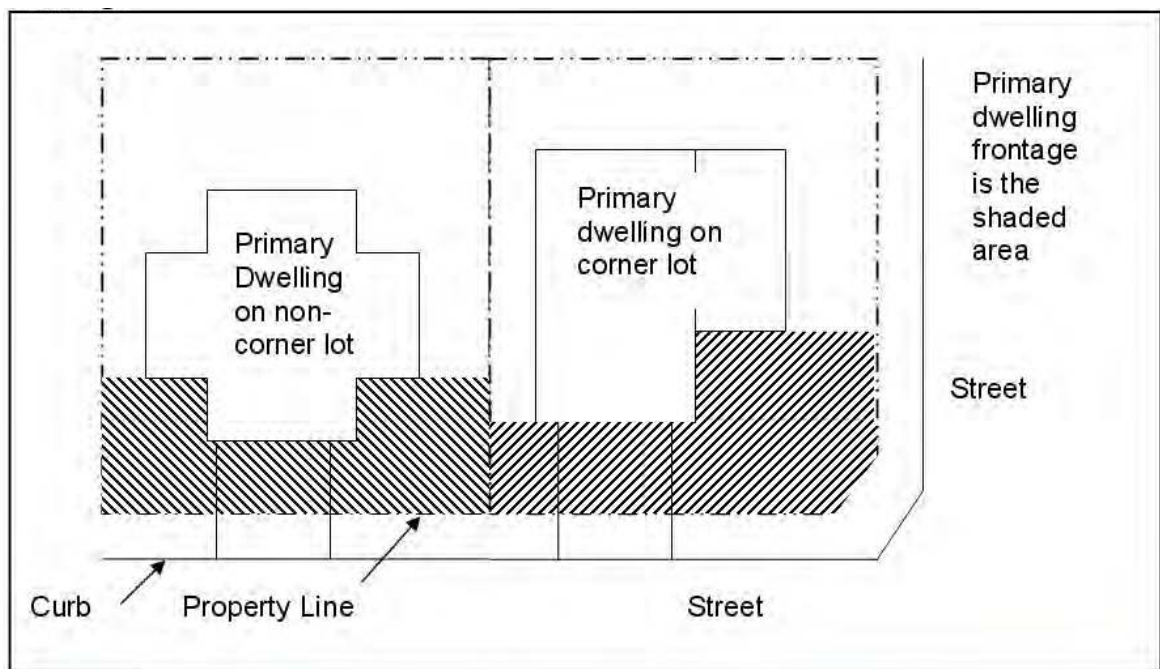


Figure 4.9: Illustrative example of Primary Dwelling Frontage.

zoning district.

6. Separations

- a. A minimum three-foot separation shall be maintained between an accessory structure and all other structures on a lot, measured from exterior vertical wall or post surfaces, except as noted in Subparagraphs c and d, below.
- b. Accessory structures attached to a primary dwelling shall be subject to all standards of the underlying zoning district, except as noted in Subparagraphs c and d, below.
- c. An accessory structure with a covered breezeway separating the accessory structure from a primary dwelling shall be considered a detached accessory structure.
- d. Patio covers may be attached to the primary dwelling provided all other accessory structure regulations are met. Posts supporting a patio cover or open structure may be less than three feet from another structure.

7. Deviating from any standard in this section may be authorized upon approval of a conditional use permit.

8. Design standards and maintenance

- a. Accessory structures shall be designed to complement or match the appearance of the primary dwelling unit and be consistent with the residential character of the neighborhood. Colors, materials, roof form, windows, window trim and other architectural features shall complement or match those of the existing primary dwelling unit. Accessory structures shall be constructed using conventional construction methods and materials for accessory structures, including accessory structures commonly pre-manufactured or pre-fabricated for sale and use in residential settings.
- b. An accessory structure shall be located and designed to not drain onto other property, and shall not be structurally attached to a property line fence.
- c. Lighting affixed to an accessory structure shall be designed or shielded to not cause glare upon neighboring properties.
- d. Accessory structures containing fuel-burning appurtenances shall be equipped with a spark arrestor when required by local and/or State fire codes.
- e. Accessory structures shall be maintained in good repair, in conformance with the Municipal Code 8.14.020.H, and such that members of walls or posts or roof coverings, whether open or solid, or exterior sheathing shall not lean, list, buckle, or otherwise appear to fall or fail, due to defective materials or deterioration.

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**4.02.040 Special Height Regulations**

- A. **Sloping lot height measurement.** In any district on lots that slope, the maximum height of the structure shall be as set forth in the district and measured vertically from ground level at the front yard setback line, or if no yard is required, at the center of the lot.
- B. **Special architectural element heights.** Subject to any other provisions of law, certain structures as listed below may be erected to a greater height than the limit established for the district in which such structure or use is located.



- I. Allowed architectural elements
  - a. Such as church spires, cupolas, dormers, chimneys and vents, when 25' from property lines and not more than 25 percent of the lot area.
  - b. Single poles or metal towers erected for the purpose of supporting aerals for radio transmission and receiving by licensed amateur radio operators.
  - c. Television and radio receiving antennas.
  - d. Flagpoles shall not exceed height limit set in the zoning district and are limited to a five-foot encroachment into the front setback and may not encroach into the side or rear setbacks.
2. Special architectural element regulations
  - a. Non-residential

Maximum percentage of lot coverage	25%
Minimum distance from lot line	25'
Maximum additional height above height limit	15'
  - b. Residential

Maximum width	15'
Minimum distance from lot line	As per setbacks
Maximum additional height above height limit	15'
- C. **Airport, structures in proximity.** Notwithstanding structural limitations found elsewhere in this code, nor exceptions to those height limitations found in this section, the height of structures located within 5,000 feet of any airport runway shall not exceed 40 feet.
- D. **Public and semi-public buildings.** Public and semi-public buildings may be erected to a height not to exceed 75 feet with approval of a Conditional Use Permit, provided that the setbacks shall be increased one foot for each one foot of height that such building exceeds the height limit established in the zoning district.

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**4.02.050 Development Standards Related to the Seismic Hazard Mitigation Program**

- A. For buildings within the Downtown Specific Plan (DSP) area.** These regulations are subject to approval of a Site Plan and Design Review as described in Chapter 9.07:
- I. Parking requirements.
    - a. For projects listed in either the 2003 *Downtown Specific Plan (DSP)* historic resources inventory (with a rating of one to five) or under the provisions of the City's seismic hazard mitigation program:
      - (1) If a building is preserved, reinforces or is an addition to an existing structure, the requirements for parking shall be completely waived subject to the following requirements and findings:
        - (a) There is no significant visual deterioration of the historic features of the structure;
        - (b) All provisions of the *Downtown Specific Plan* are met; and
        - (c) In the case of additions to historic structures, the new addition does not negatively impact the historic nature of the structure.
      - (2) If a building is replaced with one that is exactly the same size and style:
        - (a) Permitted to continue any nonconforming lack of parking that it previously had.
        - (b) No new parking spaces would be required.
        - (c) All existing spaces must remain.
        - (d) If addition included, half of required parking for the additional square footage would need to be provided
        - (e) Property owners who chose to replace their buildings without meeting these provisions would need to meet all of the required parking requirements for the new building.
- B. For buildings in all City zoning districts except the DSP zoning district.** These regulations are subject to Site Plan and Design Review as described in Chapter 9.07:
1. For projects that preserve, reinforce, and add to an existing structure under the provisions of the City's seismic hazard mitigation program, permitted coverage or floor area ratios for the affected properties may be increased by up to 20 percent for additions to affected structures.
  2. If an historic building is replaced with one that is exactly the same size and style, the approved replacement replica of the original building would be permitted to add square footage up to 10 percent over the maximum floor area ratio or coverage.
- C. The provisions stated in subsections (A) and (B) of this section shall be administered by the zoning administrator with a site plan approval.**
1. Applications requesting the incentives outlined in subsections (A) and (B) of this section shall be reviewed by the Historic Preservation Commission, which will make recommendations to the Director.
  2. For projects proposing to modify or replace an existing structure, the State Office of the Architect or a comparable expert shall review the proposal to give expert historical advice on the architecture of the project.
  3. In order to grant the incentives listed in subsections (A) and (B) of this section, the

Director (with recommendations from the Historic Preservation Commission) must make the following findings:

- a. The application is for a building listed on the City's list of unreinforced masonry structures.
- b. The building has significant aesthetic, cultural, or historic value to the City.
- c. Repairs costing at least 25 percent of the value of the building are required for the building under the provisions of the City's seismic hazard mitigation ordinance.
- d. The proposed addition or replacement visually preserves the historical aspects of the structure.
- e. The replacement structure accurately represents the most historically significant form of the demolished building (generally, the earliest clearly defined facades that the structure supported).
- f. The proposed incentives that will be utilized will not significantly negatively impact adjacent properties

#### 4.02.060 Transferable Development Credits Regulations

The portions of this section in italics are repeated from the North Livermore Urban Growth Boundary Initiative and are not subject to amendment except by voter approval.

##### A. References, purpose and definitions.

1. The ordinance codified in this section, as amended from time to time, may be cited as the “transferable development credits ordinance” or the “TDC ordinance.”
2. This section is adopted to implement the land use goals of the City as set forth in the North Livermore Urban Growth Boundary Initiative (initiative) and the City of Livermore 2003-2025 General Plan.
3. This section shall govern and control the allocation, transfer and use of development credits between North Livermore and the City. Any contradiction, inconsistency or ambiguity between the requirements of this section and any other provision of the Livermore Development Code (LDC) shall be governed and controlled by the requirements of this section. If not specifically covered in this section, the provisions of the LDC shall apply.
4. *Purpose.* The transferable development credits ordinance is designed to be part of a multiple-component approach to open space preservation. *The purpose of this section is to protect the agricultural land and other valuable open space of North Livermore and other areas adjacent to Livermore from excessive and irremediably harmful development. This protection will:*
  - a. *Maintain existing agriculture and permit more intensive agriculture in North Livermore;*
  - b. *Preserve the natural qualities, wildlife, beauty, and peace of the open landscape, hills, and wetlands surrounding Livermore;*
  - c. *Prevent further sprawl by completing an urban growth boundary, which will direct permitted development to existing urbanized areas, thereby contributing to their vitality;*
  - d. *Reduce traffic congestion and hazard;*
  - e. *Limit air pollution and protect public health;*
  - f. *Avoid government expenditure of taxes for extended facilities and services;*
  - g. *Provide for outdoor recreation for residents of the area; and*
  - h. *Generally safeguard the special identity, heritage, and character of Livermore, and preserve the high quality of life in the City.*
5. Definitions.
  - a. “Baseline density” means the maximum density allowed in TDC receiving areas and TDC receiving zones when property owners choose not to use the TDC option. When property owners choose to use the TDC option, baseline density shall be calculated as the maximum density allowed under the range of densities in the baseline component of the TDC receiving area general plan designation.
  - b. “Baseline zoning” means the zoning in effect on TDC receiving area parcels consistent with the baseline density of the parcels.
  - c. “North Livermore” is the area bounded by the Livermore Urban Growth Boundary, the City of Dublin Sphere of Influence Boundary on June 30, 2002, the Alameda-Contra Costa Counties boundary, Vasco Road, and the north and east boundary of the Vasco-Laughlin Specific Plan area, east of Vasco Road, on June 11, 2001.

- d. “Transferable development credits (TDCs)” means the credits granted under the initiative that may only be used in compliance with the initiative and this section.
- e. “TDC option” means the general plan designation and LDC requirements that apply when owners of property in TDC receiving areas and TDC receiving zones apply to exceed baseline density in compliance with all requirements.
- f. “TDC receiving area” means a general plan classification that allows baseline uses and densities when property owners choose not to use the TDC option, but provides for higher-than-baseline density and alternative development regulations when property owners elect to use the TDC option.
- g. “TDC receiving zone” means a zoning district that allows baseline uses and densities when property owners choose not to use the TDC option, but provides for higher-than-baseline density and alternative development regulations when property owners elect to use the TDC option.
- h. “TDC-retiring unit” is a dwelling unit that qualifies to receive an allocation under the City’s housing implementation program.
- i. “TDC sending area” is the North Livermore area described in the initiative and the 2003-2025 General Plan in which property owners can choose to record easements, create TDCs and transfer TDCs in compliance with this section.

**B. TDC sending areas.**

- I. The TDC sending area includes all properties within North Livermore. *Property owners may chose to participate in the program, even though their property has not been annexed to Livermore.*
  - a. Transferable development credits shall be granted by the City to property owners in North Livermore, by rule in accordance with this section, in number and manner to accomplish the objectives of the North Livermore Urban Growth Boundary Initiative (hereafter, the “initiative”). The City Council shall grant credits on the following bases:
    - (1) One credit for each full five acres;
    - (2) Eleven credits for an owner forgoing the right to create an additional parcel under the initiative;
    - (3) Ten credits for an owner forgoing the right to any dwelling units on a parcel, which forbearance shall also include the right to any dwelling units on one of the parcels resulting directly or indirectly from any permitted subdivision of that parcel;
    - (4) Twelve credits for elimination of existing dwelling units and residential accessory structures on a parcel and for the owner forgoing the right to any dwelling units on that parcel, which forbearance shall also include the right to any dwelling units on one of the parcels resulting directly or indirectly from any permitted subdivision of that parcel.
    - (5) *Duplicate credits may not be granted with respect to the same acreage or right forgone, regardless of changes in ownership. Credits given under subsections (B) (1)(a)(2), (3), or (4) of this section may be relinquished to the City prior to use or initial transfer and, if no gift is intended, the right to create a parcel, to build or rebuild as permitted by the ordinance regained and the corresponding easement conveyed under subsection (e) reconveyed. Credits given under subsection (B) (1)(a)(2) of this section may occur over time and credits may be granted under subsection (B)(1)(a)(2), (3) or (4) of this section at a later time*

than credits granted under subsection (B)(1)(a)(1) on an individual parcel; provided, that duplicate credits are not granted.

- b. Development credits cannot be used in the TDC sending area or in any manner not expressly allowed by this section.
  - c. Credits may be sold or purchased, or otherwise transferred or received, by any person including the City and other governmental entities. The City may use funds available for that purpose to buy credits, including a revolving fund replenished by the sale of credits. The City may buy and sell credits to establish and maintain an efficacious market for the credits, or to extinguish them. (Extinction of credits may be part of a more general City program to purchase development rights.)
  - d. Development credits may only be used within TDC receiving zones or to qualify development projects for housing allocations as regulated by this section.
  - e. As a precondition for the grant of development credits under subsection (B)(1) of this section, the owner shall convey an easement, which runs with the land, to the City and, if available, jointly to an independent land trust that meets the standards of Section 19 of the initiative. As provided in Section 19 of the initiative, the easement shall be negative only. If credits are granted under (a)(1) [of the initiative], the easement shall bar any future land division, development or use not permitted by initiative on the parcel where the acreage is located. If credits are granted for forgoing the right to create a parcel under (a)(2) [of the initiative], the easement shall relinquish that right permanently. If the credits are granted under (a)(3) or (a)(4) [of the initiative] for foregoing all dwelling units on a parcel, the easement shall relinquish the right to any dwelling units or any other development on the parcel, or on one of the parcels resulting directly or indirectly from any permitted subdivision of that parcel, except development under Section 12(2) [of the initiative] for agricultural use and under Section 12(3) [of the initiative] for the packaging, processing, storage or sale of produce or plants as set forth in the Initiative. Easements shall be duly recorded in the county land records.
  - f. Credits shall not be granted and easements shall not be acquired for properties which are subject to other agricultural or open space easements or similar restrictions that have barred or forgone land division, development or uses substantially the same as that which would be barred or forgone as described in subsection (B)(1)(e) of this section. Conversely, credits may be granted and permanent easements acquired on land that has less restrictive easements.
2. The City shall establish appropriate means to inform persons about the development credits program and to facilitate transfer of credits from transferors to transferees. The City shall have procedures and requirements to ensure that it has accurate records of development credit grants, transfers and use. Administrative procedures shall include but not necessarily be limited to the following: application requirements, easement components, processing steps and documentation of credit issuance, transfer and redemption.
- C. **TDC receiving areas.** TDC receiving areas are identified in the 2003-2025 General Plan or any subsequent general plan amendments that allow for new residential land use designations or increases in residential density. When properties are within specific plan areas, the specific plan for that area shall set forth TDC provisions, if any. TDC receiving area general plan designations establish baseline uses and densities. When properties are within specific plan areas, the specific plan for that area shall set forth TDC provisions, if any. Owners of land with a general plan designation of TDC receiving area who do

not choose to exceed baseline density may decline the TDC option and continue to use their property in compliance with existing zoning. (See additional requirements in subsection (E) of this section regarding TDC receiving areas with industrial baseline zoning.)

Alternatively, owners of property with a TDC receiving area general plan designation may choose the TDC option and exceed baseline density when the zoning of their land has been changed to a TDC receiving zone and all requirements of that zoning district including the TDC requirements of Subsection (D) of this section have been complied with. The three types of TDC receiving zones are set forth below.

- I. **TDC combining district.** The TDC combining district is a zoning district that implements the provisions of a TDC receiving area general plan designation when a property owner chooses to use the TDC option.
    - a. Owners who elect not to use the TDC option shall comply with all use and development regulations that apply within the zoning district corresponding to the baseline classification of the TDC receiving area general plan designation.
    - b. Owners who elect to use the TDC option shall comply with all use and development regulations that apply within the zoning district corresponding to the TDC combining district of the TDC receiving area general plan designation as well as all other requirements of this section including the TDC requirements of subsection (D) of this section.
    - c. The TDC option is only available to developments that achieve the density range set forth in the corresponding TDC receiving area general plan designation.
  2. **Planned development district.** Owners of property with a TDC receiving area general plan designation may use the TDC option by applying for a planned development district or PD see Chapter 3.04.030 (Planned Development Zone). To use the TDC option, the PD shall incorporate all provisions of the corresponding TDC receiving area general plan designation and this section including, but not limited to, adherence to the residential density range called for in the general plan and compliance with the TDC requirements set forth in subsection (D) of this section.
  3. **Zoning districts incorporating TDC.** When the City has created zoning districts that independently implement all provisions of a TDC receiving area, the zoning of a property within a corresponding TDC receiving area may be changed to that TDC receiving zone. Following the change of zoning, owners may decline to use the TDC option and continue to use the property under the baseline zoning and density set forth by the applicable TDC receiving zone. Alternatively, owners may choose to use the TDC option and exceed the baseline density in compliance with all regulations of the TDC receiving zone including the TDC requirements set forth in subsection (D) of this section.
- D. **TDC requirements.** To exceed baseline density in a TDC receiving zone, owners shall submit:
1. Two TDCs for each single-family detached dwelling in excess of baseline density (or one TDC for each single-family detached dwelling in excess of baseline density for developments with applications accepted as complete prior to January 26, 2004); and
  2. One-half TDC for each multi-family attached dwelling in excess of baseline density; or
  3. Payment of the TDC in lieu fee for each required TDC.
  4. The TDC in lieu fee is contained in the City's fee schedule. The TDC in lieu fee shall

be reviewed not less than bi-annually. The City Council may amend the TDC in lieu fee as necessary.

5. Revenues from TDC in lieu fees shall be used for the acquisition of TDCs from North Livermore. Other than TDC acquisition, revenue from TDC in lieu fees shall only be used for costs incurred in administering the TDC program including but not necessarily limited to facilitating TDC transactions, preparing/recording TDC easements, monitoring/enforcing easements and maintaining records. TDC in lieu fee revenues may be used to offset the administration costs incurred by the City and/or by a land trust authorized by the City to administer portions of the TDC program.
- E. **Special requirements.** TDC receiving areas with an industrial baseline classification in the TDC receiving area general plan designation shall not be rezoned as a TDC combining district unless all properties within the TDC receiving area are rezoned as a TDC combining district. After the TDC receiving area has been rezoned, an owner of property within this zone may elect to use either the baseline zoning or the TDC option on any single lot. If the first lot to be developed in this TDC receiving zone uses the residential TDC option, all future uses and structures on other lots within the TDC receiving area that are only allowed under the baseline industrial zoning shall be conditional uses and shall require approval of a Conditional Use Permit as provided under Chapter 9.03. If the first lot to be developed in this TDC receiving area uses the industrial baseline zoning, future use of the residential TDC option on other lots within this TDC receiving area shall be conditional uses and shall require approval of a Conditional Use Permit as provided under Chapter 9.03. The City Council shall place conditions on uses, site plans and building design as needed to maximize compatibility between industrial and residential developments pursuant to the findings required by Chapter 9.03.
- F. **Satisfaction of TDC requirements.**
1. When a final subdivision map would create an entitlement to exceed baseline density in a TDC receiving zone, submission of the required number of TDCs or payment of the corresponding TDC in lieu fee must be a condition of approval placed on the tentative map. This condition shall be satisfied prior to final map approval.
  2. When site plan approval would create an entitlement to exceed baseline density in a TDC receiving zone, submission of the required number of TDCs or payment of the corresponding in lieu fee must be a condition of approval. This condition shall be satisfied prior to issuance of building permits.
  3. City Council may, by resolution, adopt administrative guidelines to provide a special fee deferral program in response to unprecedented conditions such as extraordinary economic changes.
- G. **TDC requirements for affordable housing units.** Housing units that are covered by an affordable housing agreement with the City shall be exempt from the TDC requirements. Affordable housing units may include very low- and low-income units provided under state law as implemented through section 6.02.030 (Density Bonuses), affordable units provided consistent with other general plan policies, or units provided consistent with the City's inclusionary housing requirements in Chapter 10.06 (Affordable Housing).
- H. **Housing allocations for TDC-retiring units.** An average of up to 200 TDC-retiring units per year shall be granted allocations under the housing implementation program for a period of 10 years (2005-2014) ending on December 31, 2013. A maximum of 2,000 TDC-retiring units shall be allocated during this 10-year period. TDC-retiring units granted allocations are not required to participate in the City's annual, competitive



HIP process for the first 10-year cycle but will be counted as part of the City's overall growth rate. Unused allocations for TDC-retiring units in the first 10-year cycle may be carried over into subsequent years. After January 1, 2014, the number of TDC retiring units granted additional allocations will be subject to the City's adopted growth rate.

1. All housing units (both within and in excess of baseline density) in a development approved to exceed baseline density in TDC receiving zones shall be TDC-retiring units and shall qualify for housing allocations. (As set forth in subsection (C) of this section, the TDC option is only available to developments that achieve the density range called for in the general plan.)
  2. Housing developments that do not need TDCs for density bonus shall qualify for housing allocations when the developer nevertheless submits:
    - a. Two TDCs for each single-family detached dwelling; and
    - b. One-half TDC for each multifamily attached dwelling; or
    - c. Payment of the TDC in lieu fee for each required TDC.
- I. Additional TDC program provisions.**
1. The City Council or agencies authorized by the City Council to implement the TDC program may concentrate the use of funds under their control to prioritize TDC acquisitions in selected portions of North Livermore in order to achieve the overall goals of the North Livermore initiative.
  2. The City may coordinate with a nonprofit organization to help in implementing the TDC program. Such assistance could include authorizing the nonprofit organization, under City Council direction, to hold and enforce easements, acquire and sell TDCs, create a registry of interested buyers/sellers, maintain records of transactions and advise the City of needed program refinements.
  3. Either directly or through an authorized agency, the City may acquire TDCs using funding from settlement agreements, mitigation agreements, general fund, loans, grants and other sources appropriate for the acquisition of open space.

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#### **4.02.070 Interstate 580 Plan Lines**

The City has adopted right-of-way plan lines for Interstate 580 for the purpose of protecting and preserving areas for regional transportation improvements such as Bay Area Rapid Transit (BART), high occupancy vehicle (HOV) lanes, and other future modal options. The amount of land necessary will vary according to the adopted I-580 plan lines.

Plan lines are the boundaries and limits of a planned right-of-way, including the future right-of-way of an existing transportation corridor as it is proposed to be widened. These lines also include all lands necessary for the building, widening, or maintenance of any road, street, highway, or any other type of public way, which planned right-of-way is based on the General Plan of Livermore.

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**4.02.080 Grading Activities**

- A. Except as identified in subsection B of this section and specifically identified in the General Plan, the following grading activities are permitted:
  - 1. The on-site filling, movement, excavation or removal of materials for construction activities for which a zoning or subdivision entitlement has been granted and where the environmental document prepared in accordance with the California Environmental Quality Act (CEQA) adequately evaluates the proposed activity.
  - 2. Any excavation less than 10 feet in depth to be held in place by support structures such as foundations, and swimming pools.
  - 3. Any excavation less than five feet in depth either having finished slope less than one and one-half horizontal to one vertical, or held in place by support structures such as a retaining wall.
  - 4. Any fill either less than two feet in height with a slope less than five horizontal to one vertical, or less than 200 cubic yards.
  - 5. Excavations by any public agency or public utility for the installation, operation, inspection, repair, or replacement of any of its facilities.
  - 6. Emergency work authorized by the City necessary to protect life, limb or property.
  - 7. Farming activities.
- B. The following grading activities are subject to the issuance of a Conditional Use Permit in compliance with Chapter 9.03 (Conditional Use Permits and Zoning Use Permits):
  - 1. Any activity not permitted by subsection A of this section.
  - 2. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, soil or clay for commercial purposes unrelated to development of the subject property.
  - 3. Any grading activity either within a flood hazard zone established by the Federal Emergency Management Agency or within 150 feet of the top of the bank of any creek, arroyo or drainage channel.
  - 4. Any activity on a site not authorized by a construction project where significant vegetation will be removed. For the purposes of this section, "significant vegetation" consists of any plant where the diameter of a trunk is six or more inches, four feet above the grade.
- C. Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than 10 feet in vertical height, or when less than 1,000 cubic yards of earth are removed from the premises, is permitted in all districts.
- D. Grading in a subdivision which has been approved by the City in accordance with Part 10 (Subdivisions) is permitted in all districts.
- E. Excavations by any public agency or public utility for the installation, operation, inspection, repair, or replacement of any of its facilities are permitted in all districts.
- F. No provision of this section shall be construed as permitting any ground excavation in any district for the purpose of conducting commercial sand, rock, and gravel by-product operations. (Ord. 1913 § 1, 2010)

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**4.02.090 Public Utility Undergrounding**

- A. Applicability. All new on-site utilities for new construction projects shall be located underground. New and existing aboveground utilities located in the abutting street right-of-way shall be located underground for any of the following projects:
1. Subdivision of nonresidential-zoned land, including condominiums and condominium conversions;
  2. New construction of buildings for nonresidential use on vacant sites or on developed sites where existing buildings will be completely demolished for redevelopment;
  3. Additions to nonresidential buildings where the addition is 10,000 square feet or more in floor area and amounts to 50 percent or more of the floor area of the existing building;
  4. Partial reconstruction of existing nonresidential buildings where the reconstructed portion of the building is 10,000 square feet or more in floor area and amounts to 50 percent or more of the floor area of the existing building;
  5. Residential projects of five or more units, including single-family residential subdivisions, single-family residential developments, multiple-family residential developments, new condominiums and condominium conversions;
  6. Installation of and modifications to utilities.
- B. Payment Option.
1. If a property owner is required to underground utilities under subsection A of this section, the property owner may instead pay for the cost of undergrounding utilities if one or more of the following circumstances apply:
    - a. There would be no net decrease in utility poles required to support existing aboveground facilities after undergrounding was accomplished. This eligibility criterion shall not apply to projects in which the number of poles is not decreased because the remaining poles are required to support high voltage electrical lines (60 kV or higher);
    - b. A project has been identified in a City capital improvement program (CIP), adjacent to the development, for design or construction within the next five years and it is more economical to combine the undergrounding work with the City CIP project;
    - c. The project site is one acre or less in area;
    - d. The cost of undergrounding aboveground utilities would be more than 10 percent of the total site development cost.
  2. A property owner requesting the payment option shall submit a written request to the City Engineer. The City Engineer shall determine whether the project is eligible for the payment option and the reasonable amount of payment following the procedures of subsection (B)(3) of this section.
  3. If the City Engineer determines that the property owner is eligible for the payment option, then the property owner shall submit a cost estimate for the undergrounding of utilities. The cost estimate shall be based on a project large enough in scope for Pacific Gas and Electric Company (PG&E) to approve it and sufficient in detail to demonstrate the full extent of the work required. Supporting calculations shall be provided. The cost estimate shall show the total cost of the larger PG&E project

and the property owner's fair share of the total project cost, which shall be based primarily on the length of utility lines along the frontage of the project site relative to the total length of utility lines of the larger PG&E project area, plus other conditions including, but not limited to, the number of service connections and the location of poles and transformers. The cost estimate and supporting calculations shall be prepared by an electrical engineer, registered in the State of California and qualified to provide underground design services.

4. Payment shall be made at the time of building permit issuance.
  5. If the City Engineer determines a hardship exists, a property owner may pay for the cost of undergrounding after the time a building permit is issued. Before the building permit is issued, the property owner shall enter into a written agreement with the City and record the agreement with the Alameda County recorder with the following contents. The agreement shall be signed by the property owner and shall include the following provisions, in a form prepared by the City Attorney:
    - a. A legal description of the property;
    - b. A provision that the agreement runs with the land and is enforceable against successors in interest;
    - c. The agreement shall be recorded in the grantor-grantee index in the name of the City as grantee and in the name of the property owner as grantor;
    - d. A provision that the property owner shall pay the fee within five years;
    - e. A provision that the amount of the fee due will be the amount due on the date of the agreement plus a periodic increase based on the Engineering News Record (ENR) 20-City Construction Cost Index; and
    - f. A requirement that, with the opening of any escrow for the sale of the property, the property owner provide appropriate notification and escrow instructions that the fee be paid to the City from the sale proceeds in escrow before disbursing proceeds to the seller.
  6. When the obligation is paid in full, the City shall record a release of the obligation.
  7. The Director is authorized to sign the agreement and the release of obligation under subsections (B)(5) and (6) of this section.
  8. The City shall deposit the payments received under subsections (B)(4) and (5) of this section in a separate fund, which shall be used only for utility undergrounding projects in the City.
- C. The City Engineer shall have the authority to waive the undergrounding requirements of this section for the following facilities, uses or conditions:
1. Temporary and intermittent uses, as defined in LDC Part II (Definitions), subject to removal of all utilities serving the temporary or intermittent use after termination of said use;
  2. Transformers, terminal boxes, meter cabinets and similar appurtenant utility facilities;
  3. Sites where undergrounding is impractical because of topography, soil conditions, or other extraordinary physical constraints.
- D. Any person aggrieved by a decision of the Director, City Engineer, Planning Commission, or other administrative official in the administration or enforcement of this section may appeal the decision in accordance with the procedures set forth in Chapter 9.15 (Appeals). (Ord. 1913 § 2, 2010)

## Chapter 4.03: Frontage Standards

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### Sections:

4.03.010	Purpose
4.03.020	Applicability
4.03.030	Porch: Projecting
4.03.040	Porch: Engaged
4.03.050	Porch: Integral
4.03.060	Stoop
4.03.070	Forecourt
4.03.080	Shopfront
4.03.090	Terrace Shopfront
4.03.100	Gallery

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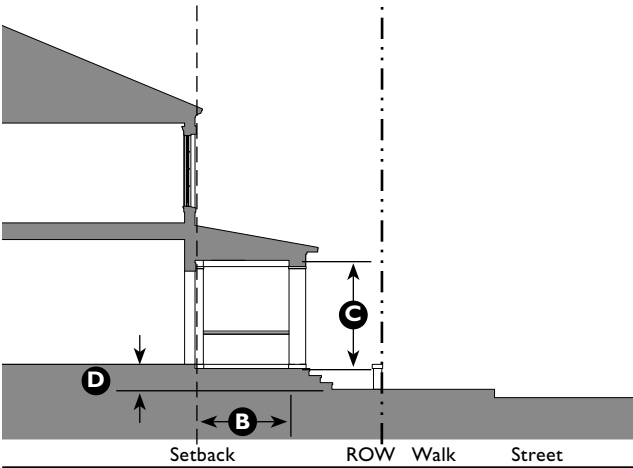
#### **4.03.010 Purpose**

The purpose of this chapter is to identify the frontage types allowed, and for each type, provide a description, a statement as to the type's intent and, design standards, to ensure that proposed development is consistent with the City's goals for building form, character, and quality.

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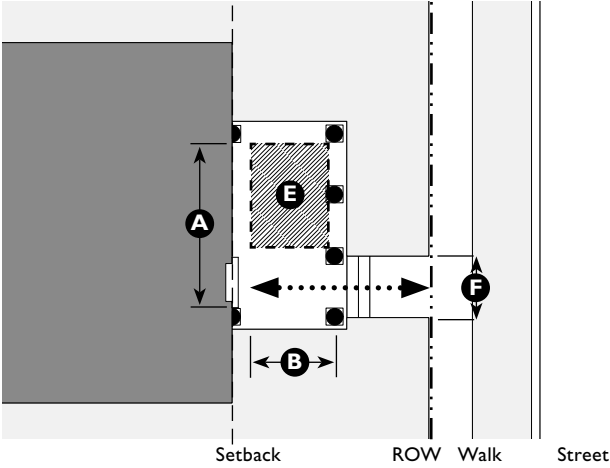
#### **4.03.020 Applicability**

These standards are applicable to any frontage within a Transect zone.



**Key**

- ROW / Property Line
- Setback Line



**4.03.030 Porch: Projecting**

**Description**

The main facade of the building typically has a small-to-medium setback from the property line. The resulting front yard is typically very small and may or may not be defined by a fence or hedge to spatially maintain the edge of the street. The projecting porch is open on three sides and has a roof form that is separate from the main house.

**Size**

Width, clear	10' min.	<b>A</b>
Depth, clear	8' min.	<b>B</b>
Height, clear	8' min.	<b>C</b>
Finish level above sidewalk	18" min.	<b>D</b>
Furniture area, clear	4' x 8' min.	<b>E</b>
Path of travel	3' wide min.	<b>F</b>

**Miscellaneous**

Porch may be one or two stories.

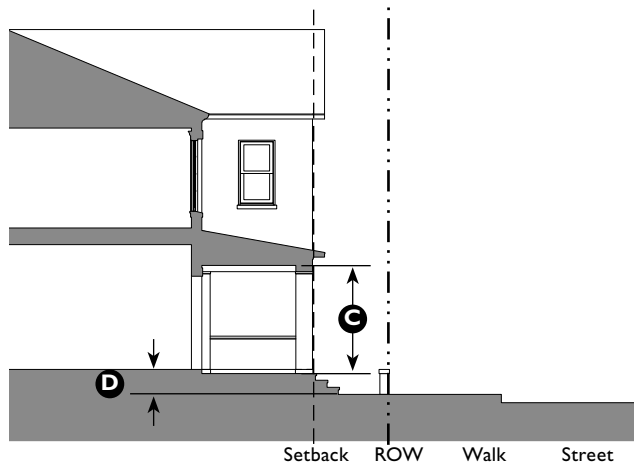
Projecting porches are open on three sides and must have a roof.



*Full-length projecting porch with stairs perpendicular to street.*

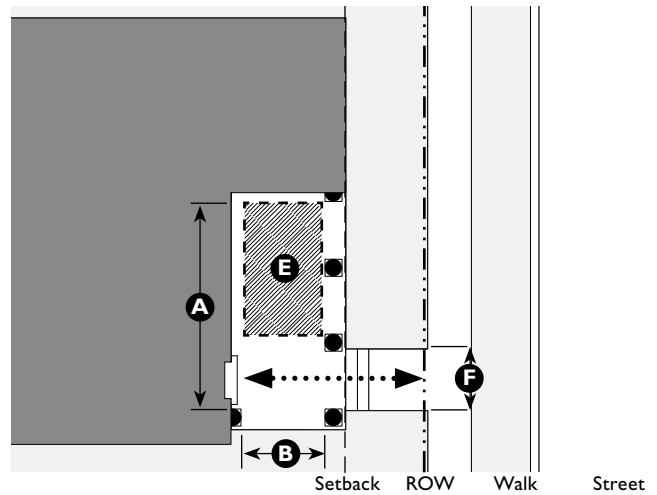


*Partial-length projecting porch with stairs parallel to street.*

**Key**

---- ROW / Property Line

--- Setback Line

**4.03.040 Porch: Engaged****Description**

The main facade of the building has a small setback from the property line. The resulting front yard is typically very small and may be undefined or defined by a fence or hedge to spatially maintain the edge of the street. The porch is partially or fully enclosed on two sides and has a roof.

**Size**

Width, clear	10' min.	<b>(A)</b>
Depth, clear	8' min.	<b>(B)</b>
Height, clear	8' min.	<b>(C)</b>
Finish level above sidewalk	18" min.	<b>(D)</b>
Furniture area, clear	4' x 8' min.	<b>(E)</b>
Path of travel	3' wide min.	<b>(F)</b>

**Miscellaneous**

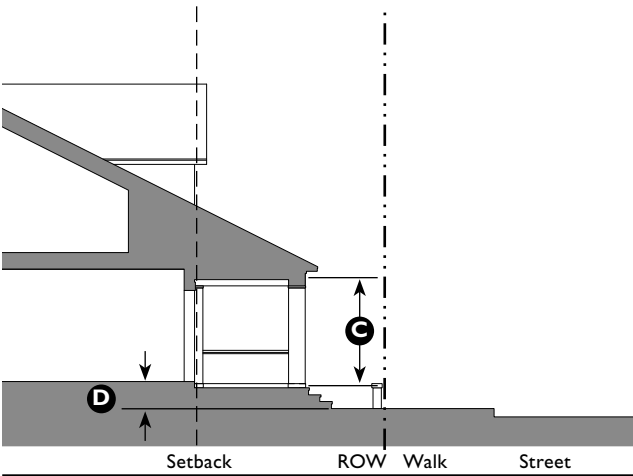
The porch is one or two stories tall, can be partially or fully enclosed on two sides, and must have a roof.



*Engaged porch integrated into two-story massing.*

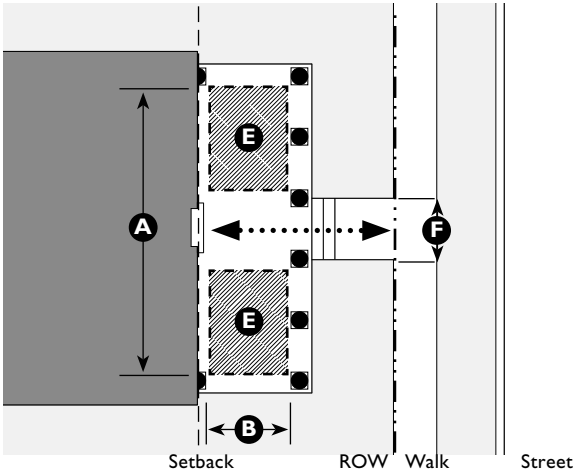


*Engaged porch as an attached element.*



Key

- ROW / Property Line
- Setback Line



4.03.050 Porch: Integral

Description

The main facade of the building has a small setback from the property line. The resulting front yard is typically very small and may be undefined or defined by a fence or hedge to spatially maintain the edge of the street. An integral porch is part of the overall massing and roof form of a building. With an integral porch it is not possible to remove the porch without major changes to the overall roof form.

Size

Width, clear	8' min.	A
Depth, clear	8' min.	B
Height, clear	8' min.	C
Finish level above sidewalk	18" min.	D
Furniture area, clear	4' x 8' min.	E
Path of travel	3' wide min.	F

Miscellaneous

The porch may be one or two stories.

Integral porches may be enclosed on up to two sides and have a roof.

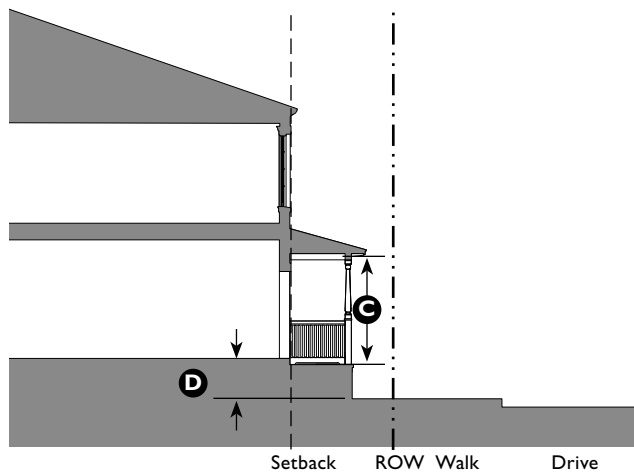


Partial-length integral porch integrated into the overall massing.



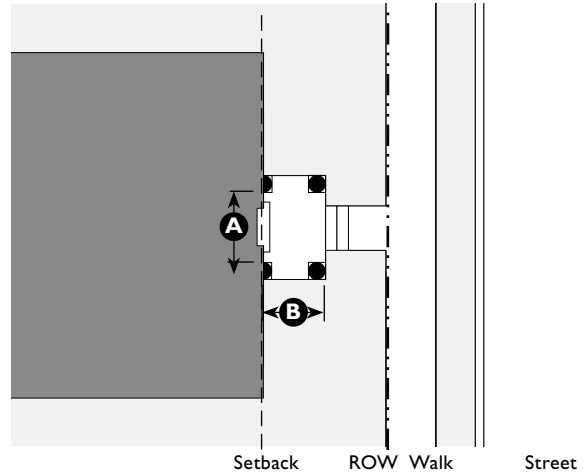
Full-length integral porch integrated into the overall massing.



**Key**

.... ROW / Property Line

--- Setback Line

**4.03.060 Stoop****Description**

The main facade of the building is near the property line and the elevated stoop engages the sidewalk. The stoop should be elevated above the sidewalk to ensure privacy within the building. Stairs from the stoop may lead directly to the sidewalk or may be side-loaded.

**Size**

Width, clear	5' min., 8' max.	<b>A</b>
Depth, clear	5' min., 8' max.	<b>B</b>
Height, clear	8' min.	<b>C</b>
Finish level above sidewalk	18" min.	<b>D</b>

**Miscellaneous**

Stairs may be perpendicular or parallel to the building facade.

Ramps shall be parallel to facade.

The entry door shall be covered or recessed to provide shelter from the elements.

**Recessed entries**

Depth 4' max.

Gates are not permitted on stoops.

All doors must face the street.

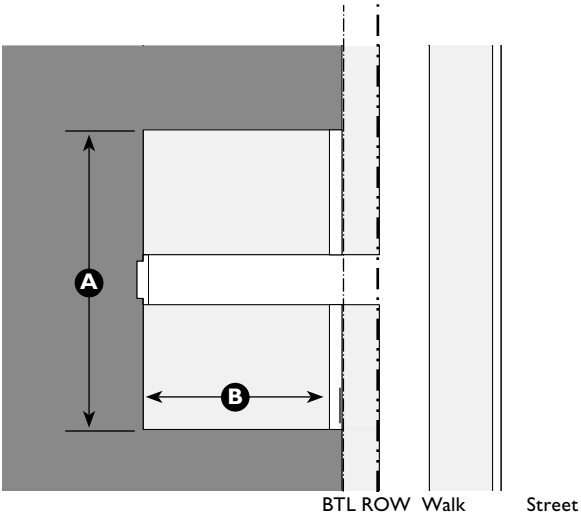
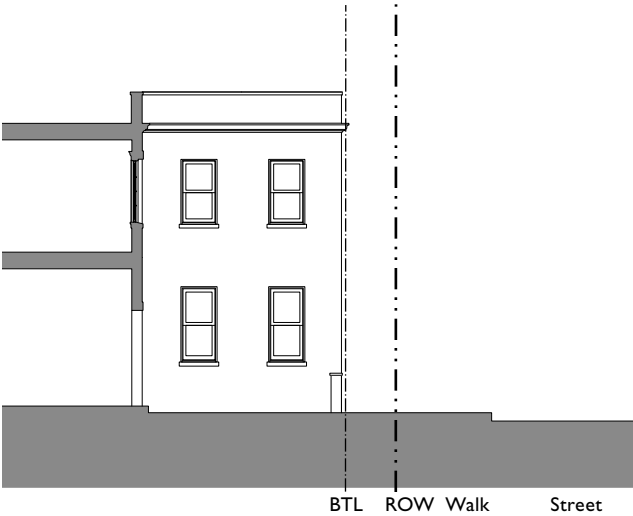
Stoops may only be one story in height.



*Stoop on single-family home with a medium setback engages the street.*



*Stoop on townhouses with slightly recessed entries and a minimum setback allows the steps to engage the street.*



**Key**

- ROW / Property Line
- Build-to Line (BTL)

**4.03.070 Forecourt**

**Description**

A portion of the main facade of the building is at or near the property line and a small percentage is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial areas. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort.

**Size**

Width, clear	12' min.	<b>A</b>
Depth, clear	12' min.	<b>B</b>

**Miscellaneous**

This frontage type should be used sparingly and should not be repeated along a frontage.

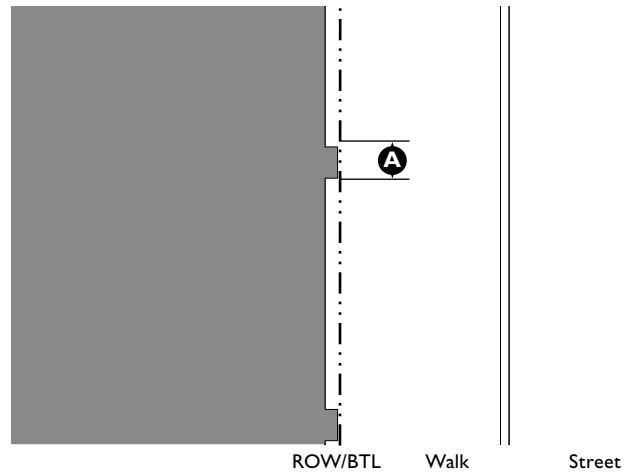
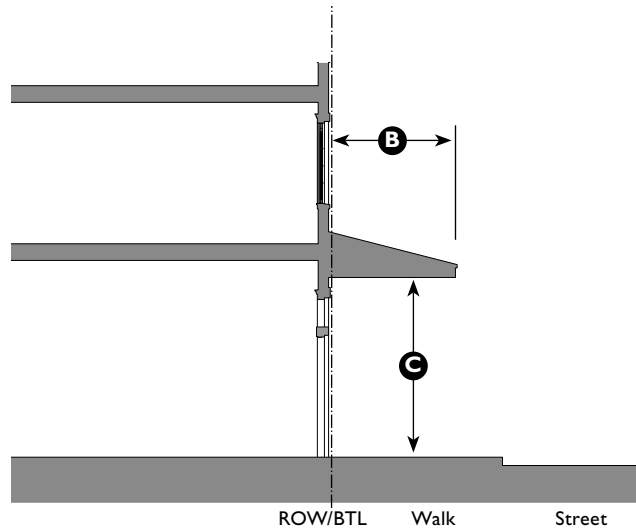
A short wall, hedge, or fence shall be placed along the Build-to Line (BTL) where it is not defined by a building. In T4 Neighborhood and T4 Neighborhood-Open, where no BTL exists, the forecourt does not need to be defined by a wall, hedge or fence.



*Residential forecourt provides prominent entry yard and breaks down the overall massing along the street.*



*Commercial forecourt provide outdoor dining area along a vibrant commercial street. The ROW is defined by a low wall as required by the code.*

**Key**

--- ROW / Property Line

— Build-to Line (BTL)

**4.03.080 Shopfront****Description**

The main facade of the building is at or near the property line and a canopy or awning element overlaps the sidewalk along the majority of the frontage. The canopy is a structural cantilevered shed roof and the awning is canvas or similar material and is often retractable.

**Size**

Space between shopfront windows or doors 2' max. **(A)**

Transparency %, ground floor 75% min.

Door recess 5' max.

**Awning**

Awning depth 4' min. **(B)**

Setback from curb 2' min.

Height clear 8' min. **(C)**

**Miscellaneous**

Residential windows shall not be used.

Doors allowed to recess as long as main facade is at BTL.

Operable awnings are encouraged.

Rounded and hooped awnings are discouraged.

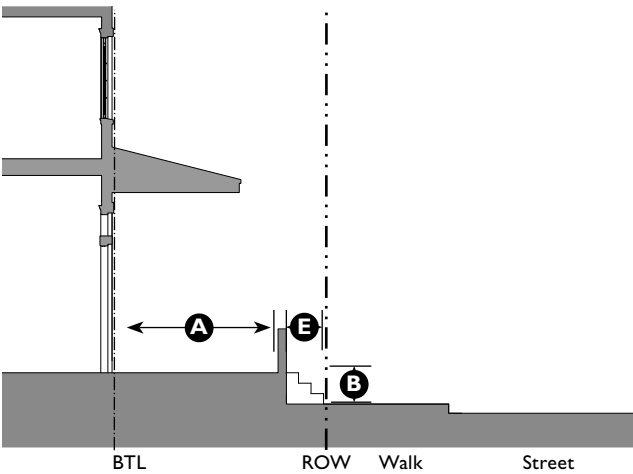
Encourage shopfronts with accordion style doors/windows or other operable windows that allow the space to open to the street.



*Downtown Livermore provides many good examples of shopfronts.*

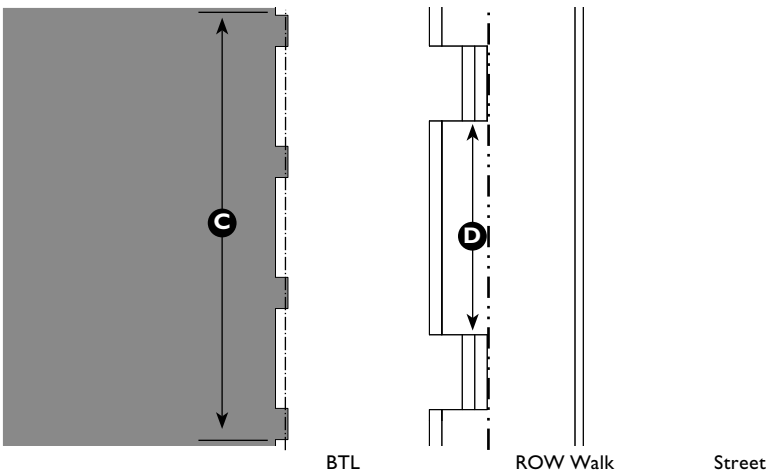


*An example of a shopfront with high percentage of ground-floor transparency.*



Key

- ROW / Property Line
- Build-to Line (BTL)



4.03.090 Terrace Shopfront

Description

This frontage is only to be used when a shopfront frontage is required or desired and a cross slope exists on the site and makes access into the shop difficult across the front of the commercial use. The terrace allows at-grade access to all shopfronts. The terrace is accessed at grade and as the sidewalk follows the slope, the terrace follows the plane of the shopfront finished floor level. Frequent steps from the sidewalk to the terrace are necessary to avoid a dead wall along the sidewalk and to maximize access to the spaces. The standards found here are to be used in addition to those set forth in the Shopfront Frontage.

Size

Depth, clear	8' min.	A
Finish level above sidewalk	3'6" max.	B
Max. distance of terrace	120' max.	C
Distance between stairs	15' max.	D
Wall setback from ROW	12" min.	E

Miscellaneous

Low walls should be made into or be able to be used as seating wherever possible.

See Shopfront frontage for additional standards.

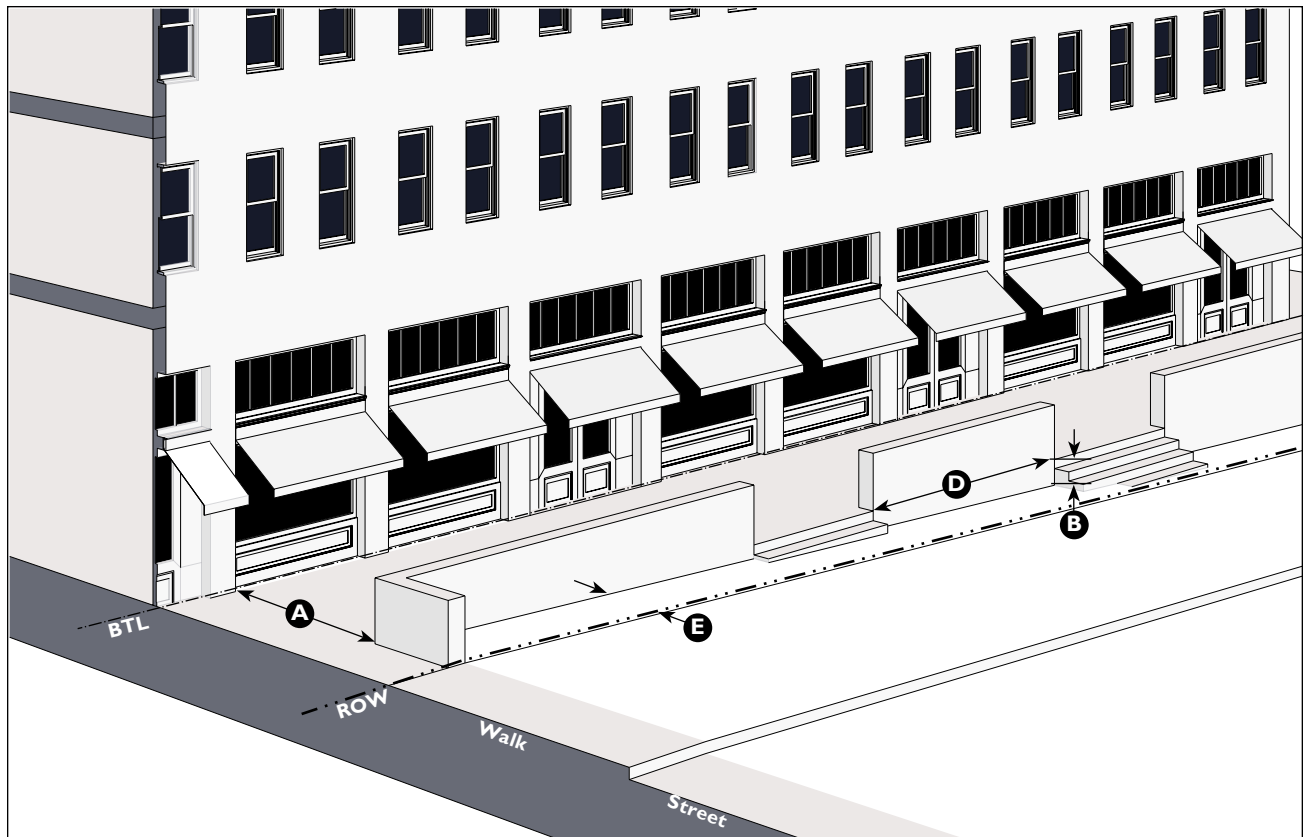


Frequent stairs open terrace to the sidewalk.

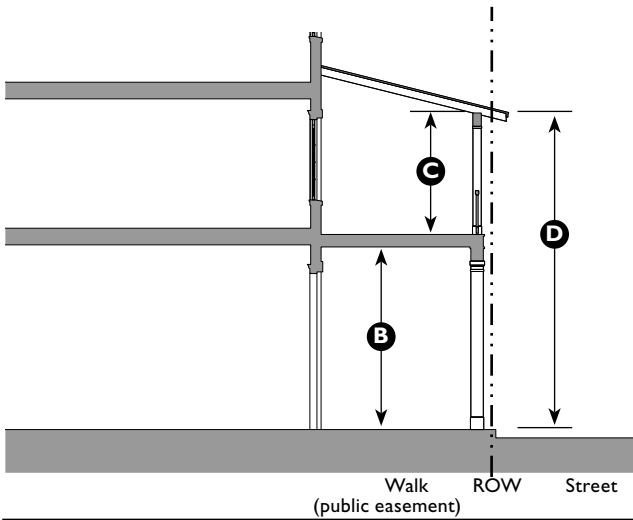


The terrace allows at-grade access to shopfronts along a cross slope.



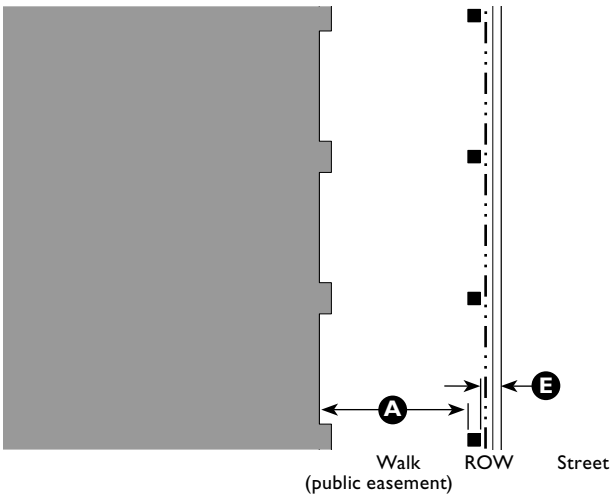


*Illustration of Terrace Shopfront frontage*



**Key**

- ROW / Property Line
- Build-to Line (BTL)



**4.03.100 Gallery**

**Description**

The main facade of the building is at the frontage line and the gallery element overlaps the sidewalk. This frontage type is intended for buildings with ground-floor commercial or retail uses and may be one or two stories. The gallery must extend close enough to the curb so that a pedestrian cannot bypass it. Due to the overlap of the right-of-way, an easement is usually required. Galleries must have a consistent depth along a frontage. The standards found here are to be used in addition to those set forth in the Shopfront Frontage.

**Size**

Depth, clear	8' min.	<b>A</b>
Ground floor height, clear	11' min.	<b>B</b>
Upper floor height, clear	9' min.	<b>C</b>
Height	2 stories max.	<b>D</b>
Setback from curb	1' min./2' max	<b>E</b>

**Miscellaneous**

- Upper story galleries facing the street must not be used to meet primary circulation requirements.
- Galleries must have a consistent depth along a frontage.
- Gallery must project over a sidewalk. Sidewalk shall be placed on private property with a public easement.
- See Shopfront frontage for additional standards.
- Ceiling lighting is encouraged to provide lighting over the sidewalk.



## Chapter 4.04: Parking Standards

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### Sections:

4.04.010	General Parking Standards
4.04.020	Number of Parking Spaces Required
4.04.030	Bicycle Parking
4.04.040	Adjustment of Parking Requirements
4.04.050	Parking Alternatives
4.04.060	Residential Parking Dimensions
4.04.070	Parking Lot Layout and Configuration
4.04.080	Development and Maintenance of Parking Lots

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### 4.04.010 General Parking Standards

#### A. General to all zones.

1. Parking must be accessed by an alley, when available.
2. Tandem parking shall be allowed in all residential and mixed-use zones, when both tandem spaces are for a single residential unit.
3. Vehicular access through residential properties for non-residential uses shall be prohibited.
4. Parking or storage of commercial trucks, buses, sign trailers, trailers or semi-trailers for freight, luggage, or the like shall not be permitted in any Transect zone or other residential zones.
5. Parked vehicles on driveways shall meet standards set forth in the Livermore Municipal Code section 10.20.270 Private Property-Parking Restrictions and may not encroach onto the public right-of-way.
6. Parking facilities on adjoining lots may share access points and driveways subject to a recorded covenant running with the property/properties on which the facilities are located.

#### B. Specific to Transect zones.

1. When uses change within transect zones, without a change in the size of building, new uses are not required to provide additional off-street spaces if the use is allowed in that zone.
2. Minimum distance between vehicular entries along a street frontage within new mixed use areas is 75 feet.
3. For new construction on corner lots, all driveways shall be located on the alley or side street.
4. Corner lot entries to parking structures shall be located on a side street.
5. Off-Street parking spaces whose location requires that cars back into a street shall be permitted in T3 and T4 zones. Backing into an alley shall be permitted in all Transect zones.

6. Specific to T4 Neighborhood-Open, T4 Main Street and T4 Main Street-Open:
  - a. On-street parking spaces located within the NMU zone count toward the required non-residential parking requirement.
  - b. Parking requirements shall be provided on-site, off-site within 300 feet, or as shared parking.
  - c. Surface parking areas that are not behind buildings shall be screened by a minimum three-foot-tall hedge, fence or wall in character with the building at the right-of-way.
  - d. Underground parking may be placed up to the property line.
  - e. Underground parking shall not project more than 2 feet above the level of the sidewalk and shall be screened if visible to pedestrians.

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**4.04.020      Number of Parking Spaces Required**

- A. Calculation: Any fraction greater than or equal to 0.50 shall be rounded up to nearest whole number. No additional space shall be required for a fractional unit of less than 0.50.
- B. In any case where Table 4.6 (Automobile Parking Requirements) expresses a parking requirement based on floor area in square feet (for example: 1 space for each 1,000 sf), a "sf" shall mean square feet of gross interior floor area, excluding mechanical equipment areas and stairwells, unless stated otherwise (e.g., ground area).
- C. A single use with accessory components may be required to provide parking for each component, at the Director's discretion. For example, a hotel with a gift shop shall provide space for both program elements.
- D. Unlisted Uses. Off street parking requirements for unlisted uses may be determined by the Director based on available data, consistent with the intent of the Development Code.



Table 4.6: Automobile Parking Requirements		
Use	Number of Required Spaces	Other Standards
<b>Residential</b>		
Detached and Attached Units		
Studio	1	No covered spaces required
1 bedroom	1	No covered spaces required
2 or more bedroom	2	No covered spaces required
Guest Spaces (multiple families)	1 per 4 units	No covered spaces required
Mobile Home Parks		
Each Mobile Home	2 spaces per unit	
Use in Common	0.5 per unit	Within 200' of each lot
Guest spaces	0 per unit if on-street parking is provided within project or on an adjacent street, 1 per 5 units if one side of street has parking, 2 per 5 units if no on-street parking exists	Determined by street adjacent to lot. If corner lot, can use either street, or both, to determine.
<b>Commercial</b>		
General Retail	1 space per 250 sf	
Restaurants/Food Services (Café, Coffee Shop)	1 space per 3 seats. If >25% of a shopping center 1 per each seat	
Neighborhood Market	1 space per 300 sf	
<b>Services: Business, Financial, Professional</b>		
Banks & Financial services	1 space per 300 sf	
Medical Services		
Clinics, laboratory, urgent care, doctor or dental office	1 space per 300 sf	
Extended care	1 space per 3 beds	
Hospitals	1 space per 300 sf	
Office: Business, service, Professional, administrative	1 space per 300 sf	

Table 4.6: Automobile Parking Requirements		
Use	Number of Required Spaces	Other Standards
<b>Services: General</b>		
Bed & Breakfast	1 space per each guest room	
Hotels and Motels	1 space per guest room, plus 1 per 10 guest rooms	Eating or drinking uses require same spaces as restaurant/food services above
Day care home		
Child	3 spaces min; 1 per nonresident employee and one space for pick-up/drop-off purposes. May include spaces provided to fulfill residential parking requirements.	
Adult	1 space per nonresident employee and one space per 10 clients.	
<b>Personal Services</b>		
Barber/Beauty/Nail Shops	2 spaces per station	
All other personal services	1 space per 300 sf	
<b>Laundries and Dry Cleaning Plants</b>		
Dry cleaning and laundromats	1 space per 300 sf	
Laundries and dry cleaning plants	1 space per 1,000 sf	
Vehicle Services (Repair, car wash and car dealers)	1 space per 400 sf	
<b>Animal Services</b>		
Veterinary clinics, animal hospitals	1 space per 300 sf	
Boarding kennels	1 space per employee, plus 2 spaces	
<b>Storage</b>		
Personal storage facilities (mini-storage)	4 spaces, plus 2 for manager's quarters/office	
Outdoor storage	4 spaces	
Mortuaries or funeral homes	1 space per 50 sf	
<b>Recreation, Education &amp; Public Assembly</b>		

Table 4.6:Automobile Parking Requirements		
Use	Number of Required Spaces	Other Standards
Schools		
Nursery & Day Care Center		
≤ 12 students	1 space per employee and one space for pick-up/drop-off purposes	
> 12 students	2 spaces per first 10 students plus 1 per each additional 10 students	
Grades K-8	3 spaces per 2 classrooms, plus one for every 5 seats in an assembly room or auditorium	Auditorium parking may be on play areas
Grades 9-12	1 space per 5 students, plus 1 per employee	
Places of Assembly		
Fixed Seating	1 space per 4 seats	
Churches and other public/quasi public	1 space per 5 seats in main room, plus 1 space per 50 sf assembly area	
Studios (art, dance, martial arts, music, etc.)	1 space per 250 sf	
Without Fixed Seating	1 space per 50 sf of all floor areas used for assembly	
Private Swim Clubs	1 space per 8 member families	
Tennis/Racquet Club	3 spaces per court	
Public Parks		
Neighborhood Parks	None	
Other Parks	To be determined by Director based on facilities to be installed	
Commercial Recreational Facilities		
Bowling alleys	4 spaces per each lane	
Pool and billiards	2 spaces per table	
All other uses	1 space per 400 sf	
Fitness Facilities	1 space per 250 sf	
Outdoor	Determined by use permit	
Industrial Uses		
Parking	1 space per 1,200 sf of manufacturing or warehouse, plus 1 per 300 sf of office or business area	
Loading Spaces		
<40,000 sf	1 space	
>40,000-100,000	2 spaces	
>100,000-160,000	3 spaces	
>160,000	3 spaces plus one for each additional 80,000 sf	

**4.04.030 Bicycle Parking****Table 4.7: Bicycle Parking Requirements**

Use	Required Stalls	Location
Commercial, Services, or Recreation, Education and Public Assembly	4 stalls or 20% of required off-street automobile parking stalls, whichever is greater (up to a maximum of 30 bicycle stalls)	Adjacent to bicycle paths and pedestrian walks ≤ 50 ft. of public entrance.
Residential:		
Dwelling, multi-family	1 per 4 bedrooms	Must be secure.
Industry, Manufacturing and Processing	10% of required off-street automobile or truck parking stalls (up to a maximum of 30 bicycle stalls)	Adjacent to bicycle paths and pedestrian walks ≤ 50 ft. of entrance.

- A. For each 10 bicycle parking stalls provided, there shall be permitted a reduction of one required automobile parking stall to a maximum of 15 percent of the required automobile parking stalls, at the discretion of the City Engineer or Planning Commission (depending on who is the Review Authority).
- B. Bicycle Stalls. Bicycle stalls shall be improved in accordance with the following requirements:
  1. Provided with a device to be approved by the City and capable of supporting a bicycle in an upright or hanging position and having a means that will enable a user to lock his bicycle to such a device.
  2. Areas containing stalls shall be surfaced with hardscape or paving.
  3. When located within a parking area, spaces shall be protected by curbs, fences, planter areas, bumpers, or similar barriers for the mutual protection of bikes, automobiles and pedestrians, unless deemed by the City to be unnecessary.

**4.04.040 Adjustment of Parking Requirements**

In the case that more than one parking adjustment may apply, applicant may choose only one of the following adjustments:

**A. Proximity to Transit.**

1. The City Engineer may permit parking requirement reductions for projects in proximity to transit (e.g., passenger rail service or bus stop) if the applicant is able to provide supporting documentation including but not limited to, parking availability on streets adjacent to the proposed development and transit use in similar developments, etc.

**B. Shared on-site parking.**

1. Where two or more uses on the same site or adjacent parcels 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 in the following manner:
  - a. Upon approval of a Zoning Use Permit, in compliance with Chapter 9.03 (Conditional Use Permits and Zoning Use Permits), the City Engineer may reduce the total parking space requirement by up to a maximum of 20 percent; or

- b. Upon approval of a Conditional Use Permit, in compliance with Chapter 9.03 (Conditional Use Permits and Zoning Use Permits), the Commission may reduce the total parking space requirement by 20 percent or more.
  2. Approval shall also require a recorded covenant running with the land, recorded by the owner of the parking lot, guaranteeing that the required parking will be maintained exclusively for the use served for the duration of the use.
- C. **Reduction of required parking.** The Review Authority may reduce the number of parking spaces required by Section 4.04.020 (Number of Parking Spaces Required), through the granting of a Conditional Use Permit or Zoning Use Permit (depending on the amount of reduction requested) in compliance with Chapter 9.03 (Conditional Use Permits and Zoning Use Permits), based on the following:
  1. Quantitative information provided by the applicant 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.);
  2. The use or project design creates an integrated whole wherein the parking reduction will not adversely affect other businesses or uses on the same property or within the boundaries of the project; or
  3. The proposed parking requirement is consistent with other uses of similar intensity established elsewhere in the parking regulations and does not represent a grant of special privilege inconsistent with the intent of the parking regulations to provide adequate and consistent levels of parking for similar uses throughout the City.

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#### 4.04.050 Parking Alternatives

If a property owner is unable to provide the required parking on-site, the owner may satisfy the parking requirements by one or more alternatives in this section.

- A. **Off-site.** The owner may provide the required parking on other property within 600 feet of the site proposed for development. The owner shall provide a recorded parking agreement reflecting the arrangement with the other site. The form of agreement must first be approved by the City.
- B. **Part-time parking.** When determined by the City Engineer, any requirements for off-street parking for a church or similar use which, by nature, generates a part-time parking demand may be decreased by not more than one-half of the required parking area when it can be shown that other off-street parking areas equal to the amount of the decrease will be available when needed, within 600 feet of the site. However, such exception shall not apply to any use presently in part-time operation which can reasonably be expected at some future date to operate on a full-time basis, or to any use which, in the opinion of the City Engineer, generates a large traffic or parking demand.
- C. **In-lieu fee.** The owner of any property upon which a development project is proposed may pay an in lieu parking fee if the city approves it as part of the site plan review. A request to pay the in lieu fee for more than 15 parking spaces must be approved by the City Council. The approving body must make the following findings for any proposed in lieu fee:
  1. There is available or planned public parking capacity to offset this demand; and
  2. The public parking will be made available within a reasonable time period of approval of this project.

- a. **Downtown.** In the Downtown Specific Plan district, parking may be provided by the payment of an in lieu fee where permitted by the provisions of the *Downtown Specific Plan, Chapter 8 (Parking)*. The amount of the in lieu fee is established by city council resolution. The city shall establish a separate fund for the collection of in lieu fees and shall use the collected fees only to provide new or improved parking spaces in the Downtown Specific Plan district.
  - b. **Other areas.** In any area other than the Downtown Specific Plan district, the fee option is available only if an existing or planned parking facility exists within 600 feet of the site. The fee is the current value of land and parking construction costs per space needed, as determined by City staff.
  - c. **Fee deferral.** Parking in-lieu fees shall be collected at the issuance of the first building permit. The City Council may, by Resolution, adopt administrative guidelines to provide a special fee deferral program in response to unprecedented conditions such as extraordinary economic changes.
- D. Downtown parking.** Parking requirements in the Downtown Specific Plan district (DSP) are governed by the *Downtown Specific Plan, Chapter 8 (Parking)*. If the *Downtown Specific Plan* is silent about a particular regulation, then the regulations in this chapter apply.
- E. Downtown exception.** In addition to the alternatives in subsections (A) through (C) of this section, the following exception applies to preexisting commercial structures in the DSP district. The property owner of a commercial structure in the downtown core (as defined in the *Downtown Specific Plan*) which existed before March 2005, may demolish and replace it, or substantially alter or remodel it, and is excused from providing parking spaces for the first 1,200 square feet or 15 percent of the total ground floor area of the previous structure, whichever is less. To qualify, the owner shall apply for Site Plan and Design Review under Chapter 9.07. The approving body must make all of the following findings to approve the exemption:
1. The increase in floor area does not exceed 10,000 square feet;
  2. Any existing parking removed as part of the project is replaced, either on-site, off-site, or through payment of an in lieu fee; and
  3. All parking provided for the project, either on- or off-site remains open for non-exclusive use by the general public at all times.

## 4.04.060

**Residential Parking Dimensions****Table 4.8: Minimum Standard Vehicle Space Requirements**

Type of Parking	Space Width <sup>1,2</sup>	Space Length <sup>1,3</sup>	Height Clear
Enclosed	8'6"	19'	7'
Covered	8'6"	18'	7'
Uncovered	8'6"	18'	n/a

<sup>1</sup> One additional foot in width shall be provided on each side abutting any wall, fence, property line or other fixed obstruction that restricts vehicle access.

<sup>2</sup> Minimum side-by-side or double parking space width is 16 feet (double the minimum single width minus one foot). Additional width or length for obstructions, as listed above, is applicable.

<sup>3</sup> Minimum front to back space depth is double minimum single space length. Additional width or length for obstructions, as listed above, is applicable.

## 4.04.070 Parking Lot Layout and Configuration

**Table 4.9: Minimum Dimensional Requirements <sup>1</sup>**

Angle	Space Width (A)	Space Depth (B) <sup>2</sup>	Space Length (C) <sup>3</sup>	One-way Aisle Width (D)	Two-way Aisle Width (E)
<b>Standard Vehicle</b>					
Parallel <sup>3</sup>	9'	9'	22'	12'	20'
30°	9'	18'	20'	12'	24'
45°	9'	20'6"	20'	14'	24'
60°	9'	22'	20'	18'	24'
Perpendicular	9'	18'	18'	24'	24'
<b>Compact Vehicle <sup>5</sup></b>					
Parallel <sup>4</sup>	8.5'	8.5'	20'	12'	20'
30°	8.5'	15'6"	16'	12'	24'
45°	8.5'	17'	16'	14'	24'
60°	8.5'	18'	16'	18'	24'
Perpendicular	8.5'	16'	16'	24'	24'

<sup>1</sup> See Figure 4.10 for illustrative example of minimum dimensional requirements.

<sup>2</sup> Measured perpendicular to aisle.

<sup>3</sup> The paved parking space length may be decreased by up to two feet by providing an equivalent vehicle overhang into landscaped areas, or over paved walkways. The vehicle overhang into landscaped areas or over paved walkways.

<sup>4</sup> End spaces may be reduced to 18'.

<sup>5</sup> Compact spaces shall not exceed 30% of the overall required number of parking spaces.

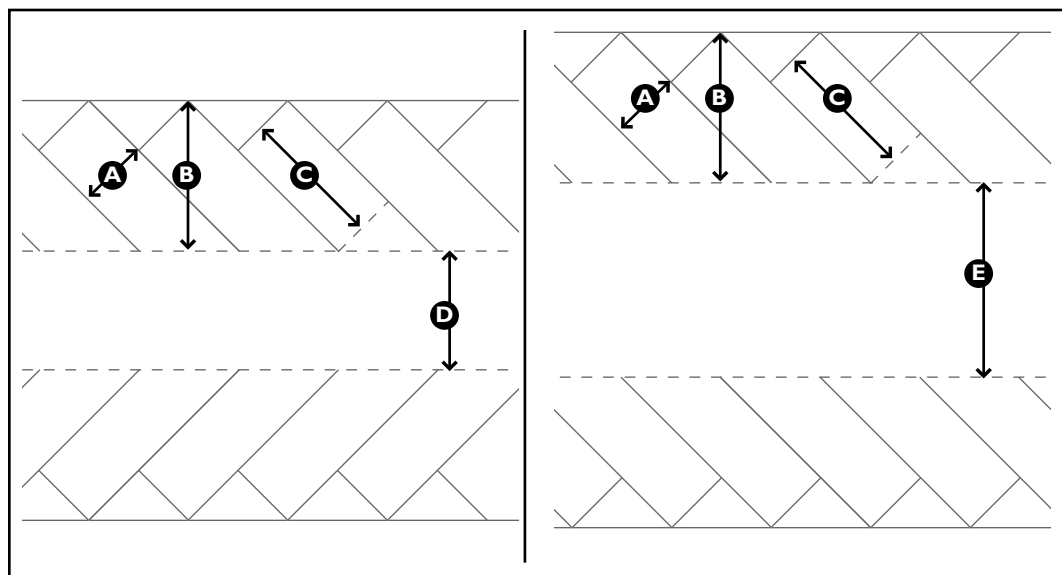


Figure 4.10 Illustrative example of 45° angle one-way aisle and two-way aisle.

**A. Min. width of drive (shall be unoccupied and unobstructed).****Table 4.10: Driveway Width**

Conditions for drive or easement	Min. width
Residential uses with 4 or fewer required spaces	10'
More than one drive provided	12'
Length less than 50'	12'
Less than 10 stalls	12'
Designated fire lanes <sup>1</sup>	20'
One way	12'
All others	20'
<sup>1</sup> Final design determined by City Engineer	

- B. Pedestrian walkways and bicycle paths.** So as to assure public safety and convenience within developments and/or parking lots, pedestrian walkways and bicycle paths shall meet the following criteria:
1. Allow the shortest possible safe route between the public entrance(s) to any building or use and adjacent public rights-of-way at points where the major pedestrian and bicycle traffic flows are expected, as determined by the City.
  2. Facilitate access between the public entrance(s) to any building or use and areas within a parking lot.
  3. Be continuous through a project and provide a direct route to individual uses/building throughout the entire site. Public sidewalks can provide this access if they exist.
  4. Be paved and for purposes of providing safety for pedestrians, cyclists, and automobiles shall be distinguished, separated or protected through provision of curbs, fences, planter areas, bumpers, elevation change, or other methods as determined by the City.
  5. Comply with Americans with Disabilities Act requirements.
  6. When use is restricted to pedestrians or bicycles, a two-square-foot sign stating the words "Bicycle (or Pedestrians) Only," must be located at all points of access
  7. In any case where a row of parking is parallel to the side of a building or use through which public entry is provided, pedestrian walkways shall be provided at intervals of not greater than 75 feet.
  8. Bicycle paths and pedestrian walkways shall not be required in the case of private parking lots in industrial, warehouse, and manufacturing uses, when deemed by the City to be unnecessary, and for other developments requiring the provision of less than 10 off-street parking spaces.
  9. Automobile drives or aisles shall not be permitted to intersect a bicycle path at intervals of less than 80 feet.
  10. Cars should be required to stop at locations where bicycle and pedestrian paths intersect drives or parking lots.



## I I. Minimum dimensions:

- a. Pedestrian walkways width 5 feet min.
- b. Bicycle lanes 5 feet min.
- c. Combined pedestrian walkways and bicycle 10' min.
- d. Minimum curve radius for turns 15 feet.

## C. Every parcel of land hereafter used for parking purposes shall be developed and permanently maintained in accordance with the following requirements:

- I. Screening. Parking areas for more than five vehicles where adjacent to a residential districts shall be screened as follows:
  - a. Contiguous to an R district: Along an interior lot line, there shall be constructed on the property line a six-foot high solid board fence, masonry wall, or screened chain-link fence.
  - b. Across a street from an R district:
    - (1) Transect zone: the parking lot shall be screened along the street frontage by a three-foot minimum height masonry wall or hedge.
    - (2) All other zones: the parking lot shall be screened along the street frontage by a three-foot minimum height masonry wall, hedge or by landscaped earth mounds containing plant materials to provide screening equivalent to that of a three-foot-high wall.

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**4.04.080 Development and Maintenance of Parking Lots**

Every parcel of land hereafter used for parking purposes shall be developed and permanently maintained in accordance with the following requirements:

- A. **Surfacing.** Parking areas shall be surfaced with an asphaltic or Portland cement binder pavement or other pervious material, subject to City Engineer discretion. Parking areas shall be built on a suitable base so as to provide a durable and dustless surface and shall be so graded and drained as to properly dispose of all surface water accumulated within the area.
- B. **Barriers.** Barriers or curbs shall be provided where a parking lot abuts any structure or boundary of an adjacent property.
- C. **Traffic Controls.** Traffic controls at ingress and egress points and directional signs shall be provided as may be deemed necessary by the City in the interest of public safety.
- D. **Striping.** All stalls and, when required, aisles, loading zones, pedestrian walks and crossings, visitors' parking, fire lanes, no parking areas, and driveways shall be striped or otherwise designated to provide for the safe loading, unloading, and parking and storage of vehicles and shall be so installed as to be in accordance with the standards of the City for such improvements.
- E. **Parking lot lighting.** Any lighting used to illuminate a parking lot shall be directed and shielded as to not illuminate surrounding properties. Light standards shall be in scale with the project setting; however, in no case shall light standards exceed 18 feet in height measured from top of grade to the highest point of the equipment. In instances where it can be established that additional height is required for health and safety reasons, an additional five feet in height is allowed subject to review and approval by the Director.



## Chapter 4.05: Landscape Standards

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### Sections:

4.05.010	General Landscape Standards
4.05.020	Residential Landscaping
4.05.030	Parking Lot Landscaping
4.05.040	Fences and Screening
4.05.050	Lighting

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#### 4.05.010 General Landscape Standards

- A. **Landscape requirements.** Project landscape plans shall comply with the City's *Design Standards and Guidelines*.
- B. **Drought-tolerant requirements.** Project landscape plans shall comply with the City's *Water Efficient Landscape Ordinance*, see LMC 13.25.

---

#### 4.05.020 Residential Landscaping

- A. **Landscape requirements.** Project landscape plans shall comply with the City's *Design Standards and Guidelines*.
- B. **Drought-tolerant requirements.** Project landscape plans shall comply with the City's *Water Efficient Landscape Ordinance*, see LMC 13.25.

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#### 4.05.030 Parking Lot Landscaping

- A. **Landscape requirements.** Parking lot landscape plans shall comply with the City's *Design Standards and Guidelines*.
- B. **Drought-tolerant requirements.** Parking lot landscape shall comply with the City's *Water Efficient Landscape Ordinance*, see LMC 13.25.
- C. **Installation and maintenance of shade trees and landscaping.** Parking lots shall be improved and permanently maintained by the property owner in accordance with the following standards:
  - I. Amount of landscaping. The Review Authority may grant an exception for small infill parking lots (particularly in the Transect zones) where compliance with these standards is not feasible without significantly reducing the development potential of the zone it is located within.

**Table 4.12: Required Interior Parking Lot Landscaping**

<b>Number of Parking Spaces</b>	<b>Percent of Gross Parking Area in Landscaping</b>
6 or fewer	0%
7 to 15	4%
16 to 30	8%
31 to 70	12%
71 and over	16%

**Table 4.13: Required Shade Trees**

Amount	16 trees/gross site area acre, minus building coverage (footprint)
Can size	15-gallon
Box size	20% must be 24-inch
Caliper	One-inch min.
Min. height at installation	6-8'
Min. mature canopy	40'
Characteristics	High branching, broad headed, shading form
Location	Evenly spaced throughout the parking lot to provide uniform shade
Required border	6" high curb or equivalent
Border and stormwater	Curbs shall provide breaks every 4" to provide drainage to retention and filtration areas.
Min. tree well width <sup>1</sup>	5'
Car overhangs	Must be prevented by stops
<sup>1</sup> Any vehicle overhang shall require the minimum planter area width to be expanded by an equivalent dimension.	

**Table 4.14: Required Perimeter Parking Lot Landscaping**

Adjacent to residential in non-Transect zones	5' min. width
Interior property lines	5' min. width

- D. **Location of landscaping.** Landscaping shall be evenly dispersed throughout the parking area, as follows:
1. Orchard-style planting (the placement of trees in uniformly-spaced rows) is required for parking areas over 15 cars.
  2. Parking lots with more than 50 spaces shall provide a concentration of landscape elements at primary entrances, including, at a minimum, specimen trees, flowering plants, enhanced paving, and project identification.
  3. Landscaping shall be located so that pedestrians are not required to cross unpaved landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands, and by providing pedestrian access through landscaped areas that would otherwise block direct pedestrian routes.

**4.05.040 Fences and Screening**

A. **Fence design standards.** Fences, to include walls and similar dividing instrumentalities, shall be subject to the following regulations:

I. Location and height in residential zones.

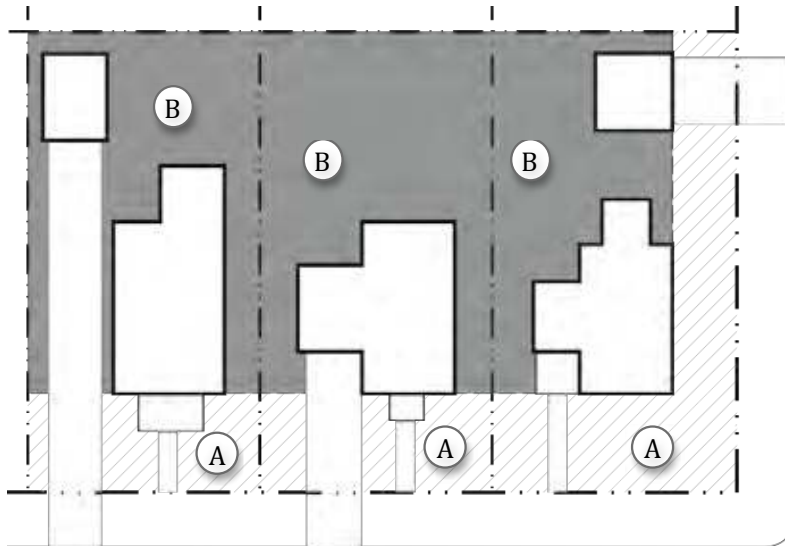


Figure: 4.12 Fence Zones

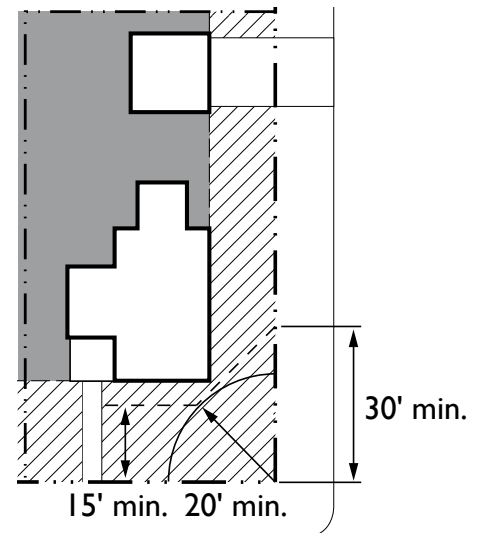




Figure: 4.13 Vehicular Sight lines

**Key**

--- ROW / Property Line	 Zone A
--- Setback Line	 Zone B

- a. Within street frontage yards, zone A, see figure 4.12 (Fence Zones), decorative fences less than or equal to three feet in height may be built with the following exemptions:
  - (1) The initial two feet of a retaining wall shall not be considered a portion of a fence.
  - (2) A fence or wall having a height of not more than six feet may project five feet into any required street frontage yard, provided:
    - (a) Lineal length of such fence does not exceed 75 percent of the lot frontage.
    - (b) Such projection does not occur within a vehicular sight line as shown in Figure 4.13.
  - (3) A fence or wall having a height of not more than six feet may be located on the property line on one of the street frontage yards of a corner lot, provided:
    - (a) Any area between fence and sidewalk shall be provided with an irrigation system and shall be permanently maintained as a landscaped strip. Impervious surfacing shall not exceed 25 percent of the area.
    - (b) No such fence shall be located within twenty feet of any driveway.

- (c) Fences shall conform to subsections A.1.a.(2).(a) of this section.
- (4) Within street frontage yards, zone A, chain link fences shall not be permitted.
- b. Non-street-frontage yards, zone B, see figure 4.12 (Fence Zones).
  - (1) Fences less than or equal to six feet in height may be built along property lines or built perpendicular to property lines when used to complete lot enclosure.
  - (2) The initial two feet of a retaining wall shall not be considered a portion of a fence.
- 2. Fences or walls, where required by this code, shall be of permanent construction of wire, wood, or masonry with all supporting structures of pressure treated lumber, redwood, concrete, or steel set in a concrete foundation. Other fence or supporting structure materials may be considered by the Director. Such fences may be subject to City building division review.
- 3. Where otherwise permitted or required by this code or around private and public recreation courts, fields, or similar play areas, fences in excess of six feet in height shall be allowed.
- 4. Barbed wire shall not be used in the construction of any fence except in an industrial zone as a protective device no less than five feet above the finished grade of the base.
- 5. No fence shall be erected that interferes with vehicular sight lines as shown in figure 4.13 (Vehicular Sight Lines).
- 6. Notwithstanding the six-foot fence height limitation of subsections A.1.a of this section, and subject to Director approval, a fence to a maximum height of eight feet may be constructed on a side or rear property line of a lot abutting a truck-route designated street or major street as defined by the General Plan (LMC 10.24.010), provided the fence does not exceed six feet in height within 20 feet of the intersection of lines tangent to the right-of-way of two intersecting streets.

**B. Mechanical equipment screening.**

- 1. Mechanical equipment exempt from screening.
  - a. Free-standing or roof-mounted solar equipment.
  - b. Vents less than four feet in height may be exempt from the following requirements subject to Director review.
- 2. For all new installation or relocation of existing mechanical equipment for commercial/industrial development, the equipment shall be screened from public view whether installed on the roof, ground or walls.
  - a. Roof-mounted equipment. Building parapets or other architectural elements in the building's architecture style shall screen roof-mounted equipment.
    - (1) New buildings shall be designed to provide a parapet or other architectural element that is as tall as or taller than the highest point on any new mechanical equipment to be located on the roof of the building.
    - (2) For existing buildings with no or low parapet heights, mechanical equipment shall be surrounded on all sides by an opaque screen wall as tall as the highest point of the equipment. The wall shall be architecturally consistent with the building and match the existing building with paint, finish, and trim

cap detail. All new roof screens shall be subject to administrative Design Review or may be referred to the Planning Commission, as determined by the Director.

- b. Wall- and ground-mounted equipment.
  - (1) Shall not be located between the face of the building and the street.
  - (2) All screen devices shall be as high as the highest point of the equipment being screened. Equipment and screening shall meet rear and side yard setbacks of the district they are located in.
  - (3) Screening shall be architecturally compatible and include matching paint, finish and trim cap of the building.
  - (4) All new mechanical screens for ground or wall-mounted equipment shall be subject to administrative Design Review or referred to the Planning Commission as determined by the Director.

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**4.05.050      Lighting**

- A. Lighting in landscape and parking areas shall comply with standards found in LMC 15.18.180 and shall be shielded to prevent off-site glare.



## Chapter 4.06: Sign Standards

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### Sections:

4.06.010	Purpose
4.06.020	Permit Required
4.06.030	Exempt Signs
4.06.040	Prohibited Signs
4.06.050	General Requirements
4.06.060	Signs on Public Property
4.06.070	Measurement of Sign Area and Height
4.06.080	Sign Maintenance
4.06.090	Legal Nonconforming Signs
4.06.100	Removal of Certain Signs
4.06.110	Enforcement
4.06.120	Design Review
4.06.130	Master Sign Program
4.06.140	Temporary Signs
4.06.150	Transect Zones (T4 Neighborhood-Open, T4 Main Street-Open, T4 Main Street)
4.06.160	Agricultural (A)
4.06.170	Neighborhood Business Commercial (CNB)
4.06.180	Downtown Specific Plan (DSP)
4.06.190	Commercial Office (CO) or Professional Office (CP)
4.06.200	Commercial Service (CS)
4.06.210	Highway Service Commercial (CHS)
4.06.220	Education and Institutions (E)
4.06.230	Industrial (I-1, I-2, and I-3)
4.06.240	Planned Development (PD)
4.06.250	Multiple Family Residential and Suburban Multiple Residential (MFR and RG)
4.06.260	Suburban Residential (RS), Rural Residential (R-R), and Low Density Residential (RL)
4.06.270	Airport (AIR) Signs
4.06.280	Area Identification Signs
4.06.290	Motor Fuel Price Signs
4.06.300	Public and Quasi-Public Use Signs

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**4.06.010 Purpose**

The intent of this chapter is to provide standards for the regulation of signs in order to safeguard and enhance property values, protect public and private investment in buildings and open space, preserve and improve the appearance of the City as a place in which to live, work and do business, create a more attractive economic and business climate, prevent excessive and confusing sign displays, reduce hazards to motorists and pedestrians, and promote the public health, safety, and general welfare.

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**4.06.020 Permit Required**

A Sign Permit is required for all permanent signs. Any sign not expressly authorized pursuant to this chapter is not permitted. All signs must be in accordance with this chapter and the Uniform Sign Code as adopted by Chapter 15.32 LMC. In the event of conflict, the more restrictive regulation applies.

- A. **Administrative Design Review.** Any sign associated with a project reviewed through an administrative Site Plan and Design Review, signs under an approved Master Sign Program, and signs associated with a development project previously approved by the Planning Commission.
- B. **Planning Commission review.** Master Sign Programs, Freeway Freestanding Signs and signs included in the application for a development project which is subject to review by the Planning Commission.
- C. **Referral to Planning Commission.** Director may refer any administrative design review to the Planning Commission for review and final action.
  - 1. The review authority's decision may be appealed, in compliance with Chapter 9.15 (Appeals).
- D. **Application filing.**
  - 1. An application for a Site Plan and Design Review shall be filed and processed in compliance with Chapter 9.01 (Application Processing Procedures).
  - 2. The application shall include the information and materials specified in the Department handout for Site Plan and Design Review applications, together with the required fee in compliance with the Planning Fee Schedule.
  - 3. It is the responsibility of the applicant to provide evidence in support of the findings required, below.
- E. **Findings.**
  - 1. Consistent with the regulations in this Chapter; and
  - 2. Conformance to City's Design Standards and Guidelines.

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**4.06.030 Exempt Signs**

The following signs are exempt from regulation under this chapter:

- A. A public notice or warning required by a federal, state, or local law, regulation, or ordinance.
- B. A nonelectrical nameplate, displaying only the name and/or address of the occupant, and

which is one square foot or less.

- C. A traffic control or directional sign on private property which does not exceed four square feet.
- D. A clock, thermometer, barbershop pole, or similar device where not part of a permanent sign.
- E. A flag of any nation, state or City if displayed in a manner conforming to the *Flag Code* (36 USCA, Section 173 et seq.).
- F. An interior display.
- G. A sculpture, statue, relief, mosaic or mural which is a work of art or otherwise decorative and does not contain a commercial message or symbol.
- H. A property address number consisting of numerals or letters 12 inches or less in height.

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#### 4.06.040 Prohibited Signs

The following signs are prohibited in all zoning districts:

- A. A sign in conjunction with a home occupation.
- B. A flashing, moving, animated, blinking or rotating sign whose illumination changes with time, or which is designed in a manner to simulate motion.
- C. A sign constructed in such a manner as to create a traffic hazard by creation of a distraction, glare, obstruction of vision, or at a location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.
- D. A sign which includes noisemaking devices.
- E. A billboard or roof sign.

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#### 4.06.050 General Requirements

Unless otherwise specified, the following requirements apply to signs in all zoning districts:

- A. Signage allowed on one building or frontage shall not be transferred to another building or frontage.
- B. Each sign, including a sign located on a temporary or portable building, shall be subject to the requirements of this chapter.
- C. No wall sign shall project more than one foot from a building. A sign which projects more than four inches from a building shall be placed no less than 10 feet above the ground.
- D. Each sign shall be faced parallel to the street (or frontage if the building does not face a street) on which the sign is located, except that:
  - 1. A freestanding sign may be faced perpendicular to the street on which the sign is located.
  - 2. A freeway-oriented sign may be perpendicular to the freeway.
  - 3. A projecting wall or icon sign may be faced perpendicular to the street on which the sign is located.

4. In the case of a corner lot, freestanding signs may be diagonal at the corner.
- E. A freeway, freestanding or temporary sign is permitted within a required setback area, provided it is:
  1. Located within a permanently maintained landscaped planter area having an area at least twice that of the sign area;
  2. Not closer than 10 feet from any property line and 10 feet from any access driveway; and
  3. Not within a radius of 20 feet of the intersection of the rights-of-way of two intersecting streets.
- F. The area of a freestanding sign is deducted from the allowable area on the nearest comparable building frontage.
- G. A freestanding sign up to eight feet in height shall be a monument style sign. A freestanding pole sign is only permitted for a sign in excess of eight feet in height.
- H. Each sign containing commercial sign copy must be located on-site, except for a sign authorized pursuant to *Civil Code Section 713*, which advertises that a property is for sale, lease or exchange by the owner or his agent, and gives directions to the property and the owner's or agent's name, address and telephone number.
- I. The area of a supporting structure of a monument sign may not exceed the area of its approved sign face.

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#### 4.06.060 Signs on Public Property

No signs are allowed on public property, except for the following:

- A. A public sign erected by or on behalf of the City or other public entity to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.
- B. An informational sign of a public utility or transit company regarding its poles, lines, pipes, facilities, or routes.
- C. An emergency warning sign erected by the City or other public entity, a public utility company, or contractor doing authorized or permitted work on public property.
- D. A temporary sign in a residential zoning district as authorized under Subsection 4.06.140.B (Temporary Signs in Residential Zoning Districts).
- E. Signs constructed by the City to direct persons to specific districts, regions, or public facilities.
- F. A single banner sign over Fourth Street between South J Street and South K Street and over North Livermore Avenue between Chestnut Street and Railroad Avenue. All such signs are subject to the following regulations:
  1. The permitted sign shall be:
    - a. Noncommercial; or
    - b. Associated with a civic, community, educational, or cultural event.
  2. The sign applicant must apply for an encroachment permit with the City engineer or his or her designee.
  3. The City engineer upon review and approval by the planning division shall allow such

signs on a first-come, first-served basis for a period not to exceed 14 days per sign.

4. Reservations for installation of a sign are not transferable.
  5. The sign must be installed by the City.
  6. The City may charge a reasonable fee to cover the cost of installing the sign, as determined by a resolution of the City Council. Livermore Unified School District and the Livermore area recreation and park district shall each be granted two free banner installations in a calendar year.
- G. A sign constructed by a public agency on its property, which is permitted in the zoning district in which the property is located.

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#### **4.06.070 Measurement of Sign Area and Height**

- A. The area of a sign shall be measured by enclosing the shape in the simplest regularly shaped geometric figure, such as a circle, triangle, diamond, square, rectangle, or other figure having not more than six sides. Where one or more messages consist of letters, panels, or symbols attached to a surface, then the sign area shall be the sum of the areas of each message.
- B. The area of a sphere shall be computed as 50 percent of its surface.
- C. The area of a multi-sided sign shall be the total of each exposed sign face, except where signs are parallel back-to-back and attached to opposite sides of a supporting structure. The area of a motor fuel price sign shall be the total of each exposed face, regardless of the orientation of each face.
- D. The height of a freestanding or temporary sign shall be measured from the top of curb of the nearest street to the uppermost part of the sign or its supporting structure.
- E. The height of a freestanding freeway sign shall be measured from the basic grade of the lot on which the sign is placed to the uppermost part of the sign or its supporting structure.

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#### **4.06.080 Sign Maintenance**

Each sign, including a nonconforming sign, shall be maintained in good condition. A dilapidated sign shall be subject to abatement in accordance with Section 4.06.110 (Enforcement).

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#### **4.06.090 Legal Nonconforming Signs**

A previously existing legal permanent sign made nonconforming by the adoption of this

chapter is permitted to continue. However, a modification to such a sign (other than a change of copy or normal maintenance and repair) is not permitted unless the sign is brought into conformance with this chapter.

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#### **4.06.100 Removal of Certain Signs**

- A. A sign constructed before the adoption of this chapter, and which is unsafe, abandoned, destroyed, or was constructed illegally, may be removed under state law without payment of compensation in accordance with the provisions below:
  - 1. A sign which meets any of the criteria specified in *Business and Professions Code Section 5497*, or all of the requirements of *Business and Professions Code Section 5495*, or their successor provisions, shall be removed without payment by the City of just compensation in accordance with those provisions.
  - 2. A sign which meets the requirements of *Business and Professions Code Sections 5412.1 or 5412.2* shall be removed in accordance with those provisions, or their successor provisions.
  - 3. A sign which was constructed unlawfully shall be removed without payment of compensation.
- B. A sign owner has the burden of proving conformance with all ordinances and regulations in effect at the time of construction of the sign, and shall provide proof of conformance upon request of the City.

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#### **4.06.110 Enforcement**

In addition to the other remedies provided by this zoning code and the Livermore Municipal Code for violations of this chapter, the City may declare as a public nuisance and abate at the owner's expense any sign maintained in violation of this chapter. Abatement of illegal signs shall be in accordance with *Business and Professions Code Sections 5499.1 through 5499.16*, or their successor provisions. The planning director or his or her designee shall serve as the enforcement officer for the purposes of this chapter.

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#### **4.06.120 Design Review**

- A. Each permanent sign is subject to design review.
- B. All signs in the DSP, Downtown Specific Plan zoning district shall be consistent with the sign standards and guidelines set forth in the 2003 *Downtown Specific Plan, Chapter 6 (Design Standards and Guidelines)*.
- C. Each sign shall manifest balanced scale and proportions in its design and in its visual relationship to nearby buildings, its site, and surrounding land uses.
- D. Each permanent sign shall complement the architecture of the building with which it is principally associated, by incorporating compatible materials, colors, and shapes of the building. In addition, each permanent sign shall generally display restrained and harmonious colors, type, styles, and lighting, and shall be constructed of durable materials.
- E. Each sign shall be compatible with the general appearance of other signs visible from

its site, and shall not compete for attention in a manner taking advantage of extreme, disharmonious, or clashing colors, shapes, locations, or materials.

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**4.06.130 Master Sign Program**

- A. The owners of a commercial or industrial complex and any joint freeway sign shall submit a master sign program for approval by the Planning Commission.
- B. A master sign program shall include the sign locations, sign types, colors, designs, faces, materials, restrictions, prohibitions, and other general criteria for signs. A sign which is consistent with an approved master sign program is not subject to further design review.

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**4.06.140 Temporary Signs**

- A. **Temporary signs in commercial and industrial zoning districts.**

In addition to the permanent signs allowed in this chapter, temporary signs are permitted in the following zoning districts designated as Neighborhood Business Commercial (CNB), Commercial Service (CS), Highway Service Commercial (CHS), Commercial Office (CO), Professional Office (CP), Research and Development (I-1), Light Industrial (I-2), Heavy Industrial (I-3), T4 Neighborhood-Open, and Neighborhood Mixed Use (NMU), subject to the following:

  - 1. Only the following types of temporary signs are permitted:
    - a. A freestanding A-frame sign;
    - b. A window painting;
    - c. A banner sign;
    - d. A beacon;
    - e. A stake sign constructed of paper or plastic mounted on a wood or metal stick.
  - 2. Prior to displaying a temporary sign which contains commercial sign copy, the owner of such a sign shall register the sign with the planning division by completing a form provided by the City. The form shall include the owner's name, address and telephone number, as well as dates the owner intends on displaying the sign. The City may charge a reasonable registration fee to cover the cost of inspection and enforcement, as determined by resolution of the City Council.
  - 3. A freestanding A-frame sign, window painting or banner sign shall be displayed no more than 35 days in any three-month period on private property.
  - 4. Each parcel shall have no more than one freestanding A-frame sign, window painting or banner sign.
  - 5. For commercial and noncommercial signs on developed parcels, the maximum sign area of a freestanding A-frame sign, stake, or banner sign is one-half of the sign area permitted for a permanent sign in the district in which the parcel is located. For vacant parcels, no commercial signs are permitted. Noncommercial signs are permitted as long as the signs do not exceed four square feet per sign and no two signs with the same copy are located closer than 50 feet from each other.
  - 6. A temporary sign may not be illuminated.
  - 7. A window painting may cover only up to 50 percent of the window area.

8. A temporary freestanding A-frame sign is subject to the following requirements:
    - a. Maximum size of temporary freestanding A-frame signs is 30 inches wide by 48 inches tall; and
    - b. A temporary freestanding A-frame sign must be placed on private property or in a landscaped area.
  9. Each parcel shall have no more than one beacon, subject to the following requirements:
    - a. A beacon may be displayed no more than 10 days per year;
    - b. A beacon must be located on-site;
    - c. A beacon may not create a hazard to pedestrians, vehicles, or aircraft due to its location or movement; and
    - d. A beacon may only operate during the business hours of the use being identified.
  10. Public property and public right-of-way signs located on public property or the designated public right-of-way are subject to the following regulations:
    - a. No commercial or noncommercial signs are permitted on public property; and
    - b. No commercial signs are permitted on the designated public right-of-way. Non-commercial signs are permitted in all zoning districts; provided, signs do not exceed four square feet per sign and no two signs with the same copy are located closer than 50 feet from each other, per street frontage. Corner properties may have two of the same sign at the corner.
- B. Temporary signs in residential zoning districts.**
- In addition to permanent signs allowed in this chapter, temporary signs are permitted in zoning districts designated as Downtown Specific Plan (DSP), Suburban Multiple Residential (RG), Multi-Family Residential (MFR), Suburban Residential (RS), Low Density Residential (RL), Rural Residential (R-R), T3 Neighborhood, and T4 Neighborhood, subject to the following:
1. A temporary sign may be placed on private property subject to the following:
    - a. Noncommercial signs.
      - (1) Maximum four square feet per sign;
      - (2) No limit on the number of signs permitted; and
      - (3) Signs must be a stake sign.
    - b. Commercial signs.
      - (1) Signage pursuant to *Civil Code Section 713* may be freestanding or wall-mounted; and
      - (2) Signs pursuant to a master sign program associated with a residential development are exempt; except they may not exceed 32 square feet and may not exceed one per parcel.
  2. A temporary sign may be placed in the designated public right-of-way subject to the following:
    - a. Noncommercial signs.
      - (1) Signs must be stake signs with a maximum size of four square feet;
      - (2) No two signs with the same copy shall be placed closer than 50 feet from



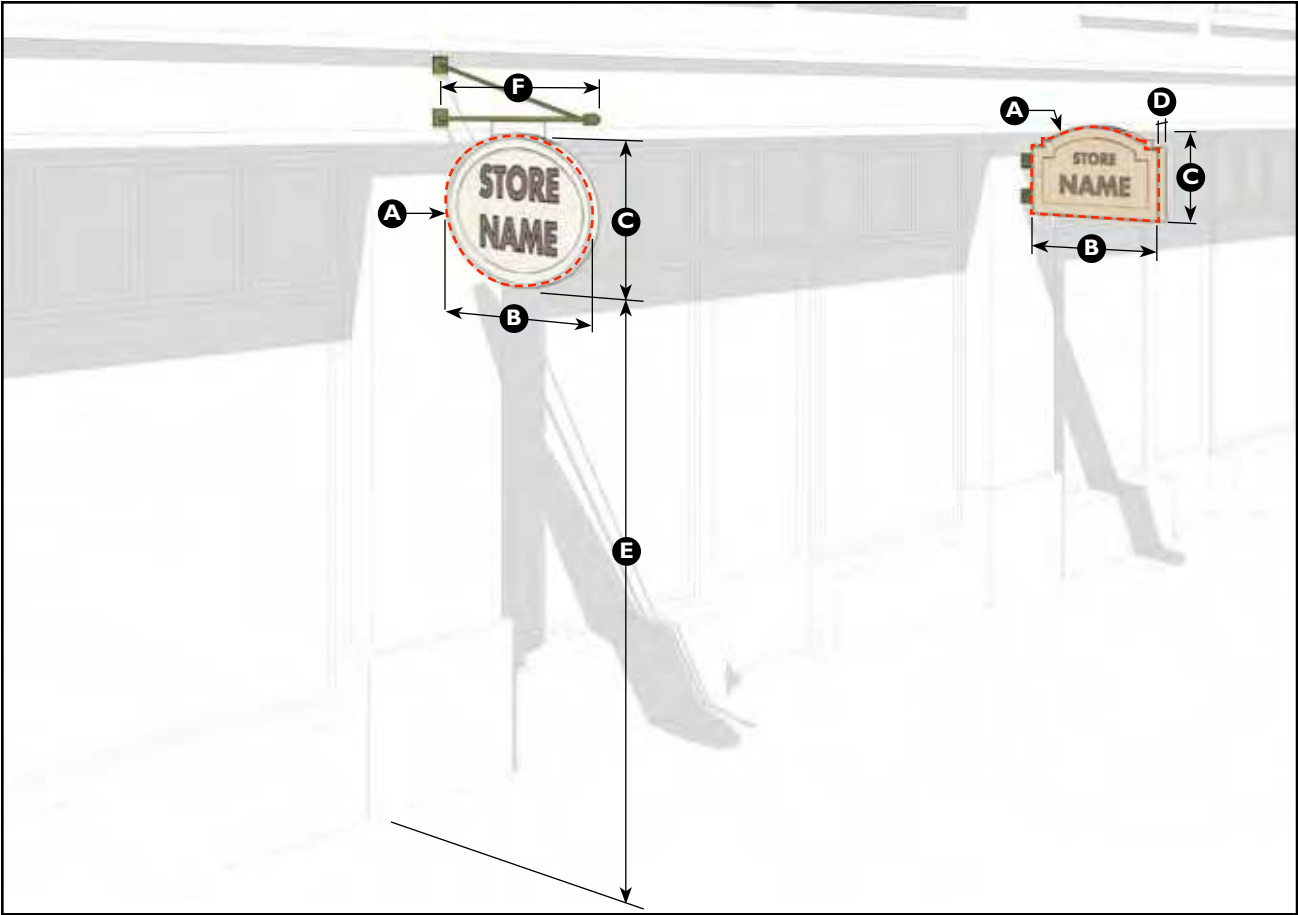
- each other per street frontage;
- (3) Corner properties may have two of the same sign at the corner;
- (4) All temporary noncommercial signs shall be removed within five days after the event to which they pertain.
- b. Commercial signs (including garage sale signs and real estate signs).
  - (1) Signs must relate to an activity permitted within a residential zoning district;
  - (2) Signs are only allowed on Thursdays, Saturdays and Sundays;
  - (3) Signs are limited to four square feet;
  - (4) Only one sign per each advertised activity (e.g., a house for sale, etc.) may be placed at each street intersection leading from the two nearest major streets (reflecting two independent access routes) to the site of the advertised activity.
  - (5) Only one sign per each advertised activity, up to a maximum of three signs, may be placed at any street intersection corner; and
  - (6) The sign must be placed so that a minimum of four and one-half feet remains clear on the sidewalk for pedestrians.
- 3. All temporary commercial signs are permitted for a total of 35 days per a calendar quarter.
- 4. No temporary commercial or noncommercial signs are permitted on public property or to be placed in the street or median areas.

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**4.06.150      Transect Zones (T4 Neighborhood-Open, T4 Main Street-Open, T4 Main Street)**

In a Transect zone (T4N-O, T4MS-O, T4MS) permanent signs are permitted as follows:

- A. **Lighting.** Signage shall be externally illuminated.
- B. **Permitted signs.** Only the following types of signs are permitted and shall follow the following regulations:
  - 1. Projecting wall sign. See Subsection 4.06.150.C
  - 2. Awning/Canopy. See Subsection 4.06.150.D
  - 3. Wall. See Subsection 4.06.150.E
  - 4. Free-standing sidewalk sign. See Subsection 4.06.150.F
  - 5. Window sign. See Subsection 4.06.150.G

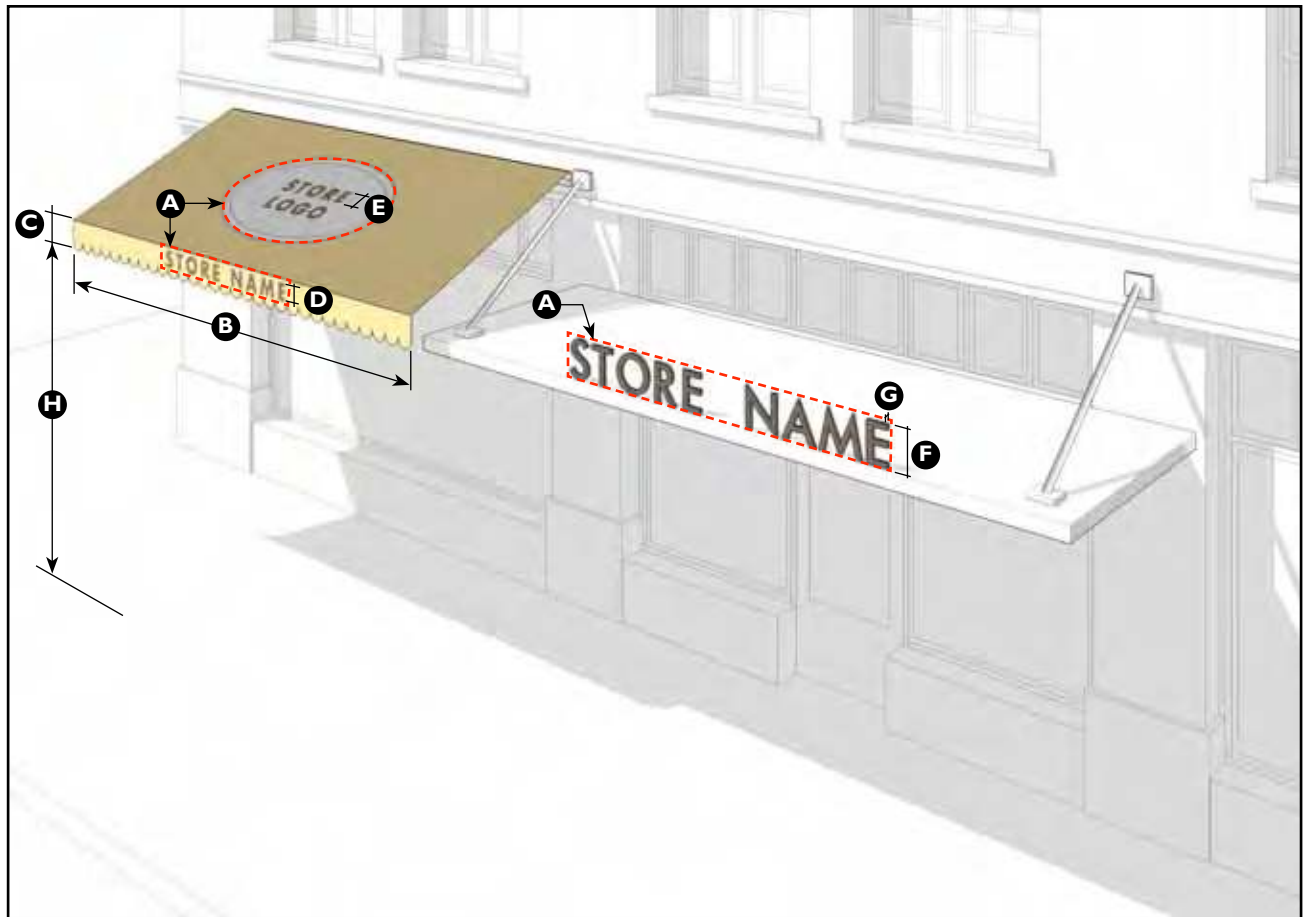


C. Projecting Sign Building-Mounted (Transect Zone Only)

**Description**

Blade signs mount perpendicular to a building's facade. They are typically hung from decorative cast or wrought iron brackets in a manner that permits them to swing slightly. These signs are small, pedestrian scaled, and easily read from both sides. Often, a projecting sign offers the opportunity for a more creative or "playful" sign. Blade signs should be hung well out of reach of pedestrians and all exposed edges of the sign should be finished.

Size		
Sign Area	4 sf max.	A
Width	48" max.	B
Height	36" max.	C
Thickness	4" max. <sup>1</sup>	D
<sup>1</sup> Special and creative signs that have a three dimensional quality may have a greater thickness subject to approval by the planning commission.		
Location		
Clear Height	8' min.	E
Projection	4' max.	F
Signs per building	1 per storefront	



### D. Awning/Canopy Sign (Transect Zone Only)

#### Description

Awnings and canopies are a traditional storefront fitting and can be used to protect merchants' wares and keep storefront interiors shaded and cool in hot weather. Retail tenant signs may be painted, screen printed, or applied on the awnings.

#### Location

Clear Height	8' min.	<b>H</b>
Projection	within 2' of curb	
Signs per Awning/Canopy	1 valance/projecting; 1 sloping plane per awning	

#### Miscellaneous

Only the tenant's store name, logo, and/or address should be applied to the awning. Additional information is prohibited.

Open-ended awnings are strongly encouraged.

Vinyl or plastic awnings are strongly discouraged.

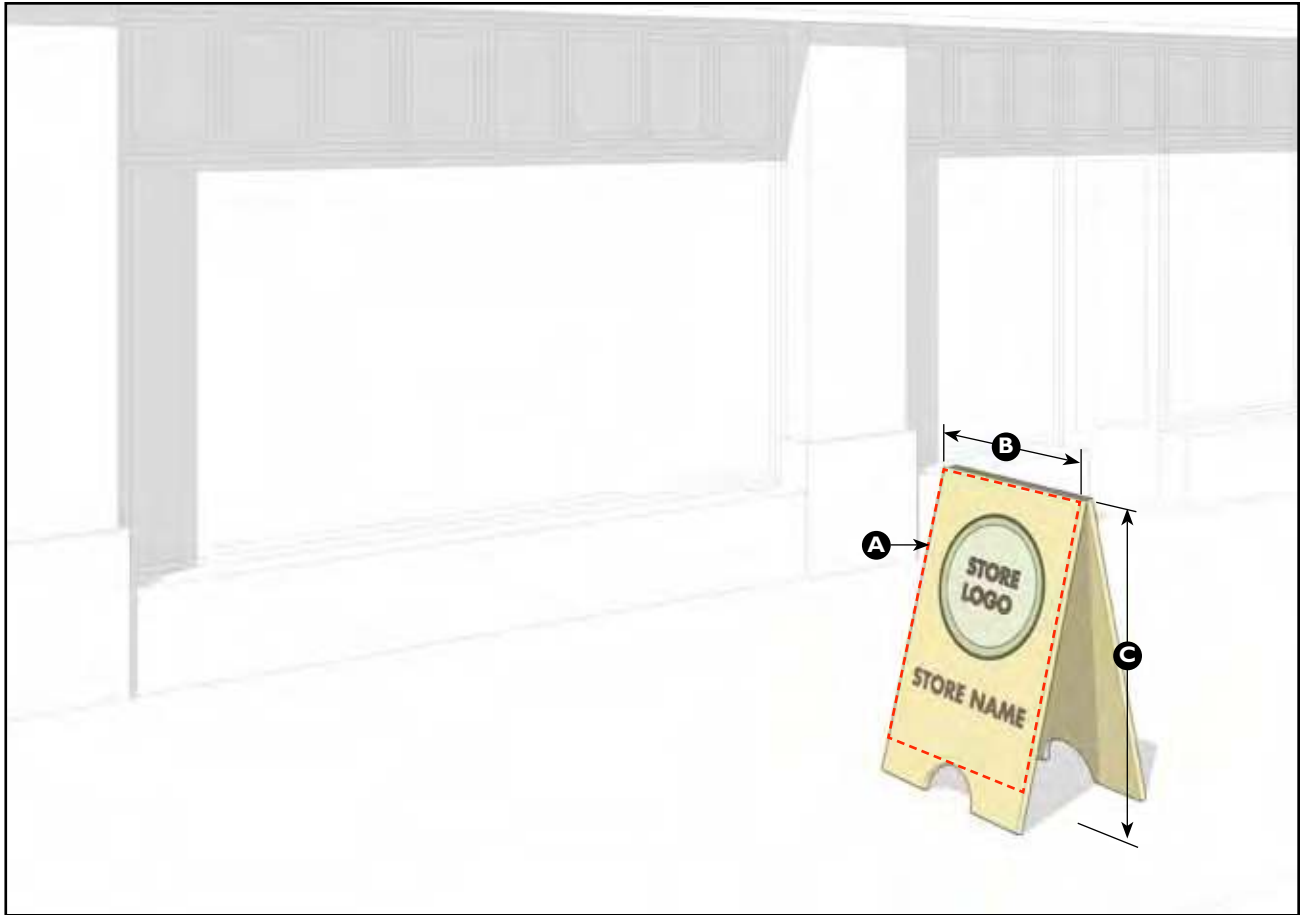
#### Size

Sign Area		<b>A</b>
Valance	75% coverage max.	
Sloping plane	25% coverage max.	
Projecting	1 square foot per linear foot of shopfront max.	
Width (per canvas awning)	20' max.	<b>B</b>
Valance Height	12" min.	<b>C</b>
Letter Height		
Valance	8" max.	<b>D</b>
Sloping plane	18" max.	<b>E</b>
Projecting	12" max.	<b>F</b>
Thickness	8" max.	<b>G</b>



E. Wall Sign Building-Mounted (Transect Zone Only)

Description		Size	
Wall signs are signs flat against the facade consisting of individual cut letters applied directly to the building, or painted directly on the surface of the building. Wall signs are placed directly above the main entrance and often run horizontally along the “expression line” or entablature of traditional buildings. Other buildings may have signage locations integrated into a decorative cornice or sign band at the top of the building. Wall signs do not protrude beyond the roof line or cornice of a building. Wall signs are typically intended to be seen from a distance and are often accompanied by additional pedestrian scaled signage.		Sign Area	
		Area	1 square foot per linear foot of shopfront max. A
		Height	12" min.; 24" max. B
		Width	Storefront width max. C
		Lettering	
		Height	75% of B 18" max. D
		Width	75% of C max. E
Location			
Projection from facade			
Located ≤ 8' above sidewalk		4" max.	
Located > 8' above sidewalk		8" max.	
Signs per building		1 per shopfront max.	



#### F. Free-Standing Sidewalk Sign (Transect Zone Only)

##### Description

Sidewalk signs provide secondary signage and may be used to announce daily specials, sales, or point to shops off the sidewalk (i.e. a shop located along a paseo).

They may be painted wood panels or cut wood shapes.

Traditional slate boards are highly recommended. Chaser lights or illuminated signs may not be used.

##### Size

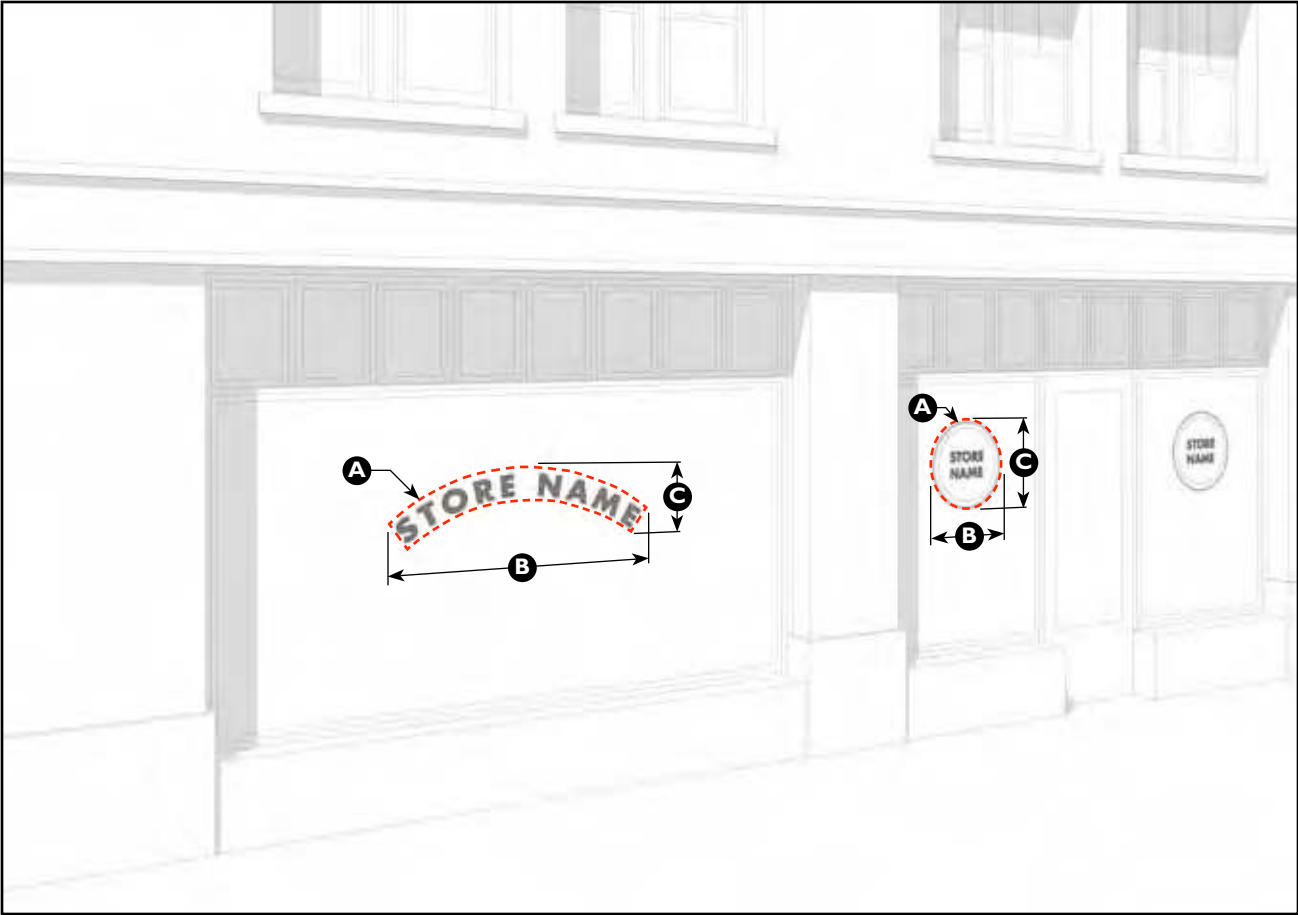
Sign Area	6 sf max.	<b>A</b>
Width	30" max.	<b>B</b>
Height	42" max.	<b>C</b>

##### Location

Sidewalk signs must not interfere with pedestrian travel or encroach upon the required accessible path.

Sidewalk signs may only be displayed during business hours and must be removed when the business is closed.

Signs per building                      1 per shopfront



**G.Window Sign (T4 Main Street and T4 Main Street-Open Zones)**

**Description**

Window signs are professionally painted signs consisting of individual letters and designs applied directly on the inside of a window.

**Size**

Sign Area		<b>A</b>
Per Individual Shopfront Bay	25% max.	
Per Shopfront	15% max.	
Width	5' max.	<b>B</b>
Height	30" max.	<b>C</b>

**Location**

Window signs shall be placed at or above eye level.  
Window signs shall be applied directly to the inside of the glass.

**Miscellaneous**

Applied plastic or vinyl cut letters are strongly discouraged.  
Window signs must have a clear background.

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**4.06.160      Agricultural (A)**

In an agricultural (A) zoning district which is combined with an open space (OS) zoning district, permanent signs are permitted as follows:

- A. **Area.** The maximum sign area is 32 square feet per use.
- B. **Permitted signs.** Only the following types of signs are permitted:
  - 1. Freestanding. A freestanding sign which does not exceed eight feet in height.
  - 2. Wall. A wall sign.

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**4.06.170      Neighborhood Business Commercial (CNB)**

In addition to the temporary signs allowed under Section 4.06.140 (Temporary Signs), permanent signs are permitted in Neighborhood Business Commercial (CNB) zoning district as follows:

- A. **Area.** The maximum aggregate sign area for all signs except freestanding signs and motor fuel price signs is as follows:
  - 1. For primary building frontage, the allowable sign area is 10 square feet for each parcel, plus one square foot for each lineal foot of the first 50 feet of building frontage, plus one square foot for each two lineal feet of building frontage in excess of 50 feet, to a maximum of 150 square feet. The sign owner may choose which one frontage is primary building frontage and which one frontage is secondary building frontage.
  - 2. For secondary building frontage, the allowable sign area is 10 square feet for each parcel, plus one square foot for each two lineal feet of building frontage, to a maximum of 32 square feet.
  - 3. If more than one use exists on a parcel, in addition to the allowable sign area under Subsections A.1 and A.2 of this section, each additional use is permitted 10 square feet of sign area, which must be placed on the premises occupied by that use.
- B. **Permitted signs.** Only the following types of signs are permitted:
  - 1. Awning. A single awning sign which does not exceed 32 square feet in area or eight inches in height for the sign copy.
  - 2. Canopy. A single canopy sign which does not exceed 12 inches in height or four feet in length.
  - 3. Freestanding. A parcel is entitled to signs under either Subsections B.3.a through B.3.c of this section:
    - a. A freestanding sign which may be electrical and which does not exceed eight feet in height or 20 square feet in area; or
    - b. Commercial complex. For a commercial complex exceeding five acres in size, freestanding signs are permitted under either Subsection B.3.b.1 or B.3.b.2 of this section, but not both:
      - (1) A freestanding sign which may be electrical may be placed on up to two frontages of the complex. Each sign may not exceed 25 square feet in area or eight feet in height, and
      - (2) A freestanding sign which may be electrical and which does not exceed 40

square feet in area or 25 feet in height;

- c. Multiple street frontage commercial complex. A commercial complex exceeding 10 acres in size, and providing public street access to three or more separate public streets, is authorized three electrical freestanding signs. Each sign may not exceed 30 square feet of sign area or eight feet in height.
- 4. Motor fuel price. A motor fuel price sign, as permitted under Section 4.06.290 (Motor Fuel Price Signs).
- 5. Wall. A wall sign.
- C. In a Neighborhood Business Commercial (CNB) zoning district, no sign shall be illuminated after normal business hours.

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#### 4.06.180      **Downtown Specific Plan (DSP)**

The design standards and guidelines for permanent signs contained in the 2003 *Downtown Specific Plan, Chapter 6 (Design Standards and Guidelines)* apply in this zoning district.

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#### 4.06.190      **Commercial Office (CO) or Professional Office (CP)**

In addition to the temporary signs allowed under Section 4.06.140 (Temporary Signs), permanent signs are permitted in a commercial office (CO) or professional office (CP) zoning district as follows:

- A. **Area.** The maximum aggregate sign area is as follows. For parcels in a commercial office (CO) or professional office (CP) zoning district, the maximum sign area is 10 square feet, plus one square foot for each two lineal square feet of building frontage, to a maximum of 50 square feet. Each occupant of a building may also have a nameplate sign which does not exceed two square feet in area.
- B. **Permitted signs.** Only the following types of signs are permitted:
  - 1. Awning. A single awning sign which does not exceed 32 square feet in area or eight inches in height for the sign copy;
  - 2. Canopy. A single canopy sign which does not exceed eight inches in height or three feet in length;
  - 3. Nameplate. A nameplate sign;
  - 4. Wall. A wall sign; and
  - 5. Freestanding. A freestanding sign, which may be illuminated and which does not exceed 20 square feet in area or eight feet in height, is permitted on each of not more than two frontages of a building.

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#### 4.06.200      **Commercial Service (CS)**

In addition to the temporary signs permitted under Section 4.06.140 (Temporary Signs), permanent signs are permitted in a commercial service (CS) zoning district as follows:

- A. **Area.** The maximum aggregate sign area for all signs except freestanding signs, freeway freestanding joint use signs and motor fuel price signs is as follows:



1. For primary building frontage, the allowable sign area is 10 square feet for each parcel, plus one square foot for each lineal foot of the first 50 feet of building frontage, plus one square foot for each two lineal feet of building frontage in excess of 50 feet, to a maximum of 150 square feet. The sign owner may choose which one frontage is primary building frontage and which one frontage is secondary building frontage.
  2. For secondary building frontage, the allowable sign area is 10 square feet for each parcel, plus one square foot for each two lineal feet of building frontage, to a maximum of 32 square feet.
  3. If more than one use exists on a parcel, in addition to the allowable sign area under Subsections A.1 and A.2 of this section, each additional use is permitted 10 square feet of sign area, which must be placed on the premises occupied by that use.
- B. Permitted signs.** Only the following types of signs are permitted:
1. **Awning.** An awning sign which does not exceed 32 square feet in area or eight inches in height for the sign copy.
  2. **Canopy.** A single canopy sign which does not exceed 12 inches in height or four feet in length.
  3. **Freestanding.** Each parcel which is one acre or smaller may have one freestanding sign. The sign shall not exceed 32 square feet in area or eight feet in height. Each parcel larger than one acre and having a street frontage of 300 feet or more may have one additional electrical freestanding sign not exceeding 32 square feet in area or eight feet in height. A minimum separation of 150 feet is required between signs. Freestanding signs permitted under this section may be electrical.
  4. **Motor fuel price.** A motor fuel price sign, as permitted under Section 4.06.290 (Motor Fuel Price Signs).
  5. **Wall.** A wall sign which may be electrical.

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#### 4.06.210 Highway Service Commercial (CHS)

In addition to the temporary signs permitted under Section 4.06.140 (Temporary Signs), permanent signs are permitted in a highway service commercial (CHS) zoning district as follows:

- A. Area.** The maximum aggregate sign area for all signs except freestanding signs, freeway freestanding joint use signs and motor fuel price signs is as follows:
1. For primary building frontage, the allowable sign area is 10 square feet for each parcel, plus one square foot for each lineal foot of the first 50 feet of building frontage, plus one square foot for each two lineal feet of building frontage in excess of 50 feet, to a maximum of 150 square feet. The sign owner may choose which one frontage is primary building frontage and which one frontage is secondary building frontage.
  2. For secondary building frontage, the allowable sign area is 10 square feet for each parcel, plus one square foot for each two lineal feet of building frontage, to a maximum of 32 square feet.
  3. If more than one use exists on a parcel, in addition to the allowable sign area under Subsections A.1 and A.2 of this section, each additional use is permitted 10 square feet of sign area, which must be placed on the premises occupied by that use.

**B. Permitted signs.** Only the following types of signs are permitted:

1. **Awning.** A single awning sign which does not exceed 32 square feet in area or eight inches in height for the sign copy.
2. **Canopy.** A single canopy sign which does not exceed 12 inches in height or four feet in length.
3. **Freestanding.** Each parcel which is one acre or smaller may have one freestanding sign. Each parcel larger than one acre, and having a street frontage of 300 feet or more, may have one additional freestanding sign. Each sign shall not exceed 30 square feet in area or eight feet in height. A minimum separation of 150 feet is required between signs. Freestanding signs permitted under this section may be electrical.
4. **Motor fuel price.** A motor fuel price sign, as permitted under Section 4.06.290 (Motor Fuel Price Signs).
5. **Wall.** A wall sign which may be electrical.
6. **Freestanding freeway.** A freestanding freeway joint use sign shall be granted a conditional use permit upon meeting the criteria listed below. Off-site advertising is permitted for qualifying participants in a joint freeway sign. The sign is subject to the following requirements:
  - a. One joint sign is permitted per quadrant.
  - b. A qualifying use must be located within a freeway quadrant and zoned CHS, highway service commercial district.
  - c. A maximum of eight acres of CHS zoning per quadrant is permitted.
  - d. A joint use sign shall be designed to be used by one or more freeway-oriented uses within a quadrant of a freeway interchange.
  - e. Freeway sign shall not exceed 300 square feet of total sign area.
  - f. The joint sign and qualifying use must be located within the quadrant of the site of one of the participating uses.
  - g. A qualifying use is authorized 37.5 square feet of sign area per qualifying acre, with a minimum of 37.5 square feet to qualify for a sign and a maximum 100 square feet per user. Sign area or "sign credits" may be transferred and sold within the same quadrant.
  - h. One-half of the area of the freeway sign shall be deducted from the total sign area allowed for the parcel or participating use.
  - i. Maximum height of a freeway sign is 50 feet, but in no case may the maximum height of a freeway sign exceed 40 feet above the freeway median.
  - j. The architectural design for the sign shall be "monumental-style" (the supporting structure a minimum width of the message area) and well-proportioned (height versus width), with a minimum of 50 percent of the supporting structure enclosed.
  - k. The initial sign developer shall design the sign to allow subsequent users access to the sign. Overall sign design shall be set with the initial builder and subsequent users shall conform.
  - l. Participants on the joint sign shall reimburse the original developer on a justifiable pro rata share basis for construction cost and maintenance.
  - m. Any qualified use not participating on a joint freeway sign shall be entitled to an

additional 32 square feet of wall sign.

- n. Conditional use permit approval is contingent upon the decision-making body determination through acceptable photo studies that the sign is optimally located within the quadrant, based on visibility from Interstate 580. Should the optimal location not be available, alternative locations shall be considered.

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#### 4.06.220 Education and Institutions (E)

In an education and institutions (E) zoning district, permanent signs are permitted as follows:

- A. **Area.** The maximum sign area is 50 square feet per use.
- B. **Permitted signs.** Only the following types of signs are permitted:
  1. Freestanding. A freestanding sign which does not exceed 32 square feet of sign area and a height of eight feet.
  2. Wall. A wall sign which may be electrical.

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#### 4.06.230 Industrial (I-1, I-2, and I-3)

In addition to the temporary signs allowed under Section 4.06.140 (Temporary Signs), permanent signs are permitted in the industrial zoning districts as follows:

- A. **Area.** The maximum aggregate sign area for all signs, except area signs and industrial park identification signs, is 32 square feet per parcel plus one square foot for each two feet of building frontage in excess of 50 feet, up to a maximum of 100 square feet. In addition, if more than one use exists on a parcel, 12 additional square feet are allowed for each use, which are to be placed on the premises occupied by the use.
- B. **Permitted signs.** Only the following types of signs are permitted:
  1. Area identification. An area identification sign as permitted under Section 4.06.280 (Area Identification Signs).
  2. Motor fuel price. A motor fuel price sign as permitted under Section 4.06.290 (Motor Fuel Price Signs).
  3. Freestanding. Each parcel which is one acre or smaller may have one freestanding sign. Each parcel larger than one acre, and having a street frontage of 300 feet or more, may have one additional freestanding sign. Each sign shall be a maximum of 32 square feet in area and eight feet in height. A minimum separation of 150 feet is required between signs. Freestanding signs permitted under this section may be electrical.
  4. Wall. A wall sign which may be electrical.
  5. Industrial park identification. A single industrial park identification sign is permitted with a conditional use permit for parcels directly adjacent to Interstate 580 consisting of 100 acres or more, and is subject to the following requirements:
    - a. The sign must be visible from at least one direction of Interstate 580.
    - b. The sign must have a maximum height of 25 feet and a maximum sign area of 100 square feet.
    - c. The width of the sign structure shall be 100 percent of the width of the sign

face.

- d. The sign shall be located on-site.
- e. The sign shall be located within a landscaped area of at least 2,000 square feet.
- f. The sign shall be located within 200 feet of the edge of the freeway right-of-way of Interstate 580.

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#### 4.06.240 Planned Development (PD)

Unless otherwise specified in a planned unit development permit, in a planned development (PD) zoning district, permanent signs are permitted as follows:

- A. **Area.** The maximum sign area is 32 square feet per use.
- B. **Permitted signs.** Only the following types of signs are permitted:
  - 1. Freestanding. A freestanding sign which does not exceed eight feet in height.
  - 2. Wall. A wall sign.
- C. However, in no case shall a planned development district or planned unit development be authorized a freestanding freeway sign.

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#### 4.06.250 Multiple Family Residential and Suburban Multiple Residential (MFR and RG)

In addition to the temporary signs allowed under Section 4.06.140 (Temporary Signs), permanent signs are permitted in a Multiple Family Residential (MFR) or Suburban Multiple Residential (RG) zoning district as follows:

- A. **Area.** The maximum aggregate sign area for all signs, except for area identification signs and freestanding signs, is 12 square feet per use.
- B. **Permitted signs.** Only the following types of signs are permitted:
  - 1. Area identification. An area identification sign as permitted under Section 4.06.280 (Area Identification Signs).
  - 2. Wall. A wall sign.
  - 3. Freestanding. A freestanding sign which does not exceed 12 square feet in area or six feet in height. For uses having a street frontage in excess of 300 feet, an additional freestanding sign containing 12 square feet in area is permitted. Freestanding signs must be separated a minimum distance of 150 feet.

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#### 4.06.260 Suburban Residential (RS), Rural Residential (R-R), and Low Density Residential (RL)

In addition to the temporary signs allowed under Section 4.06.140 (Temporary Signs), permanent signs are permitted in a suburban residential (RS), rural residential (R-R), or low density residential (RL) zoning district as follows:

- A. **Area.** The maximum aggregate sign area, except for area identification signs, is one square foot per parcel.

**B. Permitted signs.** Only the following types of signs are permitted:

1. Area identification. An area identification sign, as permitted under Section 4.06.280 (Area Identification Signs).
2. Wall. A wall sign.

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**4.06.270 Airport (AIR) Signs\***

All signs submitted for design review shall be administratively reviewed and authorized for design review processing by the Airport Manager for size, design, location, and illumination prior to submittal to the Community Development Department for formal review and approval. In accordance with Section 3.03.180 (Airport (AIR) Zone), a written statement from the Airport Manager authorizing the submittal of the sign for formal design review shall accompany the application.

**A. Permitted signs.** Only the following types of signs are permitted:

1. Monument. A monument sign that does not exceed 32 square feet of sign area and eight feet in height at each entrance to the airport that has open access to the public. Entrances that do not have open access to the public shall be permitted one sign per entrance, consistent with the standards described in subsection (A)(3) of this section (Directional signs).
2. Wall/Awning. Fixed base operators (FBOs), as determined by the Airport Manager, are permitted one wall or awning sign, which may be electrical. For primary building frontage, the allowable sign area is one square foot for each lineal foot of the first 50 feet of building frontage, plus one square foot for each two lineal feet of building frontage in excess of 50 feet, to a maximum of 150 square feet per building. Wall signs oriented towards and parallel to the public right-of-way shall be subject to Planning Commission review and approval. Wall signs oriented towards the interior of the airport property shall be administratively reviewed and approved.
3. Directional signs. Directional signs serving to identify the location of buildings, hangar spaces, facilities, etc., and not the locations of specific FBO operators, vendors, or tenants, shall be erected where they are most visible for visitors. Freestanding single-face and/or double-face directional signs are permitted as follows:
  - a. The location of signs shall be determined and administratively approved by the Airport Manager.
  - b. Maximum height shall not exceed five feet, measured from grade to the top of the sign.
  - c. Maximum width shall not exceed three feet.
  - d. Maximum letter height and sign copy shall be determined by the Airport Manager. (Ord. 1903 § 2 (Exh. B), 2010)

\*Code reviser's note: Ordinance 1903 adds the provisions of this section as Section 4.06.265. The section numbering was altered during publication of the Livermore Development Code.

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**4.06.280 Area Identification Signs**

Where permitted in this chapter, area identification signs serving to identify an area, neighborhood or district are permitted as follows:

- A. The sign may be on each of two corners of streets entering an area, neighborhood, or district.
- B. The sign shall be architecturally part of an otherwise permitted permanent fence, wall, or similar structure defining the entrance.
- C. Aggregate area of sign copy shall not exceed 15 square feet.
- D. The sign copy shall be noncommercial.
- E. Where dedication of the sign is proposed, the dedication shall include the structure and land on which the sign is located, together with access to the nearest public right-of-way.

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**4.06.290 Motor Fuel Price Signs**

Where permitted in this chapter, motor fuel price signs are permitted as follows:

- A. The maximum aggregate sign area for sign copy is 40 square feet per use; however, the area of sign copy on an individual sign may not exceed 20 square feet.
- B. When a sign is freestanding, its maximum height is six feet.
- C. A sign may be electrical.
- D. A sign permitted under this section is in addition to, but may be combined with, a freestanding sign which is regulated under Article IV of this chapter.

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**4.06.300 Public and Quasi-Public Use Signs**

Where permitted in this chapter, signs for public and quasi-public uses are permitted as follows:

- A. Public and quasi-public uses located in a residential zoning district shall be subject to the sign standards of the commercial office (CO) zoning district.
- B. Public and quasi-public uses located in any nonresidential zoning district shall be subject to the regulations of the district the use is located in.

## Chapter 4.07: Historic Preservation Overlays

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### Sections:

4.07.010	Purpose
4.07.020	Applicability
4.07.030	Historic Resources- Designation Procedure
4.07.040	Uses Permitted
4.07.050	Building Form Requirements
4.07.060	Permit Requirements

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### 4.07.010 Purpose

Sites shall be zoned with a historic preservation overlay zone, Historic Preservation-Landmark (HP-L) or Historic Preservation-Heritage (HP-H), for the following purposes:

- A. To promote the historic preservation objectives of the City;
- B. To safeguard the City's heritage as embodied and reflected in its resources;
- C. To encourage public knowledge, understanding and appreciation of the City's past;
- D. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of historic resources;
- E. To promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the City;
- F. To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complementary contemporary design and construction;
- G. To protect and enhance the City's attractiveness to tourists and visitors;
- H. To assist in the early identification and resolution of potential conflicts between the preservation of historic resources and alternate land uses;
- I. To integrate the preservation of historic resources into the City's planning process; and
- J. To conserve valuable historic material by ongoing use and maintenance of the existing structures.

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### 4.07.020 Applicability

The HP-L and HP-H zones are applied to important historic sites and structures in the City.

In the HP-L zone, all proposed demolitions, exterior alterations, additions, or moving of a structure or part of a structure shall comply with all applicable requirements of this Section.

In the HP-H zone, all proposed demolitions or additions to a structure or site if visible from a public right-of-way, private street, or parking lot available for public use shall comply with all applicable requirements of this Section.

**4.07.030 Historic Resources Designation Procedure**

- A. The Historic Preservation Commission, either on its own initiative or upon the nomination of any a person, may propose the adoption of an historic district to regulate development on any site that contains an historic resource. The nomination application shall contain sufficient documentation and information to permit determination that the nominated resource meets the criteria for designation as an historic resource.
- B. The approval of the historic district on any site shall utilize the rezoning procedures specified in Part 9.
- C. Sites or areas may be zoned to one of the historic preservation (HP) zoning districts. These districts shall be utilized when the sites or areas meet the qualification criteria noted below, or have been identified by the cultural resources survey as containing historic resources.
- D. Designation of any area or site as an historic district may be approved if it meets one or more of the following criteria:
  - 1. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural or natural history;
  - 2. It is identified with persons or events significant in local, State or national history;
  - 3. It embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the uses of indigenous materials or craftsmanship;
  - 4. It is representative of the work of a notable builder, designer or architect;
  - 5. It contributes to the significance of an historic area, being a geographically definable area possessing a concentration of historic or scenic properties or thematically related groupings of properties which contribute to each other and are united aesthetically by plan or physical development;
  - 6. It has unique location or singular physical characteristic or is a view or vista representing an established and familiar visual feature of a neighborhood, community or the City;
  - 7. It embodies elements of architectural design, detail, materials or craftsmanship that represent a significant structural or architectural achievement or innovation;
  - 8. It is similar to other distinctive properties, sites, areas or objects based on an historic, cultural or architectural motif;
  - 9. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes or distinctive examples of park or community planning;
  - 10. It is one of the few remaining examples in the City, region, State or nation possessing distinguishing characteristics of an architectural or historic type or specimen.

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**4.07.040 Uses Permitted**

The uses permitted are limited to those uses permitted in the Zone with which the HP-L and HP-H are combined. However, upon the favorable recommendation of the Historic Preservation Commission, a Conditional Use Permit may be granted to permit additional uses that will advance or support the City's historic preservation objectives.



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**4.07.050      Building Form Requirements**

FAR: 25% max. for any site combined with a residential zone.

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**4.07.060      Permit Requirements**

A Certificate of Appropriateness in compliance with Section 9.02 (Certificate of Appropriateness) is required before the issuance of a Building Permit.



# Part 5: Building Types

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<b>Chapter 5.01: Building Types</b>	<b>5-3</b>
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## Chapter 5.01: Building Types

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### Sections:

5.01.010	Purpose
5.01.020	Applicability
5.01.030	Carriage House
5.01.040	Single-Family
5.01.050	Bungalow Court
5.01.060	Duplex, Side by Side
5.01.070	Duplex, Stacked
5.01.080	Duplex, Front and Back
5.01.090	Townhouse
5.01.100	Fourplex and Sixplex
5.01.110	Courtyard Apartment
5.01.120	Live/Work
5.01.130	Commercial Block

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#### 5.01.010 Purpose

Part 5: Building Types sets forth standards applicable to development within each Transect zone for the following building types: Carriage House, Single Family, Bungalow Court, Duplex Side by Side, Duplex Stacked, Duplex Front and Back, Townhouse, Fourplex and Sixplex, Courtyard Apartment, Live/Work, and Commercial Block.

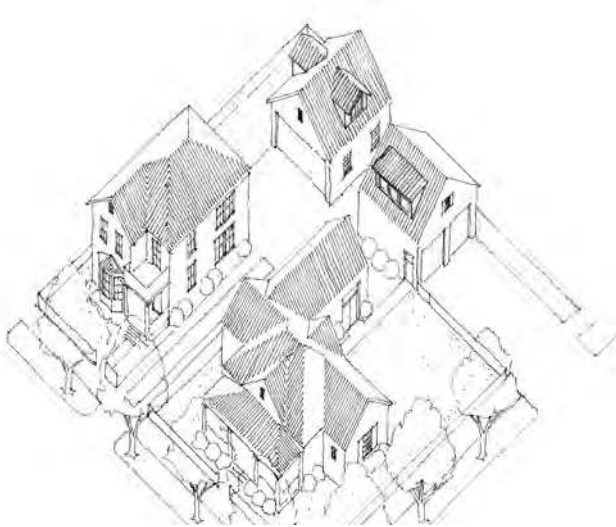
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#### 5.01.020 Applicability

The requirements of this Chapter shall apply to all proposed development within Transect-based zones, and shall be considered in combination with the standards for the applicable zone in Part 3 (Specific to Zones), Part 4 (General to Zones) and those in Part 6 (Specific to Uses). If there is a conflict between any standards, the provisions of Part 3 control over Part 4 and 5 and the provisions of Part 6 control over Parts 3, 4 and 5.

## 5.01.030 Carriage House

*General Note: the drawings and photos below are illustrative.*



### A. Description

The Carriage House building type provides a unit or home office space that may be above a garage. Carriage houses are typically located to the rear of lots. This building type provides affordable housing opportunities within walkable neighborhoods and incubator space for small professional office users. If there is a conflict between any standards, the provisions set forth here control over the citywide secondary unit standards (6-03-120).



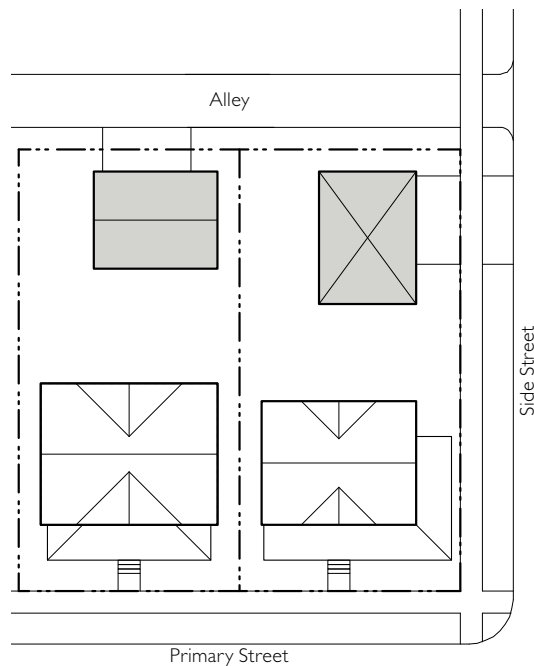
*One-and-a-half-story carriage house connected to main house by a breezeway.*



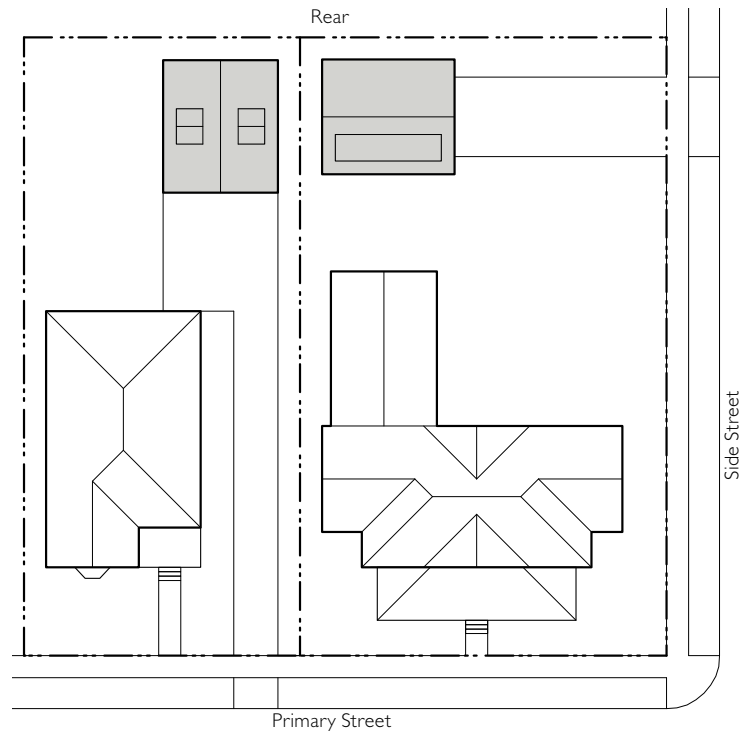
*One-and-a-half-story carriage house next to a two-car garage.*



*One-and-a-half-story carriage house.*



Typical Alley Loaded Plan Diagram



Typical Front Loaded Plan Diagram

**Key**

--- ROW / Property Line

■ Building Area

**B. Lot****Lot Size**

NA

**Miscellaneous**

Allowed on lots when accompanying a single-family dwelling.

**C. Frontages**

NA

**D. Vehicle Access and Parking****Spaces**

≤ 500 sf 0 spaces min.

> 500 sf 1 spaces min.

**Miscellaneous**

Any parking spaces provided shall be separate from the primary unit and may be enclosed, covered or open.

**E. Open Space, Usable**

Width 10' min.

Depth 10' min.

**F. Building Size and Massing****Main Body**

Width 35' Max.

**Size**

Area, excluding garage 50% of primary dwelling unit, up to 1,200 max.

**Miscellaneous**

Shall be detached from primary dwelling unit.

Carriage house units shall be shorter and smaller than primary dwelling units.

## 5.01.040 Single-Family

*General Note: the drawings and photos below are illustrative.*



### A. Description

Single-unit detached houses typically located within primarily single-family neighborhoods or near neighborhood main streets. Well designed single-family homes engage the street with porches or stoops and place garages and parking pads behind the house.



*Newly constructed single-family home with stoop frontage and detailed elements such as the bay window, rake and eaves, and windows.*

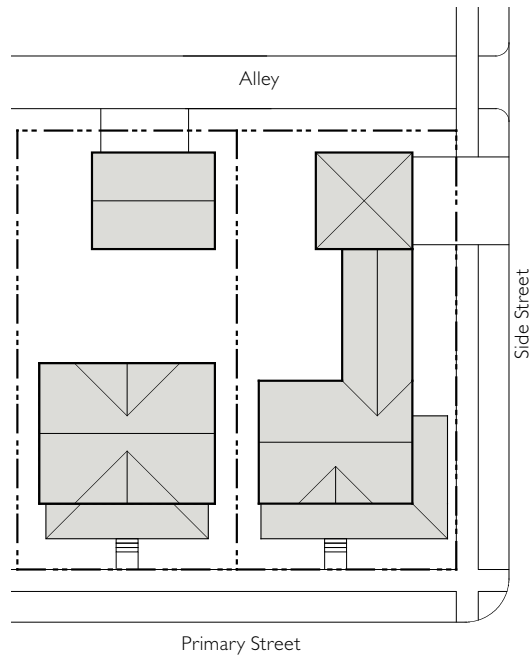


*Newly constructed small lot single-family home in Livermore.*

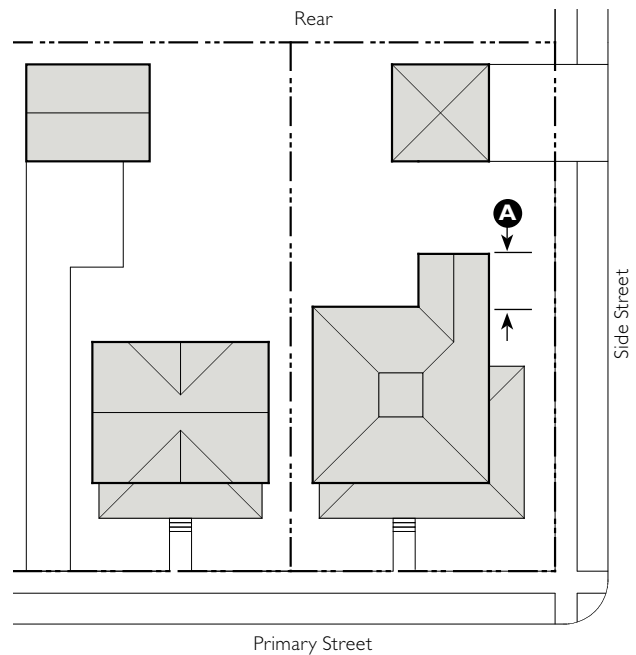


*Existing small single-family home in Livermore.*





Typical Alley Loaded Plan Diagram



Typical Front Loaded Plan Diagram

**Key**

--- ROW / Property Line

■ Building Area

B. Lot	
Lot Size	
Width	50' min., 75' max.
Depth	75' min., 150' max.
Size <sup>1</sup>	5,000 sf min.

<sup>1</sup> Smaller lot size permitted only if already existing at time of adoption, 05/01/10.

C. Pedestrian Access	
Main Entrance Location	Primary street
D. Frontages	
Allowed Frontages	
Porch	
Stoop	
E. Vehicle Access and Parking	
Parking spaces may be enclosed, covered or open.	

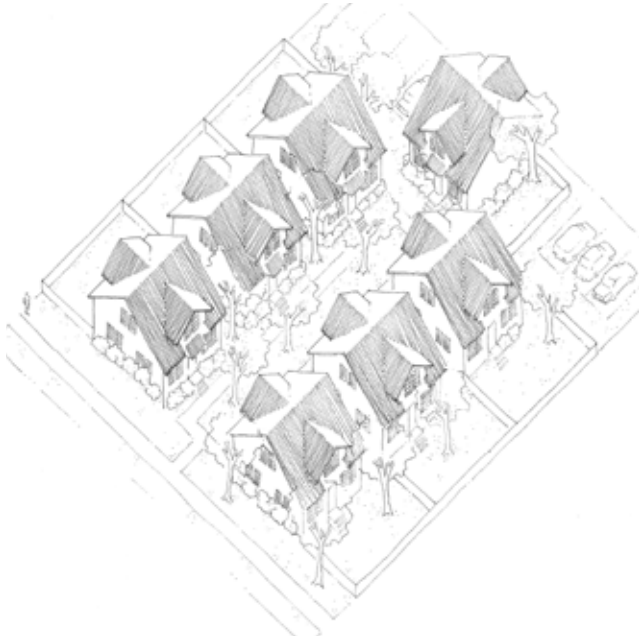
F. Open Space, Usable	
Width	15' min.
Depth	15' min.
Open Space Area	300 sf min.

Required street setbacks and driveways shall not be included in the open space area calculation.

G. Building Size and Massing	
Main Body	
Width	36' max.
Secondary Wing	
Width	24' max. <sup>A</sup>
Detached Garage	
Width	22' max.
Depth	25' max.

## 5.01.050 Bungalow Court

*General Note: the drawings and photos below are illustrative.*



### A. Description

The Bungalow Court building type consists of a series of small detached or attached houses on a single lot, arranged to define a shared court that is perpendicular to the street. All units address and are accessed from this shared court. This type is typically integrated sparingly into single-family neighborhoods or more consistently into neighborhoods with other medium-density types such as duplexes, fourplexes, or courtyard apartments. This building type provides an option for living in a smaller, high-quality house in a more community-driven environment due to the shared outdoor space.



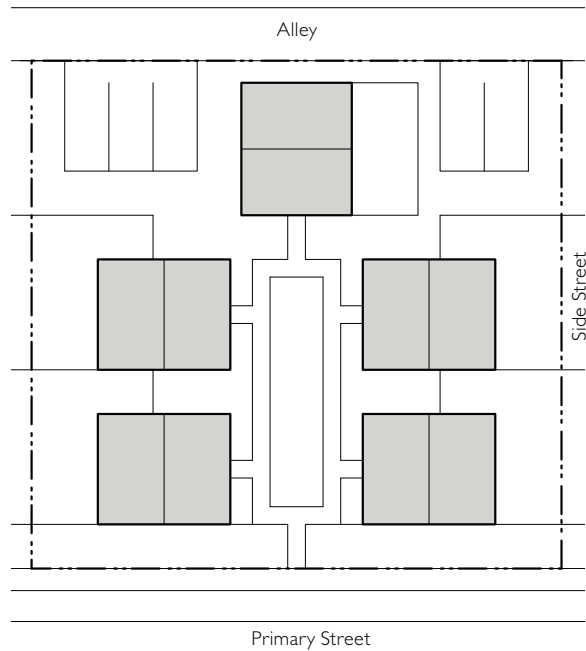
*Prairie-style bungalow court with raised stoop entries.*



*Tudor-style bungalow court with a lushly landscaped court.*



*Bungalow court with trellis enclosing the courtyard.*



*Typical Alley Loaded Plan Diagram*

### Key

---- ROW / Property Line      ■ Building Area

B. Lot	
Lot Size	
Width	75' min., 150' max.
Depth	100' min., 150' max.
C. Pedestrian Access	
Main Entrance Location	Public Courtyard
D. Frontages	
Allowed Frontages	
Porch	
Stoop	
E. Vehicle Access and Parking	
Parking spaces may be enclosed, covered or open.	
Spaces may be individually accessible by the units and/or a common parking area located at the rear or side of the lot.	

F. Open Space, Usable	
Common Courtyard	
Width	20' min. clear
Depth	50' min. clear
Shall be perpendicular to street.	
Shall be open to the street.	
Private Open Space	
No private outdoor space is required.	
G. Building Size and Massing	
Main Body	
Width	32' max.
Depth	24' max.
Height	1 1/2 Stories max.
Detached Garage	
Width	22' max.
Depth	25' max.
H. Miscellaneous	
Shall not be used on corner lots.	

## 5.01.060 Duplex, Side by Side

*General Note: the drawings and photos below are illustrative.*



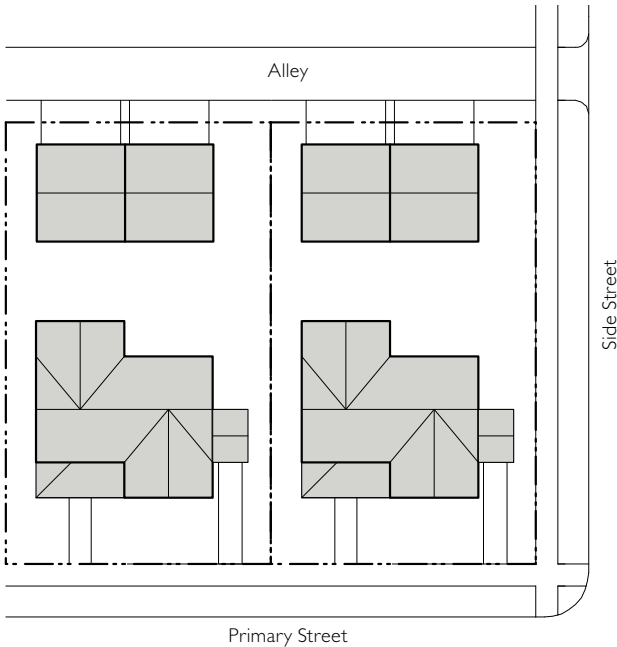
*A one-story side-by-side duplex.*



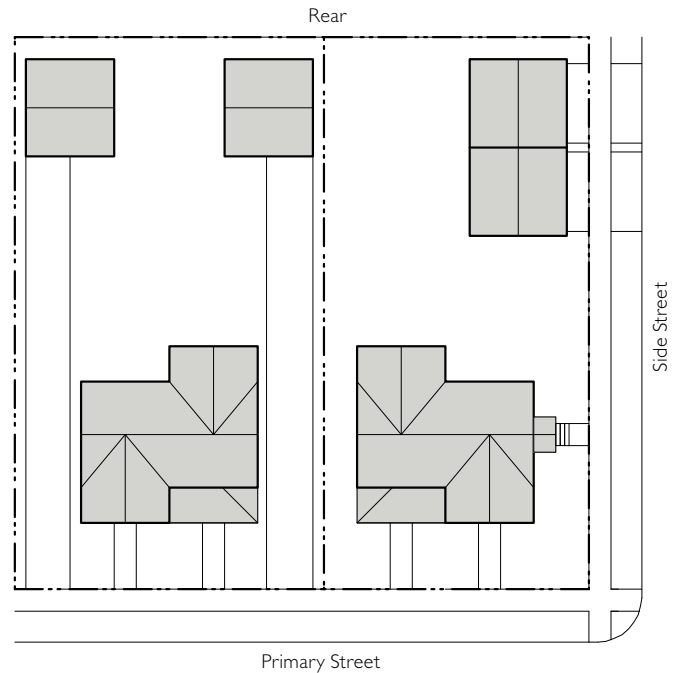
*A two-story side-by-side duplex.*

### A. Description

This Duplex building type consists of structures that contain two side-by-side dwelling units, both facing the street, and sharing one common party wall. This building type has the appearance of a medium to large single-family home. This type is typically integrated sparingly into single-family neighborhoods or more consistently into neighborhoods with other medium-density types such as bungalow courts, fourplexes, or courtyard apartments. This building type enables the incorporation of high-quality, well-designed density within a walkable neighborhood.



Typical Alley Loaded Plan Diagram



Typical Front Loaded Plan Diagram

**Key**

---- ROW / Property Line      ■ Building Area

**B. Lot****Lot Size**

Width	50' min., 75' max.
Depth	100' min., 150' max.

**C. Pedestrian Access**

Main Entrance Location      Primary street

On corner lots each unit shall front a different street.

**D. Frontages****Allowed Frontages**

Porch

Stoop

**E. Vehicle Access and Parking**

Parking spaces may be enclosed, covered or open.

**F. Open Space, Usable**

Width	15'/unit min.
Depth	15'/unit min.
Open Space Area	300 sf min.

Required street setbacks and driveways shall not be included in the open space area calculation.

**G. Building Size and Massing****Main Body**

Width	36' max.
-------	----------

**Secondary Wing**

Width	24' max.
-------	----------

**Detached Garage**

Width	36' max.
Depth	25' max.

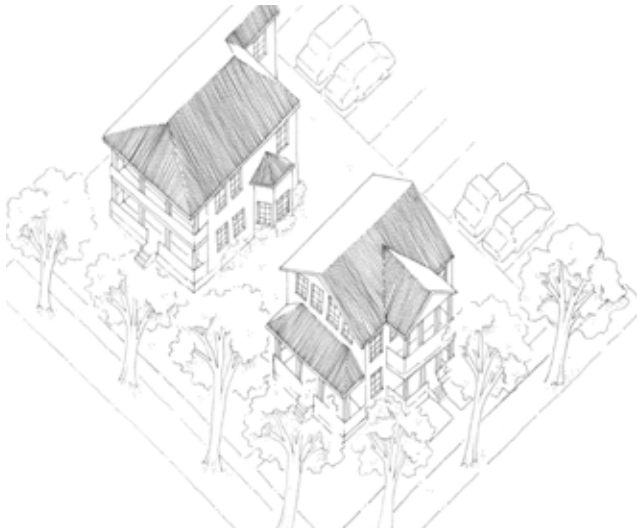
**H. Miscellaneous**

Both units shall have entries facing the street on, or no more than 10' behind, the front facade.



## 5.01.070 Duplex, Stacked

*General Note: the drawings and photos below are illustrative.*



*The entry to the right opens to a stair leading to the upper unit, which takes up the entire upper floor. The door to the left opens directly into the lower unit, which takes up the entire lower floor.*

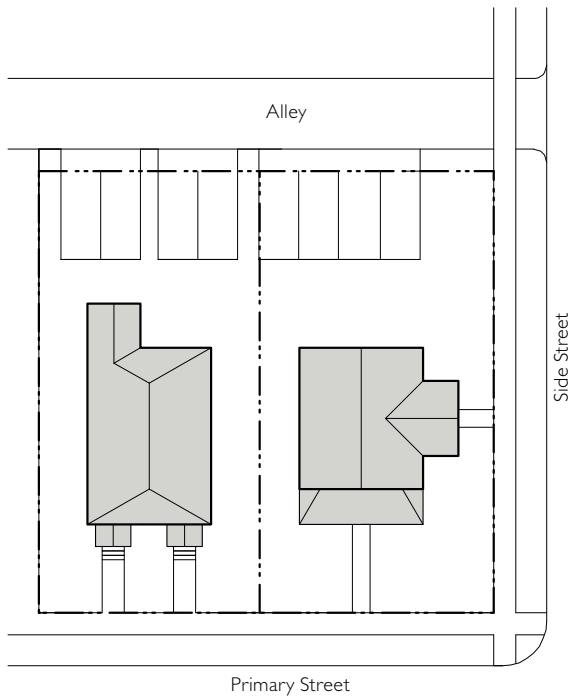
### A. Description

This Duplex building type consists of structures that contain two units, one on top of the other. This building type has the appearance of a medium to large single-family home. This type is typically integrated sparingly into single-family neighborhoods or more consistently into neighborhoods with other medium-density types such as bungalow courts, fourplexes, or courtyard apartments. This building type enables the incorporation of high-quality, well-designed density within a walkable neighborhood.

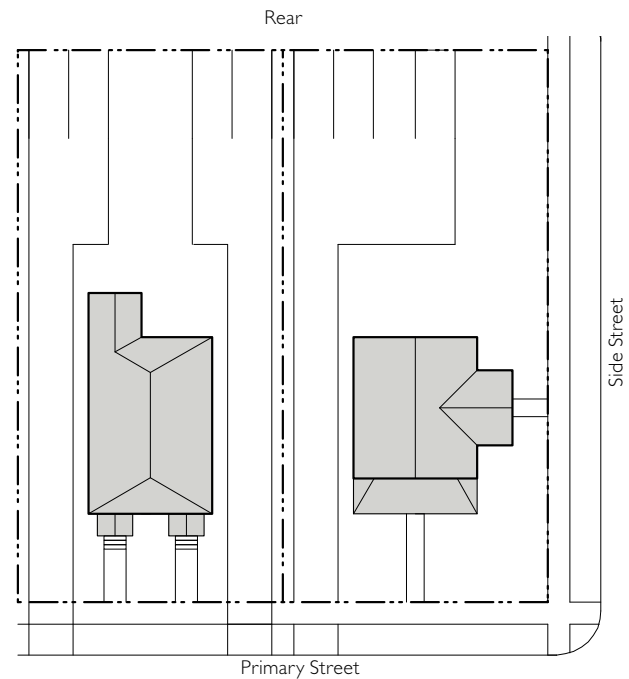
This is the preferred type of duplex on 50' wide lots in Livermore neighborhoods not zoned for single-family because it is capable of accommodating two units in a smaller footprint, thus maximizing compatibility in size and privacy to the rear of adjacent units.



*The scale of this duplex makes it compatible with adjacent single-family homes.*



Typical Alley Loaded Plan Diagram



Typical Front Loaded Plan Diagram

**Key**

--- ROW / Property Line

■ Building Area

**B. Lot****Lot Size**

Width	50' min., 75' max.
Depth	100' min., 150' max.

**C. Pedestrian Access**

Main Entrance Location	Primary street
On corner lots each unit shall front a different street.	

**D. Frontages****Allowed Frontages**

Porch

Stoop

**E. Vehicle Access and Parking**

Parking spaces may be enclosed, covered, or open.

**F. Open Space, Usable**

Width	15'/unit min.
Depth	15'/unit min.
Open Space Area	300 sf min.

Required street setbacks and driveways shall not be included in the open space area calculation.

**G. Building Size and Massing****Main Body**

Width	36' max.
-------	----------

**Secondary Wing**

Width	24' max.
-------	----------

**Detached Garage**

Width	36' max.
Depth	25' max.

**H. Miscellaneous**

Both units shall have entries facing the street no more than 10' behind, the front façade.

## 5.01.080 Duplex, Front and Back

*General Note: the drawings and photos below are illustrative.*



*Duplex with both the front and rear unit entries/porches appropriately engaging and addressing the street.*

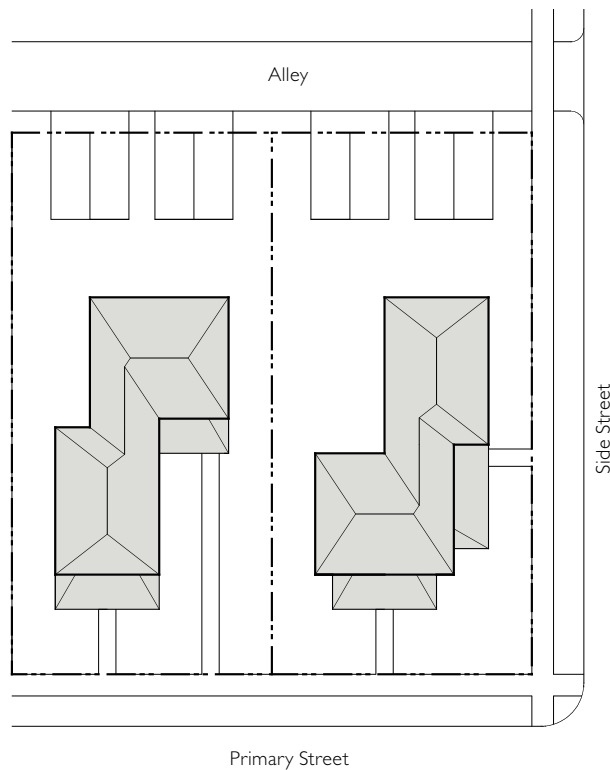
### A. Description

This Duplex building type consists of structures that contain two side-by-side dwelling units, potentially with one unit facing the street and one not, and with both units sharing a common party wall. This building type has the appearance of a medium to large single-family home. This type is typically integrated sparingly into single-family neighborhoods or more consistently into neighborhoods with other medium-density types such as bungalow courts, fourplexes, or courtyard apartments. This building type enables the incorporation of high-quality, well-designed density within a walkable neighborhood.

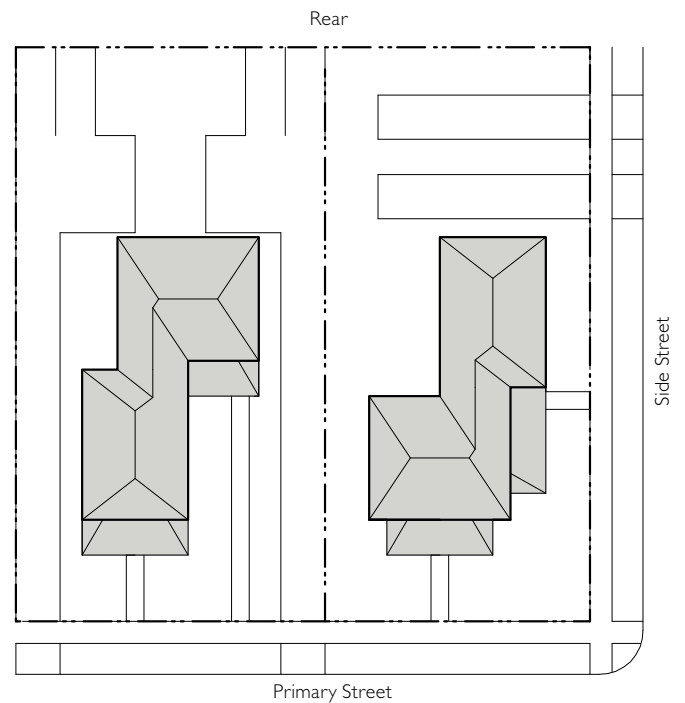


*Duplex with both the front and rear unit entries/stoops appropriately engaging and addressing the street.*





Typical Alley Loaded Plan Diagram



Typical Front Loaded Plan Diagram

**Key**

--- ROW / Property Line

■ Building Area

**B. Lot****Lot Size**

Width 50' min., 75' max.

Depth 100' min., 150' max.

**C. Pedestrian Access**

Main Entrance Location Primary street

Each unit shall have an individual entry facing a street.

On corner lots each unit shall front a different street.

**D. Frontages****Allowed Frontages**

Porch

Stoop

**E. Vehicle Access and Parking**

Parking spaces may be enclosed, covered or open.

**F. Open Space, Usable**

Width 15'/unit min.

Depth 15'/unit min.

Open Space Area 300 sf min.

Required street setbacks and driveways shall not be included in the open space area calculation.

**G. Building Size and Massing****Main Body**

Width 36' max.

**Secondary Wing**

Width 24' max.

**Detached Garage**

Width 36' max.

Depth 25' max.

## 5.01.090 Townhouse

*General Note: the drawings and photos below are illustrative.*



### A. Description

The Townhouse building type consists of structures that contain three or more dwelling units placed side by side. A small side or rear yard is provided for each unit as private open space. This building type provides a higher-density, fee-simple unit in a more urban form.



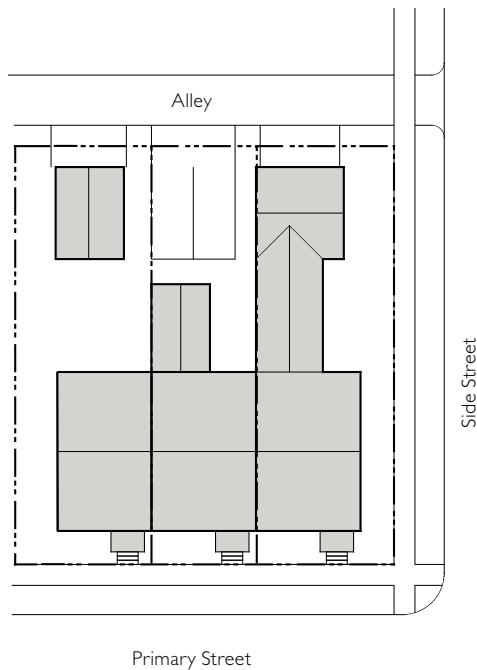
*Five attached townhouses designed with a single simple plane. Elevated covered stoops provide a secondary rhythm along the street.*



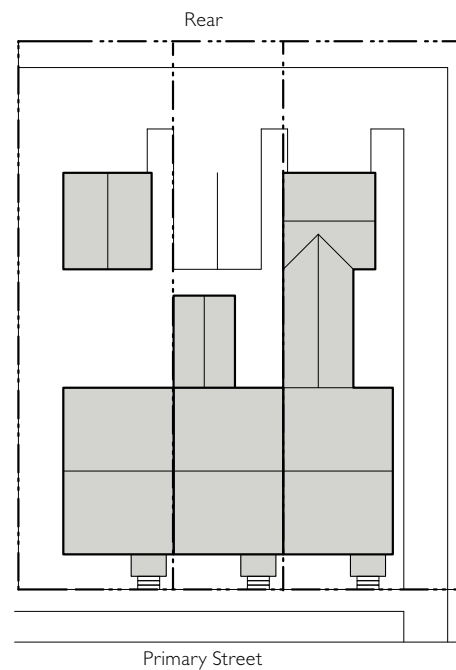
*Four attached townhouses designed with a simple massing with a continuous porch. The dormers and slight plane shift in the end units help to break down the overall massing.*



*Three attached townhouses designed with a simple massing. Individual porches and gable ends on the end units provide the secondary rhythm.*



Typical Alley Loaded Plan Diagram



Typical Front Loaded Plan Diagram

**Key**

---- ROW / Property Line      ■ Building Area

**B. Lot****Lot Size**

Width	18' min.
Depth	80' min.

**C. Pedestrian Access**

Main Entrance Location      Primary street

Each unit shall have an individual entry.

**D. Frontages****Allowed Frontages**

Porch

Stoop

**E. Vehicle Access and Parking**

Parking spaces may be enclosed, covered, or open

**F. Open Space, Usable**

Width	8' clear min.
Depth	8' clear min.
Open Space Area	100 sf/unit min.

Required street setbacks and driveways shall not be included in the common open space area calculation.

**G. Building Size and Massing****Main Body**

Width	18' min. / 36' max. per unit
-------	---------------------------------

## 5.01.100 Fourplex and Sixplex

*General Note: the drawings and photos below are illustrative.*



### A. Description

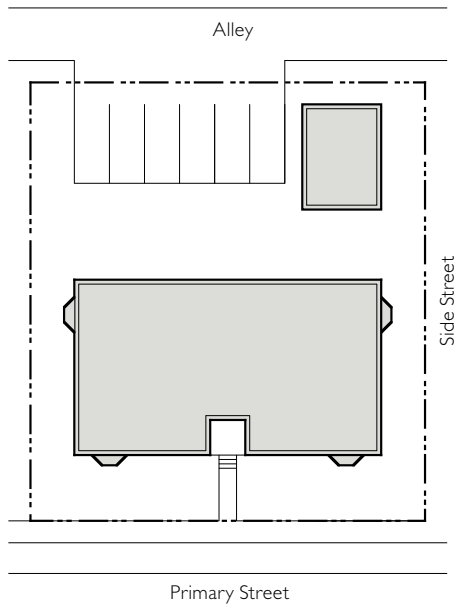
The Fourplex and Sixplex building type consists of structures that contain four to six side-by-side and/or stacked dwelling units with one shared entry. This building type has the appearance of a medium to large single-family home, and is typically integrated sparingly into single-family neighborhoods or more consistently into neighborhoods with other medium-density types such as duplexes, fourplexes, or courtyard apartments. This building type enables the incorporation of high-quality, well-designed density within a walkable neighborhood.



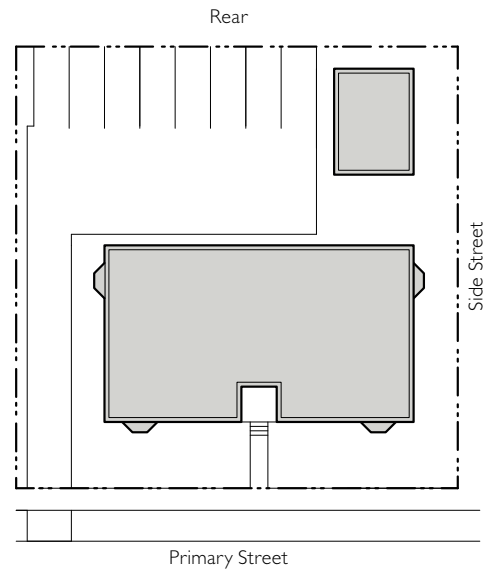
*A grouping of fourplex units that have the scale and character of large single-family houses.*



*A newly constructed sixplex that is of an appropriate scale and character to be integrated into a primarily single-family neighborhood.*



Typical Alley Loaded Plan Diagram



Typical Front Loaded Plan Diagram

**Key**

---- ROW / Property Line      ■ Building Area

B. Lot	
Lot Size	
Width	75' min., 150' max.
Depth	100' min., 150' max.
C. Pedestrian Access	
Main Entrance Location	Primary street
Each unit may have an individual entry.	
D. Frontages	
Allowed Frontages	
Porch	
Stoop	
Forecourt	
E. Vehicle Access and Parking	
Parking spaces may be enclosed, covered or open.	
Garages may be detached or tuck-under.	

F. Open Space, Usable	
Width	8' clear min.
Depth	8' clear min.
Open Space Area	100 sf/unit min.
Required street setbacks and driveways shall not be included in the common open space area calculation.	
G. Building Size and Massing	
Main Body	
Width	50' max.
Depth	40' max.
Secondary Wing	
Distance from front facade	10' min.
Width	15' max.
Depth	35' max.
Detached Garage	
Width	22' max.
Depth	25' max.



## 5.01.110 Courtyard Apartment

*General Note: the drawings and photos below are illustrative.*



### A. Description

The Courtyard Apartment building type consists of structures that contain multiple attached and stacked units, accessed from a courtyard or series of courtyards. Each unit may have its own individual entry, or up to three units may share a common entry. This type is typically integrated sparingly into single-family neighborhoods or more consistently into neighborhoods with other medium-density types such as duplexes, fourplexes, or courtyard apartments. This building type enables the incorporation of high-quality, well-designed density within a walkable neighborhood.



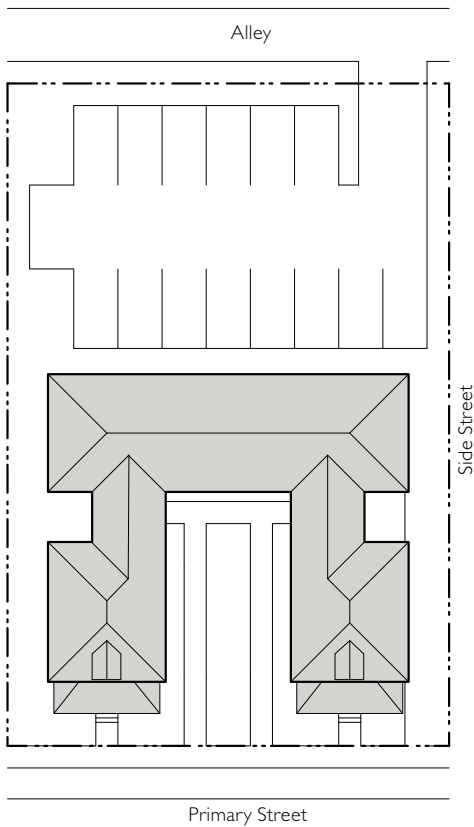
*C-shaped courtyard building with short wall defining the threshold for the sidewalk into the courtyard, from which all units are entered.*



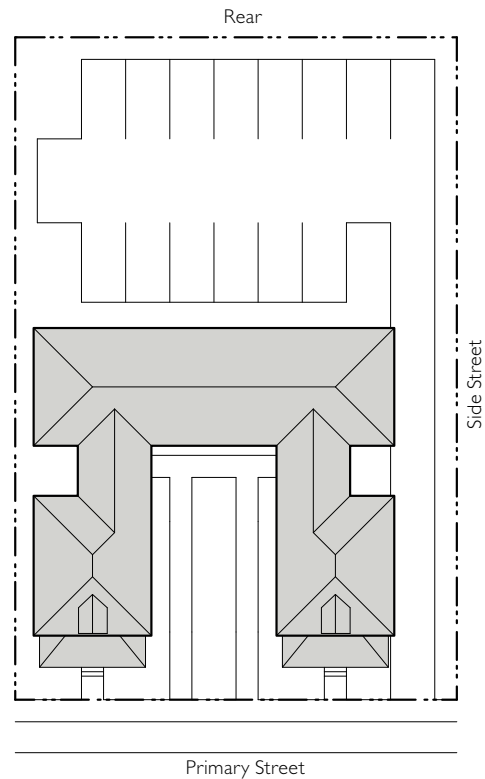
*Entries from units engaging and activating the courtyard.*



*Courtyard building with stooped entries and seating area as the focal point for the shared space.*



Typical Alley Loaded Plan Diagram



Typical Front Loaded Plan Diagram

**Key**

--- ROW / Property Line

■ Building Area

**B. Lot****Lot Size**

Width 100' min., 150' max.

Depth 100' min., 150' max.

**C. Pedestrian Access**

Main Entrance Location Public Courtyard

No more than 3 units may enter from one stoop or corridor.

**D. Frontages****Allowed Frontages**

Porch

Stoop

**E. Vehicle Access and Parking**

Parking spaces may be enclosed, covered or open.

Garages may be detached or tuck-under.

**F. Open Space, Usable****Courtyard**

Width/depth/height ratio 1:1

Width/depth 20' min.

% of width of building 50% max.

Edge of courtyard not defined by building shall be defined by 2'-6" to 3' tall wall.

No private open space is required.

**G. Building Size and Massing****Main Body**

Width 80' max.

**Secondary Wing**

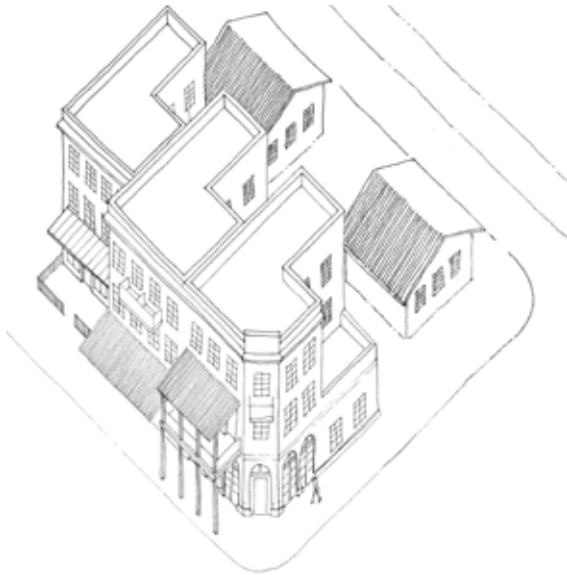
Width 30' max.

**Detached Garage**

Depth 30' max.

## 5.01.120 Live/Work

*General Note: the drawings and photos below are illustrative.*



### A. Description

The Live/Work building type consists of one residential unit above a flexible ground-floor space that can be used for residential or commercial uses. Both the ground-floor flex space and the unit above are owned by one person. Each mixed-use unit has its own individual entry. This building type is typically located in transitional areas between mixed-use commercial centers and residential areas. Live/work units are especially appropriate for incubating neighborhood-serving commercial uses and allowing neighborhood main streets to expand as the market demands.

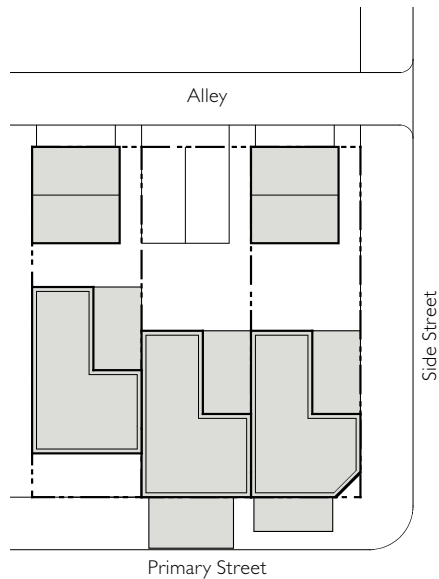


*Ground-floor flex space with two-story townhouse above. The townhouse entry is to the far right and the ground floor commercial space entry is on the corner.*



*Three-story corner live/work unit stepping down to two-and-a-half stories as it transitions to single-family homes. These units provide incubator space for small, locally-owned, neighborhood-serving commercial businesses.*





*Typical Alley Loaded Plan Diagram*

## Key

---- ROW / Property Line      ■ Building Area

### B. Lot

#### Lot Size

Width	75' min., 150' max.
Depth	80' min., 150' max.
Size	2,000 sf per unit

### C. Pedestrian Access

Main Entrance Location	Primary street
Ground floor space and upper unit shall have separate entries.	

### D. Frontages

#### Allowed Frontages

Forecourt

Shopfront

Terrace Shopfront <sup>1</sup>

Gallery

<sup>1</sup> Only allowed on cross-slope lots.

### E. Vehicle Access and Parking

Parking spaces may be enclosed, covered, or open.

Garages may be attached, detached, or tuck-under.

### F. Open Space, Usable

No open space is required.

### G. Building Size and Massing

#### Main Body

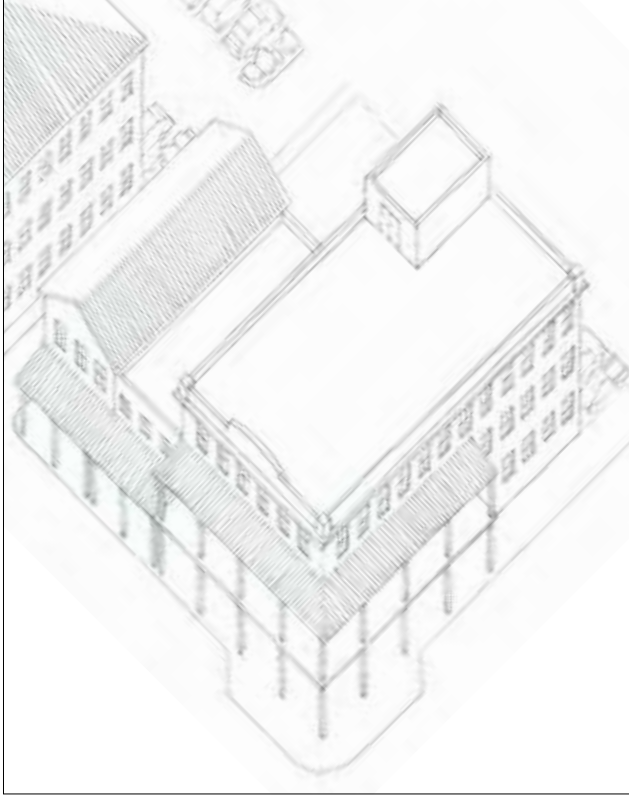
Width	18' min., 36' max.
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#### Detached Garage

Width	25' max.
Depth	30' max.

## 5.01.130 Commercial Block

*General Note: The drawings and photos below are illustrative.*



### A. Description

The Commercial Block building type is a vertical mixed-use building with ground floor commercial or retail uses and upper floor commercial or residential uses. Larger version of these building types are located in town centers and smaller versions in neighborhood main streets. Commercial blocks may be owned by one individual or entity, or divided into several individually-owned commercial and residential condos.



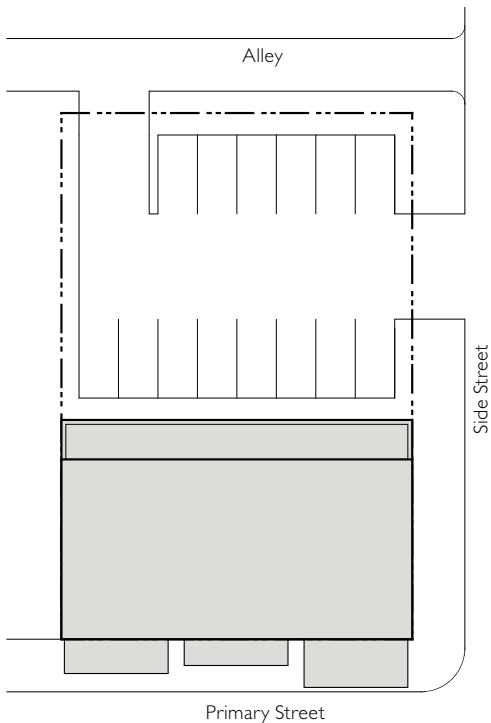
*Typical large commercial block type with simple massing, regular spacing of windows and doors, tall ground floor, and ground floor gallery covering the walk.*



*Historic Livermore commercial block type with gabled roof form and gallery.*



*Newly constructed small commercial block type on a neighborhood main street*



Typical Alley Loaded Plan Diagram

Key	
----	ROW / Property Line
	■ Building Area
B. Lot	
Lot Size	
Width	180' max.
Depth	100' min., 150' max.
C. Pedestrian Access	
Main Entrance Location	
Ground Floor	Primary Street
Upper Floor	Primary or Side Street
D. Frontages	
Allowed Frontages	
Forecourt	
Shopfront	
Terrace Shopfront <sup>1</sup>	
Gallery	
<sup>1</sup> Only allowed on cross-slope lots.	
E. Vehicle Access and Parking	
Parking spaces may be enclosed, covered or open.	
Garages may be detached or tuck-under.	

F. Open Space, Usable
No private open space is required.
G. Building Size and Massing
Main Body
Any buildings wider than 75' shall be designed to read as a series of buildings no wider than 75' each.
Detached Garage
NA



# Part 6: Specific to Uses

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# Chapter 6.01: Introduction

## Sections:

6.01.010 Intent and Applicability

### 6.01.010 Intent and Applicability

- A. This Part provides site planning, development, and operating standards for certain land uses where allowed by Part 3 (Specific to Zones) and for activities that require special standards to ensure their compatibility with site features and existing uses. For land uses that are not discussed in the following sections, refer to Part 11 (Definitions).
- B. The standards in this Part are organized in two sections: those applicable to all zones see Chapter 6.02 (Applicable to All Zones) and those applicable to non-Transect zones see Chapter 6.03 (Applicable to Non-Transect Zones Only).

Table 6.1: Zone Applicability	
Applicable to All Zones	Applicable to Non-Transect Zones
Bed & Breakfast Inns	Agricultural Processing
Child Day Care Facilities	Airports, Heliports, and Landing Strips
Density Bonuses	Cardrooms
Hazardous Materials	Cemeteries and Mortuaries
Health Facilities	Commercial Recreation Facilities (Indoor or Outdoor)
Home Occupations	Emergency Shelters
Meeting Facilities (Public or Private)	Farmworker Housing
Off-Site Hazardous Waste Management Facilities	Mobile Homes and Mobile Home Parks
Public/Quasi-Public	Outdoor Sales Display
Telecommunication Facilities	Outdoor Storage
	Private Swim Clubs or Recreation Centers
	Secondary Dwelling Units
	Solid Waste and Recycling Container Enclosures
	Subdivision or Sales Office, Equipment and Material Yard
	Superstores
	Temporary Uses
	Vehicle Services (Repair Garages, Service Stations & Private Fuel Stations)

- C. The land uses and activities covered by this Part shall comply with the provisions of this Part and all other applicable provisions of this Development Code.
- D. In the event of any conflict between the requirements of this Part and those of Part 3 (Specific to Zones), Part 4 (General to Zones) or Part 5 (Building Types), the requirements of this Part shall control.



## Chapter 6.02: Applicable to All Zones

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### Sections:

6.02.010	Bed & Breakfast Inns
6.02.020	Child Day Care Facilities
6.02.030	Density Bonuses
6.02.040	Hazardous Materials
6.02.050	Health Facilities
6.02.060	Home Occupations
6.02.070	Meeting Facilities (Public or Private)
6.02.080	Off-Site Hazardous Waste Management Facilities (placeholder)
6.02.090	Public and Quasi-Public
6.02.100	Telecommunications Facilities (Placeholder)

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### 6.02.010 Bed & Breakfast Inns

- A. **Operator.** Bed and breakfast inns shall be operated by the property owner/manager living on the site.
- B. **Number of rooms.** Bed and breakfast inns shall be limited to a maximum of six guest rooms for lodging, plus accommodations for the property manager/owner.
- C. **Additions, modifications, and new construction.** Additions, modifications, and new construction of bed and breakfast inn structures shall be sensitive to and compatible with the surrounding neighborhood and follow the City's Design Standards & Guidelines.
- D. **Food service.** Food may only be served to registered overnight guests. Guest room cooking facilities prohibited.
- E. **Fencing.** A six-foot high fence or wall shall be constructed on all property lines that abut a residential district. All fences or walls shall be solid and decorative in compliance with Section 4.05.040 (Fences and Screening).
- F. **Signs.** Signs are limited to a maximum of four square feet and are subject to the sign permit approval and provisions of Chapter 4.06 (Sign Standards).
- G. **Parking.** Parking shall be provided in compliance with Section 4.04.020 (Number of Parking Spaces Required).

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### 6.02.020 Child Day Care Facilities

This Section establishes standards for City review of child day care facilities, in conformance with State law (*Health and Safety Code Section 1596.78*), including the limitations on the City's authority to regulate these facilities.

These standards apply in addition to all other applicable provisions of this Development Code and any requirements imposed by the California Department of Social Services through its facility licensing procedures. Licensing by the Department of Social Services is required for all child day care facilities. Evidence of the license shall be presented to the Department prior to establishing any child day care facility.

- A. **Small family day care.** A small family day care is permitted in all residential zones as allowed by *Health and Safety Code Sections 1597.44 et seq.*

- B. **Large family day care.** As allowed by *Health and Safety Code Sections 1597.465 et seq.*, a large family day care shall be approved if it complies with the following standards:
1. The facility shall comply with all applicable State and fire codes.
  2. Location requirements. A separation of 300 feet shall be required from any other large family day care home.
  3. Fencing. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area.
  4. Noise standards. The facility shall not exceed City noise limits as established by the City's General Plan.
  5. Outdoor lighting. On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded.
  6. Parking. Parking shall be provided in compliance with Section 4.04 (Parking Standards).
  7. Swimming pools/spas prohibited. No swimming pool/spa shall be installed on the site after establishment of the family day care center, due to the high risk and human safety considerations. Any pool/spa existing on the site prior to application for approval of a family day care center shall be removed prior to establishment of the use, unless the Director determines that adequate, secure separation exists between the pool/spa and the facilities used by the children.
- C. **Family day care centers.** The following standards apply to family day care centers:
1. The facility shall comply with all applicable State and fire codes.
  2. Noise. Noise sources shall be identified through the Conditional Use Permit approval process. The facility shall not exceed City noise limits as established by the City's General Plan.
  3. Parking. Parking shall be provided in compliance with Section 4.04 (Parking Standards).
  4. Outdoor lighting. On-site exterior lighting shall be allowed for safety purposes only, shall consist of low wattage fixtures, and shall be directed downward and shielded.
  5. Fencing. A six-foot high fence or wall shall be constructed on all property lines or around the outdoor activity areas, except in the front yard or within a traffic safety visibility area.

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6.02.030**Density Bonuses****A. Purpose.**

1. The purpose of this Section is to comply with State density bonus law (California Government Code Section 65915-65918), by providing increased residential densities for projects that guarantee that a portion of the housing units will be affordable to very low-, low-, or moderate-income households, senior citizens, or include child care facilities.

2. All developments shall be in compliance with Section 10.06.050 (Affordable Housing) for inclusionary housing. However, for the purposes of calculating the number of affordable units required by Section 10.06.050, any additional units authorized as a density bonus under this Section will not be counted in determining the required number of inclusionary units.
- B. **Applicability.** The provisions of this Section apply to the construction of five or more housing units that satisfy one or more of the following criteria:
1. At least 10 percent of the units are designated for low-income households.
  2. At least five percent of the units are designated for very low-income households.
  3. 100 percent of the units are designated for seniors citizens as defined in Section 51.3 and 51.12 of the Civil Code or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
  4. At least 10 percent of the units in a common interest development are designated for moderate-income households, provided that all units in the development are offered to the public for purchase.
- C. **Calculating the density bonus.** The density bonus shall be calculated as shown in Table 6.2. for very low-, low-, and moderate-income households. For housing developments meeting the criteria of Subsection B.3. , above, the density bonus shall be 20 percent of the number of senior housing units. All density calculations resulting in fractional units shall be rounded up to the next whole number.

<b>Table 6.2: Percentage of Set-Aside Units and Corresponding Density Bonus.</b>					
<b>Very Low-Income Households Earning &lt; 50% AMI</b>		<b>Low-Income Households Earning 50% - 80% AMI</b>		<b>Moderate-Income Persons/ Families in Common Interest Development</b>	
<b>Very Low- Income Units</b>	<b>Percentage of Density Bonus<sup>1</sup></b>	<b>Low-Income Units</b>	<b>Percentage of Density Bonus<sup>1</sup></b>	<b>Moderate- Income Units</b>	<b>Percentage of Density Bonus<sup>1</sup></b>
5%	20.0%	10%	20.0%	10%	5.0%
6%	22.5%	11%	21.5%	11%	6.0%
7%	25.0%	12%	23.0%	12%	7.0%
8%	27.5%	13%	24.5%	13%	8.0%
9%	30.0%	14%	26.0%	14%	9.0%
10%	32.5%	15%	27.5%	15%	10.0%
11%	35.0%	16%	29.0%	16%	11.0%
		17%	30.5%	17%	12.0%
		18%	32.0%	18%	13.0%
		19%	33.5%	19%	14.0%
		20%	35.0%	20%	15.0%
				21%	16.0%
				22%	17.0%
				23%	18.0%
				24%	19.0%
				25%	20.0%
				26%	21.0%
				27%	22.0%
				28%	23.0%
				29%	24.0%
				30%	25.0%
				31%	26.0%
				32%	27.0%
				33%	28.0%
				34%	29.0%
				35%	30.0%
				36%	31.0%
				37%	32.0%
				38%	33.0%
				39%	34.0%
				40%	35.0%

Notes.

1. Density bonus is above the highest range of base density.

**D. Developer incentives.**

1. Restrictions. When an applicant seeks a density bonus as prescribed by Government Code Section 65915, the City will grant the number of developer incentives as required by Subsection B., below, unless it makes any of the following findings:
  - a. The developer incentives are not required in order to provide affordable housing, as defined in Section 50052.3 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 65915(c) of the Government Code.
  - b. The developer incentives would have a specific adverse impact, as defined in paragraph (2) of Subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or an any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
  - c. The developer incentives would be contrary to State or Federal law.
2. Number of developer incentives. The number of developer incentive shall be in compliance with Table 6.3.

**Table 6.3: Number of Developer Incentives**

Number of Developer Incentives	Set Aside Units		
	Very Low-Income Units	Low-Income Units	Moderate-Income Units in Common Interest Developments <sup>1</sup>
1	5%	10%	10%
2	10%	20%	20%
3	15%	30%	30%

Note:

1. Common interest development includes common interest developments of, or in a planned development as defined in Subdivision (k) of Section 1351 of the Civil Code that are offered to the public for purchase.

3. Developer incentives defined.

- a. For the purposes of this Section, concession or incentive means any of the following:
  - (1) Reduced site development standards or modified zoning code or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
  - (2) Approval of mixed-use zoning if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project

and the existing or planned development in the area; and

- (3) Other regulatory developer incentives proposed by the developer or the City that result in identifiable, financially sufficient, and actual cost reductions.

**E. Waivers and modifications of development standards.**

- I. Proposal. In accordance with Government Code Section 65915(e), an applicant may propose a waiver or modification of development standards if they would physically preclude the construction of a development meeting under the criteria of Subsection C.2. (Applicability), at the densities or with the developer incentives permitted by this Section.

A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of developer incentives to which the applicant is entitled pursuant to Subsection 4.b.

2. Grounds for denial. In accordance with Government Code Section 65915(e), the City may deny an applicant's request to waive or modify the City's development standards in any of the following circumstances:
  - a. The application does not conform with the requirements of this Section or Government Code Section 65915-65918.
  - b. The applicant fails to demonstrate that the City's development standards physically preclude the utilization of a density bonus on a specific site.
  - c. The waiver or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
  - d. The waiver or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
  - e. The waiver or reduction would be contrary to State or Federal law.

**F. Application procedure.**

- I. An application for a density bonus, developer incentive, or waiver or modification of development standards must include the following information:
  - a. The total number of base units;
  - b. The number of proposed affordable housing units;
  - c. The specific developer incentive(s) sought, if any;
  - d. The specific waiver or modification to development standards sought, if any;
  - e. If seeking an developer incentive, documentation regarding the necessity of the developer incentive in order to provide affordable housing costs or rents;
  - f. If seeking a waiver or modification of development standards, documentation regarding the necessity of the waver or modification, including documentation demonstrating that the City's development standards physically preclude the utilization of a density bonus;
  - g. If requesting a density bonus based on land donation in accordance with Government Code Section 65915(g), information sufficient to permit the City to determine that the proposed donation conforms with the requirements of Section 65915 and this Code; and
  - h. If requesting a density bonus based on the provision of a child day care facility in

accordance with Government Code Section 65915(h), the application must:

- (1) Provide the location of the proposed child day care facility and the proposed operator;
- (2) Agree to operate the child day care facility for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable;
- (3) Agree to have contracted with a child day care facility operator for operation of the child day care facility before the first building permit is issued; and
- (4) Agree that the child day care facility will be in operation when the first certificate of occupancy is issued.

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**6.02.040 Hazardous Materials**

- A. The City Council finds that the Uniform Fire and Uniform Building codes are codes designed to establish only the minimum level of hazardous material regulations. The City Council therefore finds that it is necessary in certain situations, depending on the facility use and its location, to require more stringent safeguards in terms of on-site features and fire department resources, or to prohibit certain hazardous material uses in specific locations.
- B. The City Council declares that identification and regulation of hazardous materials in the commercial and industrial areas are necessary to protect the public health and general welfare.
- C. **Guidelines.** When evaluating any project that includes the use of any conditional hazardous materials on a site, the planning department shall consider the fire department's current ability to handle emergencies involving the hazardous materials, whether site-specific conditions are adequately addressed by the regulations in the Uniform Fire and Uniform Building codes, and the possible off-site effects of an incident involving hazardous materials.
- D. **Regulations.** Any new land use or the expansion of any existing land use that utilizes hazardous materials shall be subject to the following regulations:
  - I. Changes in previously approved hazardous materials declarations shall be considered an expansion, and therefore subject to the following regulations if:
    - a. the amount in any hazard class is to be increased 100 percent or more and the new quantity is considered a conditional amount;
    - b. a chemical in one or more of the following hazard classes is to be brought on-site that was not previously present:
      - (1) Highly toxic gas;

- (2) Toxic gas;
  - (3) Explosive;
  - (4) Pyrophoric gas;
  - (5) Radioactive;
  - (6) Unstable/reactive, Class 3 or 4;
  - (7) Oxidizer, Class 3 or 4;
  - (8) Carcinogens;
  - (9) Organic peroxides, Class I or II.
2. Any project that utilizes hazardous materials shall be either allowed or conditional as specified in the table 6.4:



Table 6.4: Hazardous Material		Permit Required			
Combustible liquid		P	Oxidizer gases		
Corrosive gases			≤ 10,000 cubic ft.		P
≤ 200 cubic ft.		P	> 10,000 cubic ft.		CUP
> 200 cubic ft.		CUP	Oxidizer		
Corrosive liquids			Class 1		P
≤ 1,000 gal.		P	Class 2		
> 1,000 gal.		CUP	≤ 450 gal. or ≤ 4,500 lbs.		P
Corrosive solids			> 450 gal. or > 4,500 lbs.		CUP
≤ 8,000 lbs.		P	Oxidizer, Class 3		
> 8,000 lbs.		CUP	≤ 20 gal. or ≤ 200 lbs.		P
Explosives		CUP	> 20 gal. or > 200 lbs.		CUP
Flammable gases			Class 4		CUP
≤ 2,000 cubic ft.		P	Pyrophorics		CUP
> 2,000 cubic ft.		CUP	Radioactive		CUP
Flammable liquids			Reactive/unstable		
≤ 1,000 gal.		P	Class 1		P
> 1,000 gal.		CUP	Class 2		
Flammable solids			≤ 100 gal. or ≤ 1,000 lbs.		P
≤ 250 lbs.		P	> 100 gal. or > 1,000 lbs.		CUP
> 250 lbs.		CUP	Class 3		
Health hazards		P	≤ 10 gal. or ≤ 100 lbs.		P
Highly toxic gases		CUP	> 10 gal. or > 100 lbs.		CUP
Highly toxic liquids			Class 4		CUP
≤ 2 gal.		P	Toxic gases		CUP
> 2 gal.		CUP	Toxic, liquid and solid		
Highly toxic solids			≤ 5,000 gal. or ≤ 50,000 lbs.		P
≤ 20 lbs.		P	> 5,000 gal. or > 50,000 lbs.		CUP
> 20 lbs.		CUP	Water reactive		
Inert gas		P	Class 1		
Organic peroxide			≤ 1,500 gal. or ≤ 15,000 lbs.		P
Class I		CUP	> 1,500 gal. or > 15,000 lbs.		CUP
Class II			Class 2		
≤ 100 gal. or ≤ 1,000 lbs.		P	≤ 1,000 gal. or ≤ 10,000 lbs.		P
> 100 gal. or > 1,000 lbs.		CUP	> 1,000 gal. or > 10,000 lbs.		CUP
Class III			Water reactive, Class 3		
≤ 125 gal. or ≤ 1,250 lbs.		P	≤ 100 gal. or ≤ 1,000 lbs.		P
> 125 gal. or > 1,250 lbs.		CUP	> 100 gal. or > 1,000 lbs.		CUP
Class IV		P			
<b>Key</b>	<b>P Permitted Use</b>	<b>CUP</b>	<b>Conditional Use</b>	<b>Permit Required</b>	

3. The following land uses shall be subject to approval of a Conditional Use Permit:
  - a. Laboratories with quantities of materials greater than specified by Subsection 6.02.040.E.2 (Exceptions).
  - b. Material transfer facilities with quantities of materials greater than specified by Subsection 6.02.040.E.2 (Exceptions).
  - c. Petroleum products stored in underground tanks for resale.
  - d. Any land use that utilizes hazardous materials not identified in this section as being either allowed or exempt.

**E. Exceptions.**

1. The following radioactive materials are exempt from this chapter:
  - a. Licensed, sealed sources for instruments, calibration devices and similar equipment.
  - b. Smoke detectors.
  - c. Light fixtures.
2. The storage of containers that are either less than five gallons, less than 50 pounds, or less than 100 cubic feet in size are exempt from this chapter; provided, all of the following requirements are met:
  - a. The materials are either being stored or maintained for the purpose of resale at a commercial facility or are being stored by laboratories for their own use.
  - b. The total storage does not exceed 55 gallons, 500 pounds, or 200 cubic feet of any given hazard category.
  - c. The storage does not include toxic gases, explosives, highly toxic materials or radioactives.
3. Motor fuel storage for private fuel stations exclusively serving the business occupying the subject property and petroleum products stored in underground tanks in industrial areas for the exclusive use of the site's tenant.
4. Propane tanks when the aggregate amount on-site is less than 2,000 gallon water capacity.
5. Five pounds of sporting black powder and 20 pounds of smokeless powder.

- F. Hazardous material declaration.** Any person requesting approval of the storage or use of hazardous materials shall be required to submit to the Department a hazardous material declaration. The declaration shall contain information regarding the type and quantities of hazardous materials that will be utilized. The declaration shall contain sufficient information for the planning department to determine if the proposed storage and use of the chemicals is consistent with the requirements of this code.

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**6.02.050****Health Facilities**

Health facilities as defined in the State Code, including community care facilities, hospitals (sanatoriums, nursing homes and maternity homes), mental health facilities, and rest homes

(guest homes, boarding homes for the aged), shall be permitted subject to the following regulations:

- A. **Facilities permitted.** Community care facilities, residential care facilities for the elderly, alcoholism recovery, and homes for mentally disabled, handicapped, dependent and neglected children permitted in an existing dwelling or facility in compliance with Part 3 (Specific to Zones).
- B. **Off-Street Parking.** Shall be provided as stated in Chapter 4.04 (Parking Standards).
- C. **Screening.** Screening adjacent to residential zones shall be a six foot high masonry wall, solid board fence or acceptable equivalent along all interior property lines.
- D. **Additional building setback required.** Additional setback may be required as condition to an approved Conditional Use Permit.
- E. **Signs.** Shall be permitted as stated in Chapter 4.06 (Sign Standards).
- F. **Other approval.** A permit issued under the provisions of this section shall be valid at such time as a copy of a license or permit issued by the appropriate county or State agency is filed with the City.

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## 6.02.060 Home Occupations

Home occupations, which are clearly secondary to the principal use of a dwelling, conform to City ordinances, and do not adversely affect the public safety, health and general welfare of the neighborhood shall be permitted. In addition to special conditions that may be imposed to accomplish these objectives, home occupations shall conform to the following locational, developmental, and operational standards:

- A. No signs are permitted in conjunction with the use, either affixed to the premises or to any vehicle parked on the premises. Easily removable (magnetic) signs are permitted so long as they are removed while parked in view of the neighborhood.
- B. No persons are to be employed to do work appurtenant to the use on the premises other than members of the immediate family residing in the home.
- C. In the event outside persons are employed to perform functions of this business away from the premises, parking or storage of employees' vehicles in the neighborhood is prohibited.
- D. No noticeable movement of products, materials, machinery, or equipment in and out of the premises is permitted in conjunction with the use.
- E. Storage of stock shall be limited to 100 cubic feet (approximately the size of a typical residential bedroom closet).
- F. Storage of hazardous materials is limited as follows:
  - 1. To one gallon or less total for all combustible liquids, corrosive liquids, Class 1 or 2 oxidizers, or Class 1 water reactives.
  - 2. To 10 pounds total for all corrosive solids, health hazards, or Class 2 oxidizers, or 50 pounds for Class 1 oxidizers.
  - 3. To four standard cubic feet of flammable gases, and 500 standard cubic feet of inert or oxidizer gases.
  - 4. No quantities of other hazardous materials classes are permitted in conjunction with

a home occupation.

- G. Vehicles connected with this business are limited to one vehicle not exceeding an unladen vehicle weight of 4,500 pounds.
- H. Vehicle related services such as, but not limited to, repair, cleaning, tune-ups, couriers, delivery or transport of goods or people and services requiring employees, customers or clients to visit the residence shall be prohibited.
- I. Instructional services, such as tutoring or musical instruction, shall be exempt from home occupation requirements with approval from the Director.
- J. The home occupation shall involve no on-site clients except for:
  - 1. Home occupations in live/work units in the Transect zones;
  - 2. Tutoring or instruction of children by appointment; and
  - 3. Applicants with a demonstrated mobility handicap.
- K. There shall be no on-site exterior storage of equipment, vehicles (in excess of the single vehicle), materials or supplies connected with this business.
- L. Tools or equipment connected with the business shall be operated so as to be imperceptible at or beyond the property line.
- M. The following uses shall be considered prohibited:
  - 1. Adult businesses
  - 2. Animal hospitals (and related services)
  - 3. Barber/beauty/nail shops
  - 4. Dance/night clubs
  - 5. Food preparation for commercial purposes
  - 6. Fortune telling (psychics)
  - 7. Repairs
    - a. small engine
    - b. television/radio
    - c. appliance
    - d. vehicle
    - e. upholstery
  - 8. Massage (on-site)
  - 9. Medical/dental offices/clinics/laboratories
  - 10. Photography studios (not including photo processing)
  - 11. Plant nursery
  - 12. Retail or wholesale sales of products stored at the residence, except that mail order businesses may be allowed where there is no stock-in-trade on the site
  - 13. Party-type sales, except when done at client's location
  - 14. Automotive detailing and/or painting
  - 15. Welding and machining

16. Other uses determined by the Director not to be incidental to or compatible with residential activities.
- N. A Home Occupation Permit shall be obtained in compliance with Chapter 9.05 (Home Occupation Permits).

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**6.02.070 Meeting Facilities (Public or Private)**

Meeting facility uses such as social halls, lodges, fraternal organizations and clubs, shall comply with the following requirements:

- A. All buildings, except when developed in the CNB zone, shall be located not less than 20 feet from side lot lines, and not less than 20 feet from the rear lot line.
- B. Facilities shall be located with ready access to a major street or frontage road, or be able to provide access without causing heavy traffic on a local residential street.
- C. No facilities shall be allowed to indicate any external evidence of any gainful activity, however incidental, nor any access to any space used for gainful activity other than from within the building.

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**6.02.080 Off-Site Hazardous Waste Management Facilities**

- A. **Purpose.** The purpose of this section is to establish uniform standards, land use regulations and a permit process for controlling the location, design, maintenance and safety of specified off-site hazardous waste facilities. This code incorporates general policies regarding hazardous waste management pursuant to *Health and Safety Code Sections 25199.7 et seq.* and the *Alameda County Hazardous Waste Management Plan, November 1995*.
- B. **Applicability.**
  - 1. The specific requirements of this code are applicable to the siting and development of off-site hazardous waste treatment, storage, and transfer facilities as defined in Part II (Definitions).
  - 2. The off-site facility definition does not apply to: (1) transportable treatment units (TTUs) which are designed to be moved either intact or in modules and which are intended to be operated at a given location for a limited period of time, or (2) permanent on-site hazardous waste facilities at locations where hazardous waste is produced, and which are owned by, leased to, or under the control of the producer of the waste.
  - 3. All such facilities (i.e., off-site, on-site, and TTUs) shall require State licensing for their installation and operation.
  - 4. A Conditional Use Permit for a hazardous waste facility shall be granted for only those substances and quantities identified in the conditions of approval. No additional types of wastes or increases in the quantity of approved wastes shall be allowed beyond those specified in the approved permit, unless a separate application is made therefor which shall satisfy the same procedures and contents as those required in an initial application.
- C. **Procedure.** For the purpose of identifying the steps for processing a Conditional Use Permit application for a specified off-site hazardous waste facility, the project proponent,

State and City shall follow the procedures set forth in the Health and Safety Code Section 25199.7.

- D. **Application requirements.** The information required for a Conditional Use Permit application for an off-site hazardous waste facility shall be determined by the Community Development Department.
- E. **Environmental review.** The project shall be subject to environmental analysis according to the City's environmental guidelines, pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 – 21177; 15000 – 15387).
- F. **Facility siting criteria and permitting requirements.** The following siting criteria have been established for use by hazardous waste facility project proponents in locating and designing suitable facility sites and appropriate facilities, and by the City in evaluating proposed sites and facility projects. The purpose of the criteria is to reduce public health and environmental risks associated with development of hazardous waste facilities, consistent with the Alameda County Hazardous Waste Management Plan.

**Table 6.5 City of Livermore General Siting Criteria**

Department of Health Services Definition	Permit Required	Additional Standards
Seismic	NP	No facilities shall be placed within 200 feet of an active or recently active fault. <i>CCR Title 22, Section 66391(a) (f)(1)A(1) and (2).</i>
Floodplains	CUP	May be built in areas subject to 100 year flooding if protected by engineered solutions designed to preclude failure, such as berms, raising above flood levels, etc.
Wetlands	NP	No facilities shall be located in wetlands.
Habitat of Endangered Species	NP	No facilities shall be located within critical habitats of endangered species, defined as areas known to be inhabited permanently or seasonally or known to be critical at any stage in the life cycle of any species of wildlife or vegetation identified or being considered for identification as “endangered” or “threatened” by the U.S. Department of the Interior or the State of California.
Unstable Soils	CUP	Facilities located in these areas should have engineered design features (i.e., containment structures) to assure structural stability.
Major Aquifer Recharge Areas	CUP	If located in these areas, facilities should provide properly designed, constructed, and maintained engineering spill containment features, inspection and monitoring measures and other environmental protection controls to prevent runoff from the facility.
Distance from Residences		
<b>Key</b>	<b>NP</b>	<b>Not Permitted</b>
	<b>CUP</b>	<b>Conditional Use Permit</b>

**Table 6.5 City of Livermore General Siting Criteria**

Department of Health Services Definition	Permit Required	Additional Standards
Small-Scale Transfer and Storage Facility	CUP	Small-scale facilities for commercial/industrial generators are more appropriately located away from residences and in a central location to serve all such generators. Small-scale facilities shall provide a minimum buffer zone of 500 feet between the nearest legal residence in an industrial/commercial area or residential designated property and the facility site.
Industrial Transfer/Storage/Treatment Facility		
Ignitable, explosive, reactive or acutely hazardous wastes handling	CUP	Shall provide a minimum buffer zone of at least 2,000 feet between the nearest legal residence in an industrial/commercial area and residential designated property and the facility site, unless the developer can demonstrate by risk assessment and as part of the local permitting process that a smaller buffer zone provides adequate protection for the public in the event of an accident.
Other facilities	CUP	Shall provide a minimum buffer zone of at least 500 feet between the facility site and the nearest legal residence in an industrial/commercial area and residential designated property, unless the developer can demonstrate by risk assessment and as part of the local permitting process that a smaller buffer zone provides adequate protection for the public in the event of an accident.
Distance from Immobile Populations		
Small-Scale Transfer and Storage Facility	CUP	Shall provide a minimum buffer zone of 500 feet between the nearest site with an immobile population and the facility site.
Industrial Transfer/Storage/Treatment Facility	CUP	Shall provide a minimum buffer zone of 5,000 feet between a facility site and any site with an immobile population is therefore required, unless the developer can demonstrate by risk assessment and as part of the local permitting process that a smaller buffer zone provides adequate protection for the immobile population.
Proximity to Major Transportation Routes		
	CUP	Should be located so as to minimize distances to major transportation routes which are designed to accommodate heavy vehicles.
		All Facilities: Road networks leading to major transportation routes should not pass through residential neighborhoods, should minimize residential frontages in other areas, and should be safe with regard to road design and construction, accident rates, excessive traffic, etc.
<b>Key</b>	<b>NP</b>	<b>Not Permitted</b>
		<b>CUP</b>
		<b>Conditional Use Permit</b>

**Table 6.5 City of Livermore General Siting Criteria**

Department of Health Services Definition	Permit Required	Additional Standards
Permeable Strata and Soils	CUP	Facilities should avoid locating on highly permeable soils or sediment. Facilities located in areas where surficial soils are principally permeable materials such as sand and gravel should provide for spill containment and monitoring measures.
Nonattainment Air Areas	CUP	All facilities must comply with requirements of the Bay Area Quality Management District.
Prevention of significant deterioration (PSD) Air Areas	CUP	All facilities must comply with the permitting requirement of the Bay Area Quality Management District.
Prime Agricultural Lands	CUP	<p>Prime agricultural lands under California law may not be used for urban purpose unless an overriding public need is demonstrated by the applicant.</p> <p>When siting hazardous waste management facilities in these areas, overriding public service needs must be demonstrated by the applicant.</p>
Depth to Groundwater	CUP	Facilities may be located in high groundwater areas if the engineered design of the containment structure is capable of withstanding failure because of geologic or soil failure which may arise.
Proximity to Public Services	CUP	<p>For transfer and storage facilities, self-sufficient services may be appropriate, where these facilities are necessary to serve remote rural areas. In urban areas, public services should be available. For other facilities, public water and sewer services and emergency services should be readily available.</p> <p>Potential adverse impacts which could occur because of proximity to public facilities shall be determined as part of the risk assessment conducted in the permitting process. This should consider the physical and chemical characteristics of the wastes that will be handled and the design features of the facility. Proximity to other public facilities such as corporation yards, utilities, roads, large open spaces on military reservations, and state school lands in remote areas may be acceptable.</p>
Proximity to Waste Generation Stream		
Small-Scale Transfer and Storage Facility	CUP	Collection centers should be close to small quantity generator areas to encourage their use.
Industrial Transfer/Storage/Treatment Facility	CUP	TSDFs should be located close to waste generation source to minimize the risks of transportation.
Appropriate Zoning		
<b>Key</b>	<b>NP</b>	<b>Not Permitted</b>
		<b>CUP</b>
		<b>Conditional Use Permit</b>



**Table 6.5 City of Livermore General Siting Criteria**

Department of Health Services Definition	Permit Required	Additional Standards
Small-Scale Transfer and Storage Facility	CUP	Small-scale transfer and storage facilities are a conditional use in the I-3 (Heavy Industrial) zoning district.
Industrial Transfer/Storage/Treatment Facility	CUP	Industrial transfer/storage/treatments facilities are a conditional use in the I-3 (Heavy Industrial) zoning district.
<b>Recreational, Cultural or Aesthetic Areas</b>		
Small-Scale Transfer and Storage Facility	CUP	Shall provide a minimum buffer zone of 500 feet between the nearest recreational, cultural or aesthetic area as designated by local ordinances and/or General Plan and the facility site.
Industrial Transfer/Storage/Treatment Facility	NP	Other facilities should not be allowed in these areas.
Mineral Resources Areas	CUP	No facilities should be sited so as to preclude extraction of minerals necessary to sustain the economy of the State.
Military Lands	NP	It is the policy of the Department of Defense (DOD) that military land shall not be considered for siting of public hazardous waste management facilities. This policy is considered nonnegotiable by DOD.
Other State, Federal and Indian Lands	CUP	The criteria listed above are suitable for use in determining the suitability of lands within these areas for siting of hazardous waste management facilities.
Additional City of Livermore Criteria	Permit Required	Additional Standards
Airport Zones	NP	No facility may be located within an FAA approach zone, air installation compatible use zone, or safety zone as described in the Alameda County Airport Land Use Policy Plan, generally defined as the area immediately surrounding a public or military airport, including the immediate approach and take-off paths.
<b>Key</b>	<b>NP</b>	<b>Not Permitted</b>
	<b>CUP</b>	<b>Conditional Use Permit</b>

- G. **Special development requirements.** Additional development requirements will be required to ensure public health, safety and welfare including, but not limited to: safety and security, contingency plans, monitoring, closure plans, and financial responsibility.
- H. **Local assessment committee (LAC).** The City Council shall appoint a seven-member local assessment committee (LAC) in accordance with *Health and Safety Code Section 25199.7*. The City Council has discretion to appoint additional members as they deem appropriate.
- I. **Findings.** In order for the City Council to approve a Conditional Use Permit for a hazardous waste facility, the Council shall find that:

1. The project is consistent with the City's General Plan and Development Code.
2. The project is not detrimental to the public health, safety or general welfare of the City.
3. The project site is or will be adequately served by roads and other public or private service facilities.
4. The project is consistent with the regional fair share facility needs assessment and siting policies established in the *Alameda County Hazardous Waste Management Plan*.
5. The project complies with the facility siting criteria per Subsection 6.02.070.F. (Facility siting criteria and permitting requirements.).
6. Appeal. In addition to the appeals process set forth in Chapter 9.15 (Appeals), an applicant or interested person may file an appeal of the decision made by the City Council to the Governor's appeal board pursuant to *Health and Safety Code Sections 25199.9 through 25199.14*.
7. Time limits. A Conditional Use Permit granted for an off-site hazardous waste facility shall be exercised within two years from the effective date thereof. The City Council may grant one extension up to one year. Otherwise, the permit shall be null and void. The term "exercised" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion.

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**6.02.090 Public and Quasi-Public**

Public and quasi-public uses shall provide and permanently maintain, except in required front yards, a six-foot-high solid board fence, masonry wall, or chain-link fence on all property lines which abut a residential zone or provide a 25 foot-wide permanently maintained landscaped strip in compliance with Section 4.05 (Landscape Standards).

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**6.02.100 Telecommunications Facilities (Placeholder)**

## Chapter 6.03: Applicable to Non-Transect Zones Only

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### Sections:

6.03.010	Agricultural Processing
6.03.020	Airports, Heliports, and Landing Strips
6.03.030	Cardrooms
6.03.040	Cemeteries and Mortuaries
6.03.050	Commercial Recreation Facilities (Indoor or Outdoor)
6.03.060	Emergency Shelters
6.03.070	Farmworker Housing
6.03.080	Mobile Homes and Mobile Home Parks
6.03.090	Outdoor Sales Display
6.03.100	Outdoor Storage
6.03.110	Private Swim Clubs or Recreation Centers
6.03.120	Secondary Dwelling Units
6.03.130	Solid Waste and Recycling Container Enclosures
6.03.140	Subdivision or Sales Office, Equipment and Material Yard
6.03.150	Superstores
6.03.160	Vehicle Services (Repair Garages, Service Stations and Private Fuel Stations))

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### 6.03.010      **Agricultural Processing**

Agricultural processing plants, canneries, wineries, dairies and similar uses shall show, when required, that performance standards, as such may be reasonably determined by the Planning Commission, have been met, and waste disposal shall be controlled so as not to constitute a nuisance.

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### 6.03.020      **Airports, Heliports, and Landing Strips**

- A. **Requirements.** All airports, heliports, and landing strips (public or private) for aircrafts shall:
1. Be located with runways not closer than 600 feet from any barn or stable and no closer than 1,000 feet from any dwelling;
  2. Provide runways so oriented that aircraft landing and taking off do not pass less than 500 feet directly over barns, stables, residential zones, or commercial zones;
  3. Meet the standards of the Federal Aviation Administration for the particular class or field; and
  4. Provide for approach hazard zones.
- B. **Nuisance mitigation.** Airports, heliports, and landing strips shall be located so that neither air nor related surface traffic constitutes a nuisance to neighboring uses. The applicant shall demonstrate that adequate controls or measures will be taken to mitigate offensive bright lights, dust, noise, or vibration.
- C. **Not a nuisance.** Heliports and landing strips shall not constitute a nuisance resulting from frequency and timing of flights, location of landing area, or departure and approach patterns that conflict with surrounding land uses.

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**6.03.030 Cardrooms**

Cardrooms, as defined in the Municipal Code, shall be permitted subject to Municipal Code Chapter 5.20 and the following regulations:

- A. Cardrooms shall be permitted as a conditional use in the CS zone or a planned development district based on the CS zone in compliance with Section 9.03 (Conditional Use Permits).
- B. Cardrooms shall not be located less than 1,000 feet, measured between property lines, from an existing public or private elementary, middle or high school or property designated for educational use in the General Plan.
- C. Cardrooms shall not be located less than 1,000 feet, measured between property lines, from another cardroom.
- D. Development shall conform to the site development standards of the zone in which the cardroom is proposed.
- E. Cardrooms requesting expanded services as defined in the Livermore Municipal Code Chapter 5.20 shall be subject to a Development Agreement, in compliance with Section 9.04 (Development Agreements), in addition to a Conditional Use Permit. The Development Agreement shall provide the applicant assurance for the expanded services and require the applicant provide a public benefit.
- F. Temporary fund-raising events by a nonprofit organization that involve card games shall not be subject to the regulations herein. Such events shall be considered a temporary and intermittent use as defined in Section 9.09.050 (Allowed Temporary Uses) and shall be subject to the Temporary Use Permit in compliance with Section 9.09 (Temporary Use Permits) and other applicable ordinances.

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**6.03.040 Cemeteries and Mortuaries**

- A. Cemeteries when permitted shall be developed in conformance with regulations for the zone in which they are located and the following additional regulations:
  - 1. Minimum site area. 10 acres.
  - 2. Access. Cemeteries shall have at least one entrance on a major street.
  - 3. Screening. Cemeteries shall be screened with a six-foot-high screened chain-link fence or masonry wall in conformance with Section 4.05.040 (Fences and Screening).
  - 4. Front setback. Required street frontage yards shall be landscaped and permanently maintained. In no case shall a street frontage yard be less than 10 feet, zone regulations notwithstanding.
  - 5. Crematories, columbaria and mausoleums shall be permitted as accessory uses to a cemetery.
    - a. Setbacks. For purposes of determining required setback for crematories, columbaria and mausoleums, all buildings shall be considered accessory buildings, except that no building having a height in excess of six feet shall be allowed within a required non-street frontage yard.
- B. Mortuaries, to include crematories, when permitted shall be developed in conformance with regulations for the zone in which they are located and the following additional regulations:

1. Front setback. Within the CP, MFR and E zones, mortuaries must have frontage on, and access to a major street.
2. Access. In all cases mortuaries shall be approved only when it can be found that they will not generate traffic in a manner that will be detrimental to the area in which they are located or the movement of traffic on streets to which they have direct access.

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**6.03.050 Commercial Recreation Facilities (Indoor or Outdoor)**

- A. **Commercial amusement facilities.** Commercial amusement centers or facilities and similar places of amusement or recreation, involving assemblages of people and automobiles, or where entertainers are provided, shall comply with the following requirements:
  1. Setbacks. Minimum 20 feet from any property line and a minimum of 200 feet from any residential zone.
  2. Fencing. A six-foot high solid fence or masonry wall shall be provided on all property lines abutting a residential zone, except in required front setback.
  3. Performance standards. When required, the commercial amusement facility shall be able to show that performance standards have been met.
- B. **Golf courses and country clubs.**
  1. Setbacks. Buildings shall be setback a minimum of 200 feet from any property line.
  2. Dining service facilities, such as restaurants and bars, are allowed when conducted and entered from within the building.
  3. Accessory facilities, such as swimming pools, tennis courts, and similar accessory uses shall comply with the setback requirements established in Section 4.02.030 (Accessory Structures).
- C. **Golf driving range.**
  1. Location. A golf driving range shall be located with reasonable access to streets, highways, or frontage roads.
  2. Lighting. Flood lights used to illuminate such use shall be so directed downward and shielded so as not to be a nuisance to any residential property.
  3. The golf driving platform shall be at least 200 feet from any residential zone or dwelling.
  4. Golf driving range shall be designed to prevent golf balls from leaving the property.
  5. Fencing and screening. Whenever such use is incorporated within or abuts any residential zone, protective fencing or shielding may be required.

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**6.03.060 Emergency Shelters**

An emergency shelter shall meet the following development and performance standards:

- A. On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.
- B. Adequate external lighting shall be provided for security purposes. The lighting shall be

stationary, directed downward and shielded so as not to produce off-site glare.

- C. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
  - 1. Central cooking and dining room(s).
  - 2. Recreation room.
  - 3. Counseling center.
  - 4. Child day care facilities.
  - 5. Other support services.
- D. Parking and outdoor facilities shall be designed to provide security for residents, visitors, employees and the surrounding area.
- E. The agency or organization operating the shelter shall comply with the following requirements:
  - 1. Temporary shelter shall be available to residents for no more than six months.
  - 2. Staff and services shall be provided to assist residents in obtaining permanent shelter and income.
  - 3. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
- F. No emergency shelter shall be located within 300 feet of another emergency shelter site.
- G. The facility shall be in, and shall maintain at all times, good standing with City and/or State licenses, if required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.
- H. Emergency shelters located in residential districts, when not developed in an individual dwelling unit format, shall not be subject to the underlying zone's maximum unit density standard, but the number of beds shall be limited to three times the maximum number of dwelling units which would otherwise be permitted.

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**6.03.070**
**Farmworker Housing**

The intent of these provisions is to allow sufficient numbers of farmworker housing units that are necessary to support agricultural operations and that are consistent with the applicable provisions of State law (*Health and Safety Code Section 17021.6*).

- A. **Permitted use.** Farmworker housing providing accommodations for 12 or fewer employees shall be considered a principally-permitted agricultural land use where permitted in Part 3 (Specific to Zones).
- B. **Limitations on use.**
  - 1. **Density.** The maximum density shall not exceed that allowed in the underlying zone that governs the site. Agricultural worker housing that exceeds the maximum density may be allowed only in zones subject to approval of a Conditional Use Permit in compliance with Chapter 9.03 (Conditional Use Permits).
  - 2. For purposes of determining compliance with the density requirements for

farmworker housing, each farmworker housing that provides accommodations for six or fewer employees shall be considered equivalent to one dwelling unit, with the exception that farmworker housing providing accommodations for seven to 12 employees shall not be counted for purposes of computing residential density. For purposes of this Section, family members are not included in the determination of the number of employees.

3. Referrals. Prior to making a determination that farmworker housing that exceeds the maximum density for a specific site is necessary to support agriculture, the Review Authority may consult with such individuals or groups with agricultural expertise as appropriate for a recommendation.
4. Temporary mobile home. Any temporary mobile home not on a permanent foundation and used as living quarters for seven to 12 agricultural workers is permitted subject to the requirements of the State Department of Housing and Community Development. Any temporary mobile home providing living quarters for six or fewer agricultural workers requires Conditional Use Permit approval, is counted as one dwelling unit for purposes of compliance with the zone's density limitations, and shall be subject to the requirements of the State Department of Housing and Community Development.

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#### 6.03.080 Mobile Homes and Mobile Home Parks

- A. **Conformance to provisions.** Mobile homes, mobile home parks, trailer parks, travel trailer parks and recreation trailer parks, where permitted, shall conform to *Title 25 of the California Administrative Code* and the additional provisions of this Section.
- B. **Mobile homes outside of mobile home parks.** A mobile home located outside of a mobile home park shall comply with the same architectural standards required for single-family dwellings in the City of Livermore Design Standards and Guidelines.
- C. **Mobile home parks.** The following requirements apply to areas set aside for mobile home parks in locations that are properly integrated with adjoining neighborhoods in a way that will ensure the optimum benefit of residents of the mobile home park and of the larger community.
  1. Maximum site area. 50 acres or as may be imposed under permit approval to assure compatibility of the use within the area or to assure that the size of a park is not so great as to preclude the proper development of the surrounding area.
  2. Maximum density. Maximum density for mobile home parks shall not exceed eight mobile homes per acre.
  3. Completion of construction. Prior to occupancy of the first mobile home, not less than 50 mobile home lots shall be prepared and available for occupancy.
  4. Parking requirements. The overall parking ratio shall be two parking spaces for each mobile home lot. At least one parking space shall be provided on, or immediately adjoining to, each mobile home lot, in compliance with Chapter 4.04 (Parking Standards).
  5. Pedestrian access. There shall be provided a system of landscaped pathways to be used exclusively by pedestrians. Pathways shall serve all mobile home lots and all buildings used in common. In the event such pathways are provided adjacent to driveways, the pedestrian pathway shall be at a grade height at least four inches higher than the adjacent driveway.

6. Setbacks. All structures and mobile homes shall be set back at least 20 feet from all property lines and streets or public rights-of-way. If a greater building line has been established by ordinance, it shall be observed. The setback area shall be landscaped and maintained as a buffer strip, in compliance with Chapter 4.05 (Landscaping Standards).
7. Utilities. All utilities shall be installed underground.
8. Height limits. The maximum height for:
  - a. Mobile homes shall be 15 feet;
  - b. Accessory structures shall be 15 feet; and
  - c. Service facilities shall be 30 feet.
9. Other laws, regulations and ordinances. All applicable County and State laws and regulations concerning the development and operation of mobile home parks shall be observed. Nothing contained in this Section shall be construed to abrogate, void, or minimize other pertinent requirements of law.

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**6.03.090 Outdoor Sales Display**

- A. **Purpose.** The purpose of the regulations and standards in this Section is to provide consistent screening and surfacing standards for sales display of vehicles, equipment, products, and materials.
- B. **Applicability.** Outdoor sales display areas shall be permitted in any commercial or industrial district, except the Commercial Office (CO), subject to the following requirements.
- C. **General.**
  1. A staff-level Site Plan Approval or amendment shall be required prior to the establishment of any outdoor sales display area.
  2. Outdoor sales display areas may be located within a maximum of 10 percent of a street frontage yard; provided, that a landscaped strip six feet in width is maintained between the street right-of-way and the display area.
  3. Outdoor sales display areas shall not be located within a non-street frontage yard if the parcel abuts an R zone, or PD or OS zone designated for future residential use in the General Plan.
- D. **Screening.**
  1. Outdoor sales display areas shall be screened from view by a masonry wall where the side or rear property line of the display area abuts an R zone, or PD or OS zone designated for future residential use in the General Plan. Walls or fences shall not exceed eight feet in height. No sales display may exceed the height of the screening wall or fence.
  2. If a screening fence or wall is located on the property line, no additional fence or wall is needed to screen an outdoor sales display area, provided the sales display does not exceed the height of and is not visible behind the fence or wall on the property line.
- E. **Landscaping.** For permanent display areas, a five-foot wide landscaped area shall be provided at all perimeters of the outdoor display area, with ground cover, shrubs, and trees.



**F. Lighting.**

1. Any lighting used to illuminate an outdoor sales display area shall be directed downward and shielded so as not to produce off-site glare.
2. Lighting of outdoor display areas shall conform to the requirements of the building security regulations contained in Livermore *Municipal Code Section 15.40.120*.

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**6.03.100 Outdoor Storage**

- A. **Purpose.** The purpose of the regulations and standards in this Section is to provide consistent screening and surfacing standards for outdoor storage, where allowed by Part 3 (Specific to Zones).
- B. **Screening.** Screening shall be in compliance with Section 4.05.040 (Fences and Screening), with the following exceptions:
  1. Public streets and publicly accessible areas.
    - a. Outdoor storage shall not be visible from any:
      - (1) Public street or freeway;
      - (2) Existing or planned residential area;
      - (3) Publicly accessible open space area, parking area, access driveway, or other similar thoroughfare;
      - (4) Publicly accessible space of any public, quasi-public, commercial or industrial use; or
      - (5) Undeveloped property where public access to areas adjoining the outdoor storage use is likely.
    - b. The following minimum screening requirements shall apply to outdoor storage adjacent to or potentially visible from public streets and publicly accessible areas identified in Subsection B.1.a., above:
      - (1) A solid masonry wall not less than eight feet high across the street frontage (but not within the street frontage yard), continuing back along the side of the property to a point equal to the building setback of any adjacent use;
      - (2) Screening landscaping in the street frontage yard, located in front of the masonry wall but behind a curb (or other protective device), to soften the view of the wall;
      - (3) Screening landscaping shall include fast-growing, wide-spreading trees planted and irrigated at an average spacing of 40 feet on center, clustered at appropriate locations to intensify the screening effect;
      - (4) A solid masonry wall not less than eight feet in height along all other property frontages identified in Subsection B.1.a., above.
  2. Other areas. Outdoor storage not adjacent to or potentially visible from public streets or publicly accessible areas identified in Subsection B.1.a., above shall install chain-link fencing screened with either slats or vinyl covering.
  3. General screening requirements.

- a. No storage may exceed the height of the screening wall or fence. Walls or fences shall not exceed 15 feet in height.
  - b. No screening wall or fence shall be located within a required street frontage yard.
  - c. Screening walls and fences shall be architecturally compatible with the main structure. Any necessary openings shall be opaque in appearance.
- C. **Surfacing.** Outdoor storage areas shall be graded and drain all surface water accumulated within the area to a public storm drain. No specific surfacing treatment is required. Outdoor storage areas may be surfaced with partially permeable materials if adequate drainage and erosion and dust control are provided. Unpaved outdoor storage areas are not subject to the parking lot landscaping requirements contained in Chapter 4.05 (Landscaping Standards).
- D. **Lighting.** Any lighting used to illuminate an outdoor storage area shall be directed downward and shielded so as not to produce any off-site glare.
- E. **Shipping containers.** The use of shipping containers qualifies as outdoor storage and shall only be permitted in zoning districts in which outdoor storage is a permitted or conditional use. The shipping containers are subject to all of the standards and regulations for outdoor storage as found in this section.
- F. **Exemptions.** The following uses are exempt (i.e. are not considered outdoor storage):
  - 1. Fleet vehicles and
  - 2. Car dealer inventory.

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**6.03.110 Private Swim Clubs or Recreation Centers**

- A. All facilities, except when developed in the CNB zone, shall be located not less than 20 feet from side lot lines, and lot less than 20 feet from the rear lot line.
- B. Facilities shall be located with ready access to a major street or frontage road, or be able to provide access without causing heavy traffic on a local residential street.
- C. No facilities shall be allowed to indicate any external evidence of any gainful activity, however incidental, nor any access to any space used for gainful activity other than from within the building.
- D. Fencing and screening. A six-foot high masonry wall shall be provided on all property lines in conformance with Section 4.05.040 (Fences and Screening).

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**6.03.120 Secondary Dwelling Units**

- A. **Purpose.** To provide an opportunity for the development of small rental units, to provide relatively affordable housing for low- and moderate income individuals and families, to provide economic support for resident families and to provide rental units for the elderly or disabled while still maintaining the residential character of the surrounding neighborhood.
- B. **Requirements.** One secondary dwelling unit per lot may be permitted in the City's single-family residential zones including Planned Unit Developments and Planned Development – Residential zones, subject to the following requirements:

1. Secondary units shall be limited to lots developed with no more than one existing dwelling unit.
  2. The secondary unit shall be designed so as to maintain the appearance of a single-family home. Colors, materials, roof form, windows and window trim shall match those of the existing primary dwelling unit.
  3. Secondary dwelling units shall not be for sale but may be rented.
  4. Total lot coverage and/or floor area ratio (FAR) shall be as required in the underlying zone.
  5. A secondary dwelling unit 640 square feet in floor area or less, excluding garage, or with a maximum of one bedroom, shall be required to provide one additional off-street, on-site parking space. For units greater than 640 square feet, excluding garage or with two or more bedrooms, two off-street, on-site parking spaces shall be required. These two spaces may be in tandem with each other, but not with the required primary unit parking spaces. No more than one space shall be located within the front yard setback, as regulated by the underlying zone .
  6. An inspection and report shall be obtained by the applicant from the Building Official to determine compliance with the *State Housing Code* for the primary unit, prior to submittal of an application for a secondary dwelling unit permit.
- C. **Attached.** Attached secondary dwelling units shall be subject to the following criteria, in addition to criteria in Paragraph B.1. through B.6., above:
1. New floor area to accommodate an attached secondary dwelling unit shall not exceed 30 percent of the existing dwelling's floor area, or 640 square feet, whichever is greater. For purposes of calculating the 30 percent floor area, garage and accessory structures shall be excluded.
  2. An attached secondary dwelling unit shall be limited to a maximum of 1,200 square feet of floor area, excluding garage.
  3. An attached secondary dwelling unit shall be subject to the setbacks and height requirements of the underlying zone for the primary structure.
  4. Access to an attached secondary unit shall not be located on the front of the primary dwelling.
- D. **Detached.** Secondary dwelling units detached from the primary residential unit shall be considered detached and shall be subject to the following requirements, in addition to requirements in Paragraph B.1. through B.6., above:
1. A detached secondary unit shall not exceed 50 percent of the primary dwelling's floor area, excluding accessory and garage structures.
  2. A detached secondary unit is limited to a maximum 1,200 square feet of floor area, excluding garage.
  3. A detached secondary unit shall be located to the rear of the primary dwelling unit.
  4. A single-story detached secondary unit shall be limited to 15 feet in height. The single-story unit shall be located a minimum of 10 feet from the primary dwelling and side and rear non-street property lines, except when the underlying zone of the primary structure is less restrictive, then the underlying zone setbacks may be applied.
  5. A two-story or second-story detached secondary unit shall be subject to the height and setback requirements of the underlying zone of the primary structure, as measured from the property line to the exterior wall of the second story.

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**6.03.130 Solid Waste and Recycling Container Enclosures**

- A. **Purpose.** The purpose of this Section is to implement *California Solid Waste and Reuse and Recycling Access Act (Public Resources Code Sections 42900 through 42911)* by providing safe areas and facilities for solid waste, recyclable materials and compostable material enclosures.
- B. **Enclosure facilities required.** The owner or occupant of land or buildings used for any purpose shall provide the enclosure facilities as required by and in conformity with regulations set forth in this Section. However, enclosure structures lawfully constructed or established before July 27, 1994 which do not comply with the provisions of this Section shall not be deemed nonconforming so long as any addition to, or enlargement, repair or rearrangement of the enclosure structure does not increase the nonconforming nature of the structure. The required enclosure facilities are as follows:
1. Single-family premises or multi-family premises of three units or less. No enclosure structure shall be required; however, containers for recyclable materials, compostable materials and solid waste shall be stored in such a manner that containers are screened from public view from the front of the property. Recyclable materials, compostable materials and solid waste containers may be placed in public view for purposes of collection in compliance with Article II of the solid waste management regulations, beginning at LMC 8.08.030.
  2. Multi-family uses of four or more units, and all commercial, institutional and industrial uses approved after July 27, 1994. Adequate and accessible enclosures for the storage of recyclable materials and compostable materials shall be provided, in addition to the requirement that solid waste be stored in proper containers as specified in Article II of Chapter 8.08 LMC. The design, construction and accessibility of enclosures shall conform to the requirements in this chapter.
  3. Multi-family uses of four or more units, and all commercial, institutional and industrial uses approved before July 27, 1994. Any modifications or additions to uses or tenant spaces identified in Subsection B.2., above, existing prior to July 27, 1994, which exceed \$20,000 worth of construction building permit value within a 12-month period, individually or cumulatively, shall conform to the requirements of Subsection B.2., above.
- C. **Procedures.** Plans submitted to the Building Department for issuance of a Building Permit shall be referred to the Planning Division for review and approval of the proposed design size and location of recyclable materials, compostable materials and solid waste enclosures, and the number, type and placement of containers. The Planning Division shall assure plans conform to the enclosure design and construction requirements in Subsection D. (Enclosure design and construction requirements), below. In addition to these requirements, plans shall conform to design review and building code requirements. The Director may approve such plans, require modifications, or may impose additional requirements necessary for the safe and efficient collection of solid waste, compostable materials and recyclable materials.
- D. **Enclosure design and construction requirements.** Recyclable materials, compostable materials and solid waste enclosures shall be adequate in capacity, number and distribution to serve the existing and future occupants of the premises. An adequate number of containers shall be supplied for each enclosure, as determined by the Director.
1. Container enclosures. Each recyclable materials, compostable materials and solid waste container enclosure shall be enclosed on four sides, one of which shall include a solid door, unless the containers are stored within a legally approved building.

The enclosure shall fully screen solid waste, compostable materials and recyclable materials containers and materials from public view.

2. Maintenance and cleaning. Maintenance and cleaning of each recyclable materials, compostable materials and solid waste enclosure is the responsibility of the occupant or owner of the premises. Recyclable materials, compostable materials and solid waste enclosures shall be maintained in the condition in which they were approved.
3. Location.
  - a. Any recyclable materials, compostable materials and solid waste enclosure areas shall be located so they are convenient and accessible to persons placing materials in containers as well as franchisee and permittees. Recyclable materials, compostable materials and solid waste containers shall normally be located in the same enclosure unless special circumstances require otherwise. Such determination shall be the discretion of the Director.
  - b. Enclosures and containers shall not be located in any required parking or setback area and shall be located to blend with the building and site architecture and design. Enclosures may be located in non-setback landscaped areas at the discretion of the Director.
  - c. Enclosures on multifamily premises shall be no greater than 250 feet from the nearest point of each unit, unless otherwise authorized by the Director.
4. Enclosure construction materials. Minimum requirements for construction materials are:
  - a. In residential land use areas as designated in the City's General Plan, wood or masonry materials compatible with the main structure and a solid door shall be used.
  - b. In commercial and light industrial land-use areas as designated in the City's General Plan, masonry with exterior material that matches the main structure and a solid steel door shall be used.
5. Development standards.
  - a. The height of recyclable materials, compostable materials and solid waste enclosures shall be a minimum of five feet and maximum of 10 feet but shall be tall enough to ensure no materials or containers are visible from public view. A minimum of 10 feet of vertical clearance is required if the enclosure has a roof.
  - b. In residential land use areas as designated in the City's General Plan, enclosure(s) shall be able to accommodate one four-cubic-yard bin and two 96-gallon carts. A six-inch curb shall be provided inside the enclosure to protect the enclosure walls. All gates shall be hinged on the outside with cane bolts to hold the gates open.
  - c. In commercial, industrial and public land-use areas as designated in the City's General Plan, enclosure(s) shall be able to accommodate two seven-cubic-yard bins and three 96-gallon carts and shall be a minimum of 10 feet by 18 feet in dimension. A six-inch curb shall be provided inside the enclosure to protect the enclosure walls. All gates shall be hinged on the outside with cane bolts to hold the gates open. Four-inch bollards shall be placed on each side of all gates.
  - d. If a water supply is required in the area for washing (per Health Department requirements or otherwise), a drain to the sanitary sewer that discharges through an oil-water separator must be installed in the enclosure. Trash

compactors must have a drain to the sanitary sewer, but may be uncovered provided the area around the compactor slopes away from the drain.

6. Vehicle access. Franchisee collection vehicle access requirements to the enclosures are as follows:
  - a. Driveways or travel aisles leading to enclosures shall be a minimum of 16 feet in width.
  - b. Where driveways do not extend from street to street, a turnaround area for collection vehicles shall be provided.
  - c. Driveways or travel aisles shall provide unobstructed access for collection vehicles and provide a minimum of 15 feet vertical clearance. In loading areas, the minimum overhead vertical clearance shall be 22 feet for loading operations.
  - d. A concrete pad shall be constructed in front of each enclosure of such dimensions and orientation to allow collection vehicles to rest on the pad when loading and unloading bins and containers to prevent damage to paved surfaces.
    - (1) The pad shall have level surface (no slope) where roll-out bins and containers are used.
    - (2) Paving material for the pad shall consist of a five-inch aggregate base material and six inches of Portland cement paving or equivalent materials approved by the Director.
7. Other general provisions.
  - a. This Section shall apply to recyclable materials, compostable materials and solid waste containers not accessible to the general public used exclusively by business for its recyclable materials, compostable materials and solid waste program.
  - b. This Section shall not apply to retail or wholesale certified recyclers or processors.
  - c. All activities associated with container enclosure facilities shall be in compliance with Livermore Municipal Code Article 8 (Container Enclosure Facilities).
8. Recyclable materials enclosures.
  - a. Commercial and industrial businesses may utilize interior building space in order to meet the intent of the recyclable materials enclosure requirements of this chapter under the following conditions:
    - (1) The facilities must be equivalent to that required for exterior enclosure facilities, above; and
    - (2) A written signed agreement between the business and franchisee or permittee for collection of recyclable materials from interior building space is required. Proof of signed agreement shall be provided to the Director prior to issuance of a certificate of occupancy for new construction, tenant improvements, and/or the issuance of zoning approval for a use at a particular location.

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**6.03.140 Subdivision or Sales Office, Equipment and Material Yard**

Subdivision sales office, equipment and material yard, and other appurtenant uses shall be located within the subdivision or building site to which they are appurtenant upon issuance of all required permits for construction of such use. A Zoning Use Permit may be granted for a period not to exceed one year. Subsequent applications for continued use may be approved or be denied when it is determined by the Director that the uses are no longer appurtenant to the tract in which they are located. Only sales of homes within the subdivision shall be permitted in a subdivision sales office.

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**6.03.150 Superstores**

As defined in Part II (Definitions) are prohibited.

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**6.03.160 Vehicle Services (Repair Garages, Service Stations and Private Fuel Stations)****A. Auto repair garages.**

1. Shall be entirely enclosed within a building.
2. Shall provide off-street parking so that all vehicles under repair shall be parked on the property.

**B. Auto service stations.**

1. No automotive service station structure, equipment or apparatus shall be permitted within 25 feet of any residential zone.
2. Each automotive service station shall provide, except in required front yards, a six-foot high masonry wall and 25 foot wide landscaped strip on property lines that abut a residential zone.
3. Automotive service stations may be authorized in conjunction with a permitted or conditionally permitted commercial or industrial use, if all of the following findings can be made:
  - a. Traffic generation, fumes, noise, light and glare, and similar effects generally associated with automotive service stations will not be detrimental to adjacent residential areas, if applicable.
  - b. The use is compatible with the site size, shape, design, access, on-site circulation, required parking and is restricted to minimize conflicts with public access, public safety, or adjoining properties.
  - c. The proposed use, site, and architecture promote a design consistent with and appropriate for the location, and consistent with the City's Design Standards and Guidelines.
4. Auto service stations shall be consistent with the standards set forth in Chapter 6.02.040 (Hazardous Materials).

**C. Fuel station - private.**

1. Authorization. Private fuel stations may be authorized as an accessory use for any business or public activity in any zone with a Zoning Use Permit.

2. The review authority shall make all of the following findings:
  - a. The fuel station conforms to the requirements of Section 6.02.040 (Hazardous Materials) regarding the use and storage of hazardous materials;
  - b. Location requirements.
    - (1) The use is compatible with the site size, shape, design, access, on-site circulation, and required parking; and
    - (2) The use is restricted to minimize conflicts with public access, public safety, or adjoining properties.



# Part 7: Thoroughfare Types

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## Chapter 7.01: Thoroughfare Types

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### Sections:

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7.01.020	Intent
7.01.030	Thoroughfare Types Overview
7.01.040	Neighborhood Street Tree Wells
7.01.050	Neighborhood Street Planter Strip
7.01.060	Neighborhood Main Street
7.01.070	Rear Alley (Mixed-Use)
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7.01.090	Rincon Avenue at Pine Street
7.01.100	Pine Street at Rincon Avenue
7.01.110	Retrofit: 18' Wide Planter Strip
7.01.120	Retrofit: Bicycle Lanes
7.01.130	Retrofit: Diagonal Parking

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### 7.01.010      **Applicability**

- A. This article describes the guidelines which are applicable for development of thoroughfares throughout the City. It supplements the City of Livermore Standard Details, Standard Specifications, and Development Plan Check and Procedures Manual, maintained in their most current forms at the City of Livermore Community Development Department. Where these guidelines conflict with the above documents the standards of the above documents shall apply.
- B. These thoroughfare standards are applicable for the transformation of existing streets or the creation of new streets within designated Neighborhood Mixed Use parcels as well as any areas where Transect zone application is used.
- C. Additional thoroughfares can be integrated into this Part as they are approved by the City.

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### 7.01.020      **Intent**

- A. The intent of this Part is to provide a catalog of pre-approved thoroughfare types that are appropriate to use within walkable urban environments. A builder or developer can use these types and standards to facilitate project approval.

## 7.01.030 Thoroughfare Types Overview

The thoroughfares of a city are one of the most important elements in defining community character. This role must be considered along with the movement of cars, bicycles, and transit. Due to this important role in placemaking, in addition to their contribution of a major percentage of public space in every city, thoroughfares' standards must be considered alongside building form, building types, frontage types, civic spaces and landscaping in creating urban environments.

There are two kinds of thoroughfare types within this chapter: those that represent transformations of existing streets within existing right-of-ways, and those that can be used to integrate new streets into larger parcels that require a new street and block network. Transformations to existing streets shall match the designations set forth in the General Plan.

All of the elements of the thoroughfare are context-based. Elements of the thoroughfares include pedestrian and bicycle oriented principles. The elements included in these standards start with the classification of movement type and design speed for each thoroughfare. Next, applicable Transect zones are listed, followed by overall width and pavement width, the number of lanes, and the lanes' specific maximum sizes. Last are the edges, which include drainage collection type, planter type, lighting type (street lighting per City standard), and walkway type and curb radii at intersections. Bulb-outs are encouraged to facilitate a pedestrian friendly environment.

These thoroughfares are assigned to one or more Transect zones.

The following thoroughfare types are appropriate for the City.

### A. Thoroughfares for new streets

#### 1. **Neighborhood Street Tree Wells**

See 7.01.040 (Neighborhood Street Tree Wells) for standards.

#### 2. **Neighborhood Street Planter Strip**

See 7.01.050 (Neighborhood Street Planter Strip) for standards.

#### 3. **Neighborhood Main Street**

See 7.01.060 (Neighborhood Main Street) for standards.

#### 4. **Rear Alley Mixed Use**

See 7.01.070 (Rear Alley Mixed Use) for standards.

#### 5. **Rear Alley Residential**

See 7.01.080 (Rear Alley Residential) for standards.

### B. Thoroughfares for retrofitting existing streets

#### 1. **Rincon Avenue at Pine Street**

See 7.01.090 (Rincon Avenue at Pine Street) for standards.

#### 2. **Pine Street at Rincon Avenue**

See 7.01.100 (Pine Street at Rincon Avenue) for standards.

#### 3. **Retrofit: Wide Planter Strip**

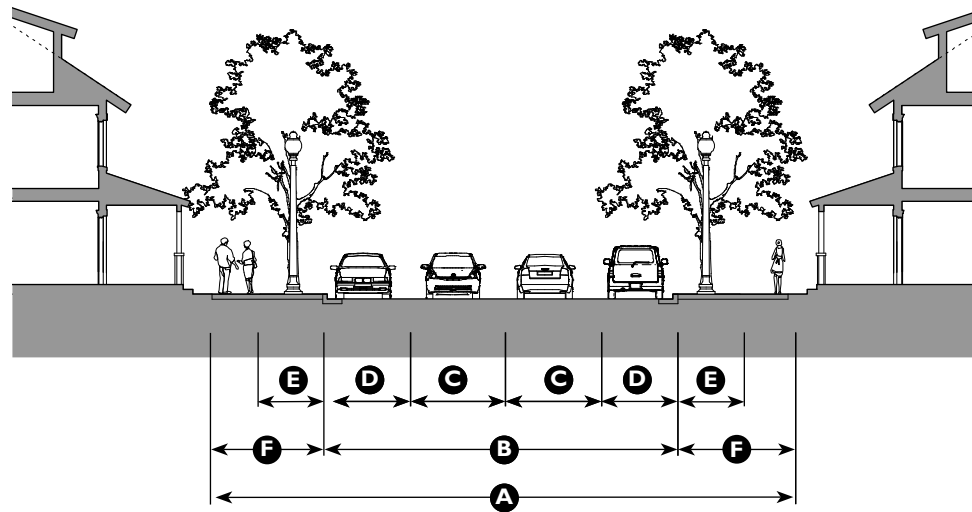
See 7.01.110 (Retrofit: Wide Planter Strip) for standards.

#### 4. **Retrofit: Bicycle Lanes**

See 7.01.120 (Retrofit: Bicycle Lanes) for standards.

#### 5. **Retrofit: Diagonal Parking**

See 7.01.130 (Retrofit: Diagonal Parking) for standards.

**7.01.040 Neighborhood Street Tree Wells****Application**

Movement Type	Slow
Anticipated Design Speed	20 mph
Pedestrian Crossing	Bulb-outs encouraged to decrease pedestrian crossing time.
Transect Zones	T4N-O T4N T3N

**Overall Widths**

Right-of-Way (ROW)	56-60'	<b>A</b>
Face-of-Curb to Face-of-Curb	36' max.	<b>B</b>

**Lanes**

Traffic Lanes	2 @ 10' (2-way travel)	<b>C</b>
Bicycle Lanes	None	
Parking Lanes	2 @ 8' parallel	<b>D</b>
Medians	None	

**Edges**

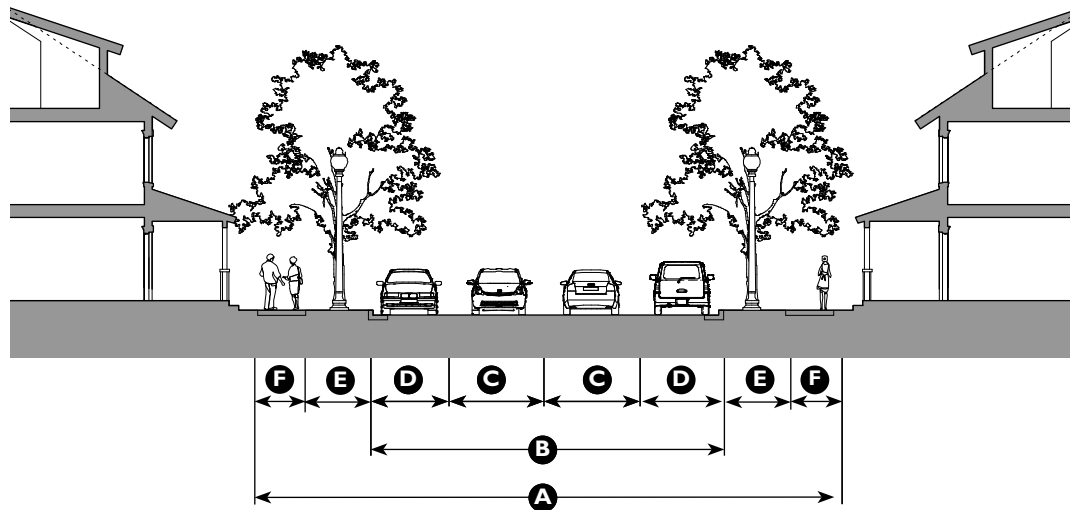
Drainage Collection Type	Curb and gutter
Planter Type	4' x 4' tree grate, min. <b>E</b>
Lighting Type	Low, pedestrian oriented lighting
Walkway Type	10' sidewalk, min. <b>F</b>

**Intersection**

Curb Radius	15' max. (bulb-outs recommended)
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**Miscellaneous Requirements**

Transformations to existing streets shall match the designations set forth in the General Plan.



### 7.01.050 Neighborhood Street Planter Strip

#### Application

Movement Type	Slow
Anticipated Design Speed	20 mph
Pedestrian Crossing	Bulb-outs encouraged to decrease pedestrian crossing time.
Transect Zones	T4N-O T4N T3N

#### Overall Widths

Right-of-Way (ROW)	56-60'	<b>A</b>
Face-of-Curb to Face-of-Curb	36'	<b>B</b>

#### Lanes

Traffic Lanes	2 @ 10' (2-way travel)	<b>C</b>
Bicycle Lanes	None	
Parking Lanes	2 @ 8' parallel	<b>D</b>
Medians	None	

#### Edges

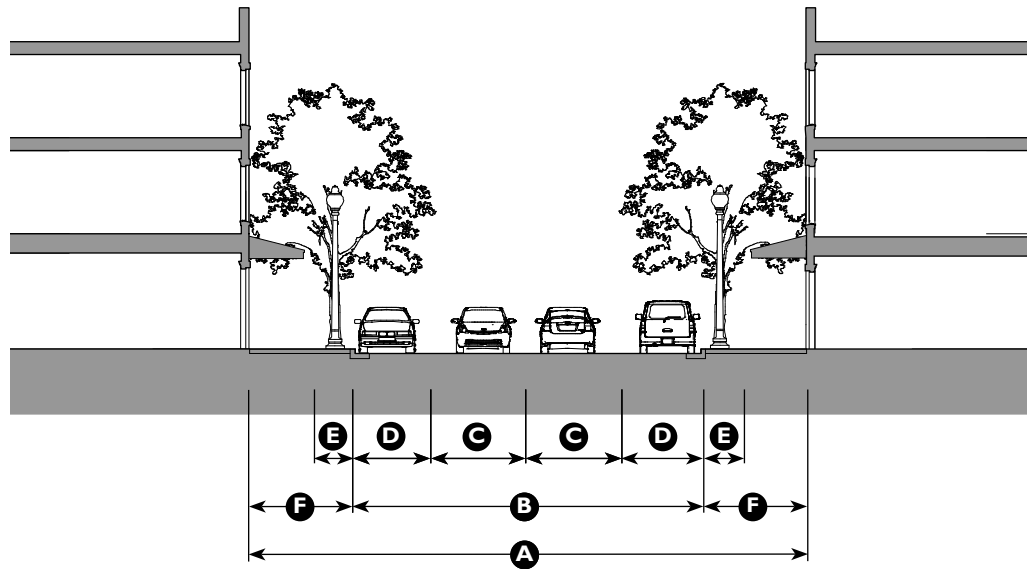
Drainage Collection Type	Curb and gutter	
Planter Type	5' continuous, min.	E
Lighting Type	Low, pedestrian oriented lighting	
Walkway Type	5' sidewalk, min.	F

#### Intersection

Curb Radius	15' max. (bulb-outs recommended)
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#### Miscellaneous Requirements

Transformations to existing streets shall match the designations set forth in the General Plan.

**7.01.060 Neighborhood Main Street****Application**

Movement Type	Slow
Anticipated Design Speed	20 mph
Pedestrian Crossing	Bulb-outs encouraged to decrease pedestrian crossing time.

Transect Zones	T4MS
	T4MS-O

**Overall Widths**

Right-of-Way (ROW)	60'	<b>A</b>
Face-of-Curb to Face-of-Curb	36'	<b>B</b>

**Lanes**

Traffic Lanes	2 @ 10' (2-way travel)	<b>C</b>
Bicycle Lanes	None	
Parking Lanes	2 @ 8' parallel	<b>D</b>
Medians	None	

**Edges**

Drainage Collection Type	Curb and gutter
Planter Type	4' x 4' tree grate, min. <b>E</b>
Lighting Type	Low, pedestrian oriented lighting
Walkway Type	12' sidewalk, <b>F</b>

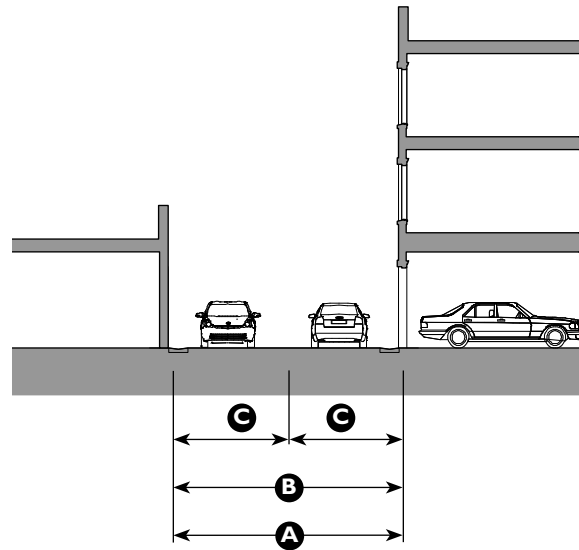
<sup>1</sup> Where gallery frontage is used, street trees are not required or allowed.

**Intersection**

Curb Radius	15' max. (bulb-outs recommended)
Distance Between Intersections	400' max.

**Miscellaneous Requirements**

Transformations to existing streets shall match the designations set forth in the General Plan.



### 7.01.070 Rear Alley (Mixed-Use)

#### Application

Movement Type                      Slow

Anticipated Design Speed            15 mph

Transect Zones                        T4 MS  
T4 MS-O

#### Overall Widths

Right-of-Way (ROW)                24' **(A)**

Building Face to Building Face    24' **(B)**

#### Lanes

Traffic Lanes                          2 @ 10' (2-way travel) **(C)**

Bicycle Lanes                        None

Parking Lanes                        None\*

Medians                                None

\*Rear Alley may provide access to internal surface parking areas.

#### Edges

Drainage Collection Type            Valley pan

Alley Apron                            None

Apron Type                            None

Lighting Type                        None

Walkway Type                        None

#### Intersection

Not Applicable

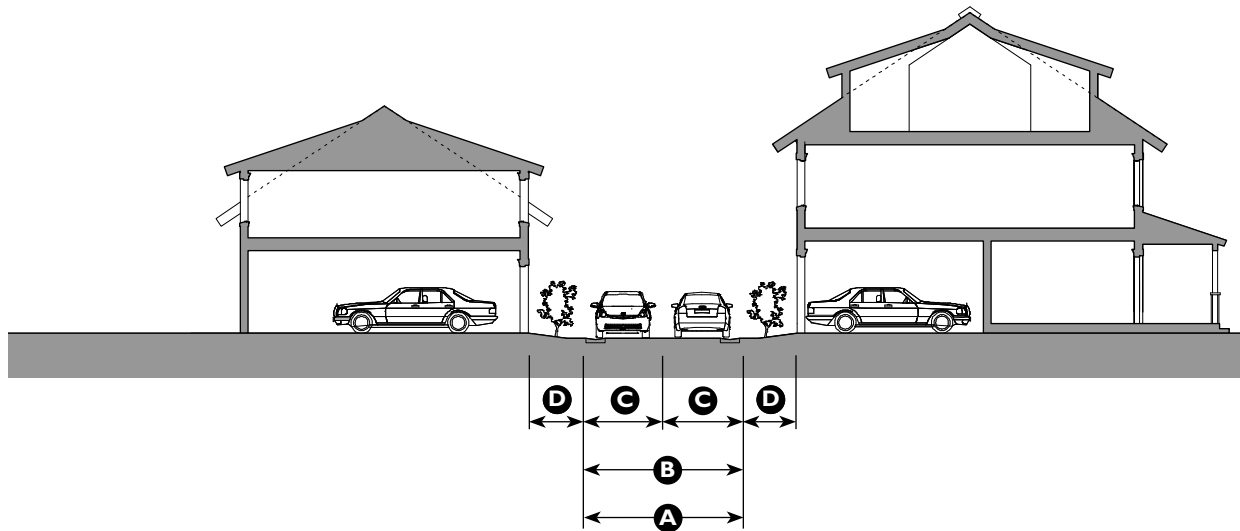
#### Miscellaneous Requirements

Dead-end alleys not allowed.

Wet and dry utilities should be in alley; dry utilities required at a minimum.

Transformations to existing streets shall match the designations set forth in the General Plan.



**7.01.080 Rear Alley (Residential)****Application**

Movement Type	Yield
Anticipated Design Speed	10 mph
Transect Zones	T3 N
	T4 N
	T4 N-O

**Overall Widths**

Right-of-Way (ROW)	20'	<b>A</b>
Building Face to Building Face	20'	<b>B</b>

**Lanes**

Traffic Lanes	2 @ 10' (2-way travel) (8' paving; 2' Valley Pan/Curb and Gutter)	<b>C</b>
Bicycle Lanes	None	
Parking Lanes	None	
Medians	None	

**Edges**

Drainage Collection Type	Valley pan/Curb and Gutter
Alley Apron	4' min. (outside of ROW) <b>D</b>
Apron Type	Pervious
Lighting Type	None
Walkway Type	None

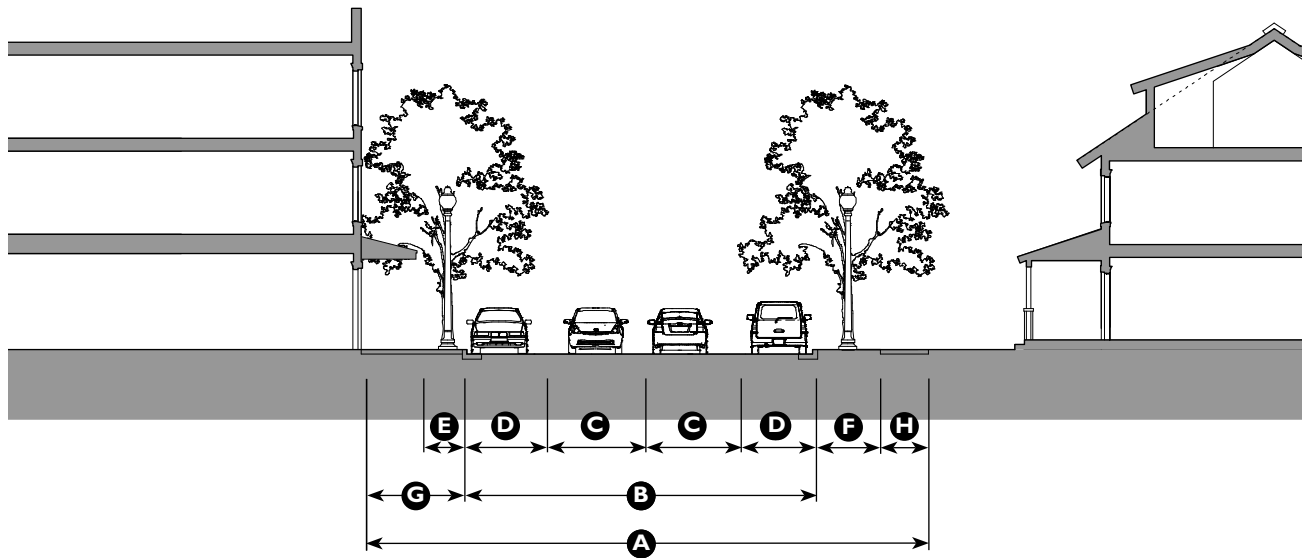
**Intersection**

Not applicable

**Miscellaneous Requirements**

Dead-end lanes not allowed.

Transformations to existing streets shall match the designations set forth in the General Plan.

**7.01.090 Rincon Avenue at Pine Street****Application**

Movement Type	Slow
Anticipated Design Speed	20 mph
Pedestrian Crossing	Bulb-outs encouraged to decrease pedestrian crossing time.

Transect Zones	T4 MS T4 MS-O
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**Overall Widths**

Right-of-Way (ROW)	54'- 80'	<b>A</b>
Face-of-Curb to Face-of-Curb	36'	<b>B</b>

**Lanes**

Traffic Lanes	2 @ 10' (2-way travel)	<b>C</b>
Bicycle Lanes	None	
Parking Lanes	2 @ 8' parallel	<b>D</b>
Medians	None	

**Edges**

Drainage Collection Type	Curb and gutter	
Planter Types		
Tree Grate	4' x 4', min.	E
Continuous	5', min.	F
Lighting Type	Low, pedestrian oriented lighting	
Walkway Type		
Commercial	1 @ 8', min.	G
Non-Commercial	1 @ 5', min.	H

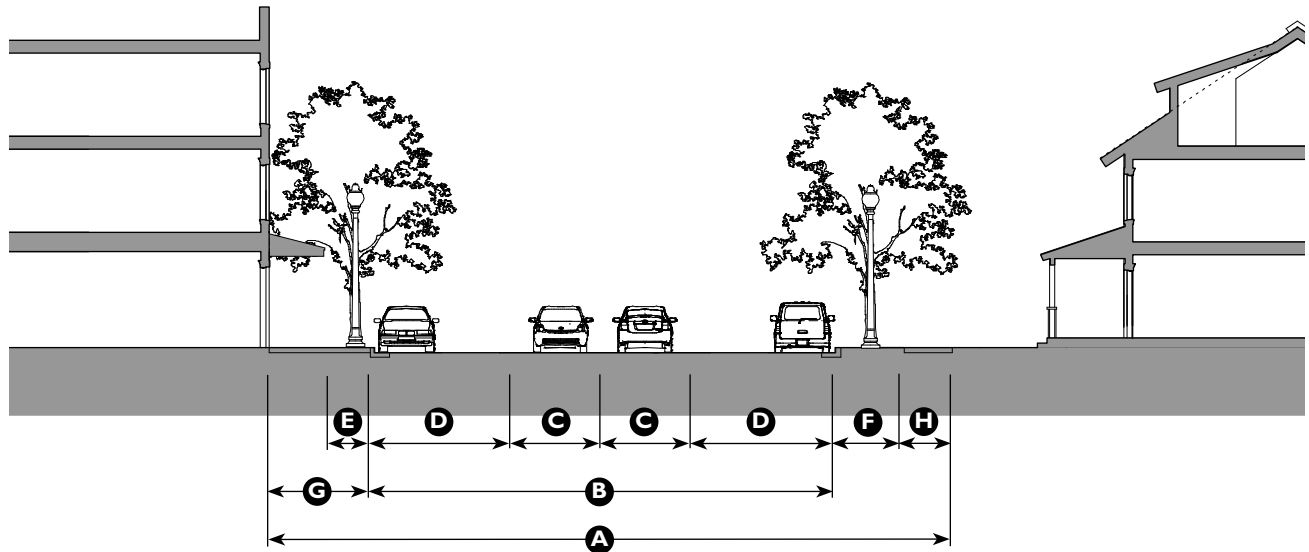
<sup>1</sup> Where gallery frontage is used, street trees are not required or allowed.

**Intersection**

Curb Radius	15' max. (bulb-outs recommended)
Distance Between	400' max.

**Intersections****Miscellaneous Requirements**

Transformations to existing streets shall match the designations set forth in the General Plan.



### 7.01.100 Pine Street at Rincon Avenue

#### Application

Movement Type	Slow
Anticipated Design Speed	20 mph
Pedestrian Crossing	Bulb-outs encouraged to decrease pedestrian crossing time.
Transect Zones	T4 MS T4 MS-O

#### Overall Widths

Right-of-Way (ROW)	64' - 80'	<b>A</b>
Face-of-Curb to Face-of-Curb	46'	<b>B</b>

#### Lanes

Traffic Lanes	2 @ 10' (2-way travel)	<b>C</b>
Bicycle and Parking Lanes	13'	<b>D</b>
Medians	None	

#### Edges

Drainage Collection Type	Curb and gutter	
Planter Types		
Tree Grate	4' x 4', min.	<b>E</b>
Continuous	5', min.	<b>F</b>
Lighting Type	Low, pedestrian oriented lighting	
Walkway Type		
Commercial	1 @ 8', min.	<b>G</b>
Non-Commercial	1 @ 5', min.	<b>H</b>

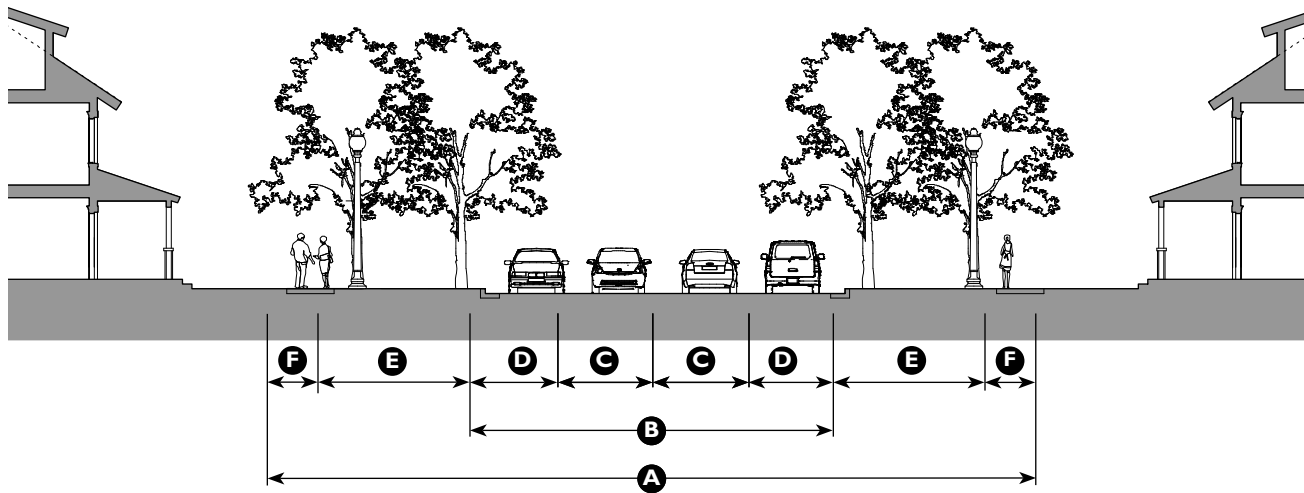
#### Intersection

Curb Radius	15' max. (bulb-outs recommended)
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Distance Between Intersections 400' max.

#### Miscellaneous Requirements

Transformations to existing streets shall match the designations set forth in the General Plan.

**7.01.110 Retrofit: 18' Wide Planter Strip****Application**

Movement Type	Slow
Anticipated Design Speed	20 mph
Pedestrian Crossing	Bulb-outs encouraged to decrease pedestrian crossing time.
Transect Zones	T4 N-O T4 N T3 N

**Overall Widths**

Right-of-Way (ROW)	80'	<b>A</b>
Face-of-Curb to Face-of-Curb	36'	<b>B</b>

**Lanes**

Traffic Lanes	2 @ 10' (2-way travel)	<b>C</b>
Bicycle Lanes	None	
Parking Lanes	2 @ 8' parallel	<b>D</b>
Medians	None	

**Edges**

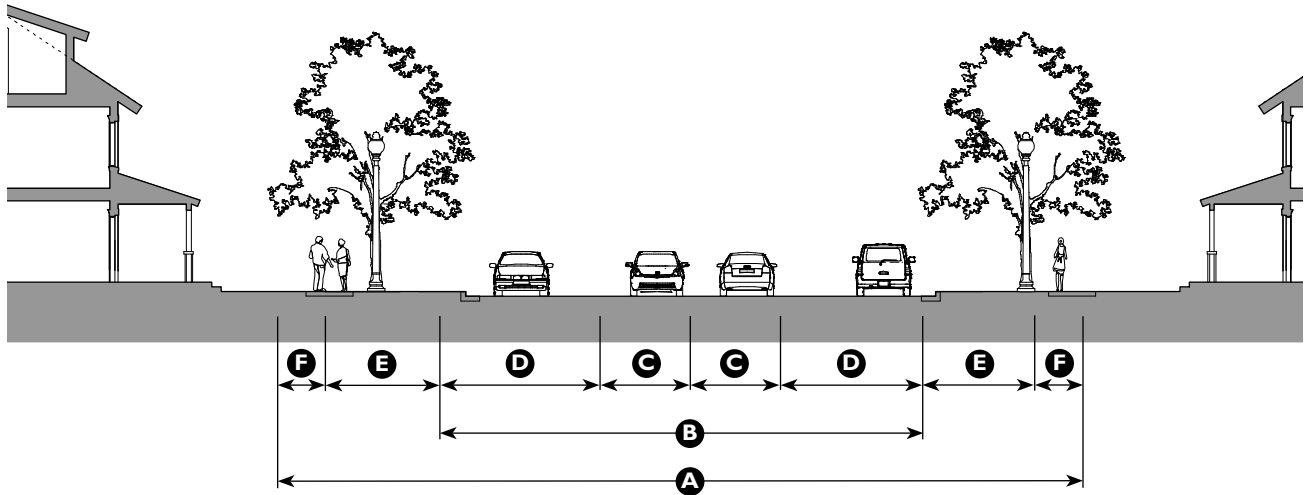
Drainage Collection Type	Curb and gutter
Planter Type	17' continuous <b>E</b>
Landscape Type	Medium trees @ 35' on center average
Lighting Type	Low, pedestrian oriented lighting
Walkway Type	5' sidewalk <b>F</b>

**Intersection**

Curb Radius	15' max. (bulb-outs recommended)
Distance Between Intersections	600' max.

**Miscellaneous Requirements**

Transformations to existing streets shall match the designations set forth in the General Plan.



### 7.01.120 Retrofit: Bicycle Lanes

#### Application

Movement Type	Slow
Anticipated Design Speed	20 mph
Pedestrian Crossing	Bulb-outs encouraged to decrease pedestrian crossing time.
Transect Zones	T3 N
	T4 N-O
	T4 N

#### Overall Widths

Right-of-Way (ROW)	80'	<b>A</b>
Face-of-Curb to Face-of-Curb	46'	<b>B</b>

#### Lanes

Traffic Lanes	2 @ 10' (2-way travel)	<b>C</b>
Bicycle and Parking Lanes	13'	<b>D</b>
Medians	None	

#### Edges

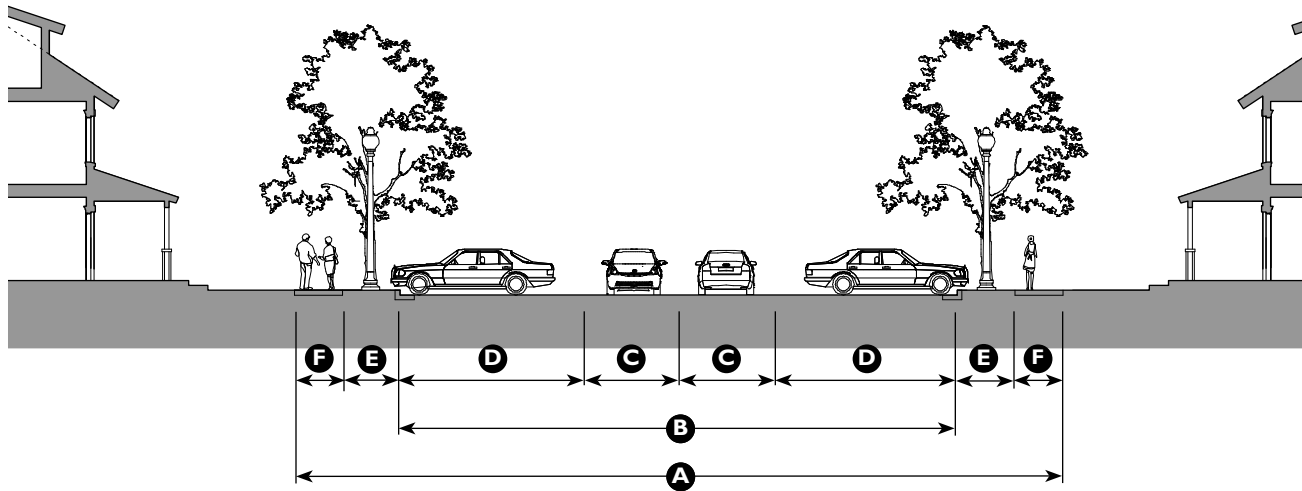
Drainage Collection Type	Curb and gutter
Planter Type	12' continuous <b>E</b>
Lighting Type	Low, pedestrian oriented lighting
Walkway Type	5' sidewalk <b>F</b>

#### Intersection

Curb Radius	15' max. (bulb-outs recommended)
Distance Between Intersections	600' max.

#### Miscellaneous Requirements

Transformations to existing streets shall match the designations set forth in the General Plan.

**7.01.130 Retrofit: Diagonal Parking****Application**

Movement Type	Slow
Anticipated Design Speed	20 mph
Pedestrian Crossing Time	Bulb-outs encouraged to decrease pedestrian crossing time.

Transect Zones	T3 N
	T4 N
	T4 N-O

**Overall Widths**

Right-of-Way (ROW)	80'	<b>A</b>
Face-of-Curb to Face-of-Curb	54'	<b>B</b>

**Lanes**

Traffic Lanes	2 @ 10' (2-way travel)	<b>C</b>
Bicycle Lanes	None	
Parking Lanes	2 @ 17' @45°	<b>D</b>
Medians	None	

**Edges**

Drainage Collection Type	Curb and gutter
Planter Type	8' continuous <b>E</b>
Lighting Type	Low, pedestrian oriented lighting
Walkway Type	5' sidewalk <b>F</b>

**Intersection**

Curb Radius	15' max. (bulb-outs recommended)
Distance Between Intersections	600' max.

**Miscellaneous Requirements**

Transformations to existing streets shall match the designations set forth in the General Plan.

# Part 8: Civic Space Types

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## Chapter 8.01: Civic Spaces

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### Sections:

8.01.010	Intent
8.01.020	Applicability
8.01.030	General Description
8.01.040	Civic Space Types Overview
8.01.050	Plazas
8.01.060	Pocket Plazas
8.01.070	Urban Parks
8.01.080	Neighborhood Pocket Parks
8.01.090	Community Gardens
8.01.100	Playgrounds

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#### 8.01.010 Intent

- A. The intent of this Part is to provide a catalog of pre-approved Civic Space types that are appropriate to use within walkable urban environments.

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#### 8.01.020 Applicability

- A. This article describes the guidelines for development of Civic Spaces throughout the City. Where these guidelines conflict with the Design Standards Guidelines, Standards Details and Standard Specifications, the standards of the Design Standards Guidelines, Standards Details and Standard Specifications shall apply.
- B. The Standards of this Chapter shall apply to all proposed development within Transect-based zones, and shall be considered in combination with the standards for the applicable zone in Part 3 (Specific to Zones), Part 4 (General to Zones) and those in Part 6 (Specific to Uses).
- C. Additional Civic Spaces can be integrated into this Part as they are approved by the City.

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#### 8.01.030 General Description

The Civic Spaces of a city are an important public element in providing open space and recreational opportunities. The best Civic Spaces become the “living rooms” of the City, places where the community can come together to celebrate events. Civic Spaces play an important role in placemaking. Their standards must be considered alongside building form, building types, frontage types, and thoroughfares in creating urban environments. The diverse palette of parks and other publicly accessible open spaces are assigned to one or more Transect zones.

## 8.01.040 Civic Space Types Overview

The standards in this chapter provide the Form-Based Code areas with a diverse palette of parks and other publicly accessible open spaces that are essential components of mixed-use neighborhoods.

There are four different open space types, along with supplementary standards for playgrounds and community gardens that may be incorporated into any of these four types or be free standing.

The dimensional requirements of each open space are regulatory in nature. The descriptions of each type, along with the character, allowed/typical uses, and stormwater management techniques, are descriptive in nature, delineating a broad range of possible characteristics and uses that are allowed within the open spaces. It is not intended that each open space provide the full range of typical uses and characteristics, but that the entire network of open spaces within the Form-Based Code areas provide a wide range of open spaces that can accommodate a variety of places and activities.

The following types shall provide open space and recreational opportunities that are appropriate for the City.

### A. Open Space Types

1. **Plazas** add to the vibrancy of streets within more urban sub-areas and create formal open spaces available for civic purposes and commercial activity. These spaces are defined by building frontages and are primarily hardscaped with formally arranged trees. See 8.01.050 (Plazas) for standards.
2. **Pocket Plazas** include small-scaled open spaces that function in a similar manner to and follow the same rules as the larger plazas. These smaller-scaled spaces create more intimate places for seating or dining and provide a place into which commercial and neighborhood activity can spill out. These plazas can also be used to create a formal space in front of a prominent building entrance. See 8.01.060 (Pocket Plazas) for standards.
3. **Urban Parks** provide a central open-space focus for neighborhoods or groups of neighborhoods, useful for unstructured recreation and smaller structured recreational facilities. These larger spaces may also serve as civic amenities for the larger community. They are spatially defined by building frontages or landscaping, and typically consist of formal and naturalistic landscape, combining paths, lawn, and tree planting. See 8.01.070 (Urban Parks) for standards.
4. **Neighborhood Pocket Parks** provide smaller open spaces in close proximity to neighborhood residences. These parks accommodate a wide range of activities and vary in character in response to specific needs and surroundings. The landscape is formal or informal with arrangements of trees and shrubs, utilizing the natural landscape of both open and wooded areas. See 8.01.080 (Neighborhood Pocket Parks) for standards.

### B. Supplemental Open Space Types

1. **Community Gardens** provide groupings of garden plots in a publicly accessible area that are available to nearby residents for small-scale cultivation. Such gardens may be provided as a component of other publicly accessible open spaces and/or civic uses, or may be provided as freestanding open spaces. See 8.01.090 (Community Gardens) for standards.
2. **Playgrounds** provide an enclosed open space designed and equipped for children's recreation. They are interspersed within residential areas and may be freestanding

or located within larger parks and open spaces. See 8.01.100 (Playgrounds) for standards.

C. Additional Standards

1. **Ancillary Structures** within parks and open space, including but not limited to open-air pavilions, gazebos, picnic shelters, and outdoor theaters, shall not be subject to the physical requirements of the Building Form Standards in Part 3 (Specific to Zones). They shall be designed and furnished to be consistent with the character of the Transect zone in which they are located. Such consistency may require ancillary structures to maintain building setbacks, frontage, massing, disposition and character similar to adjacent development.
2. **Civic buildings** located in larger parks and open spaces including but not limited to Community Centers, Meeting Rooms, Public Safety Facilities, Houses of Worship, and Schools, shall not be subject to the physical requirements of the Building Form Standards in Part 3 (Specific to Zones). Such consistency may require civic buildings to maintain building setbacks, frontage, massing, disposition and character similar to adjacent development.



### 8.01.050 Plazas

#### Description

Plazas are open spaces available for civic purposes and commercial activities. Numerous plazas add to the vibrancy of streets within more urban sub-areas and create formal open spaces available for civic purposes and commercial activity. Building frontages should define these spaces. The landscape should consist primarily of hardscape. If trees are included, they should be formally arranged and of appropriate scale. Casual seating, along with table and chairs, should be provided.

#### Size & Location

Min. Width	40'
Max. Width	300'
Acreage	0.25 – 2 acres
Transect Zones	T4MS, T4MS-O

#### Character

Formally Disposed

Passive Open Space

Regular

Primarily Hardscape

Trees and Planting

Building Frontage on at least three sides

#### Allowed/Typical Uses

Passive /Active (Unstructured) Open Space

Civic Uses, including Outdoor Pavilions, Open-Air Shelters, Outdoor Assembly, Outdoor Seating, Public Restrooms

Commercial Uses, including Farmers' Markets subject to Special Event Permit

Playgrounds

#### Stormwater Management Techniques

Dry Wells, French Drains, Swales

Porous Pavers and Landscaping



### 8.01.060 Pocket Plazas

#### Description

Pocket plazas function in a similar manner and follow the same rules as the larger plazas. These smaller-scaled spaces create more intimate places for seating and provide a place for commercial and neighborhood activity to spill into. These plazas can also be used to create a formal space in front of a prominent building entrance.

#### Size & Location

Min. Width	20'
Max. Width	50'
Acreage	0.1 – 1 acre
Transect Zones	T4MS, T4MS-O

#### Character

Formally Disposed

Passive Open Space

Regular

Primarily Hardscape

Trees and Planting

Building Frontage on at least three sides

#### Allowed/Typical Uses

Passive /Active (Unstructured) Open Space

Civic Uses, including Outdoor Pavilions, Open-Air Shelters, Outdoor Assembly, Outdoor Seating, Public Restrooms

Commercial Uses, including Farmers' Markets subject to Special Event Permit

Playgrounds

#### Stormwater Management Techniques

Dry Wells, French Drains, Area Drains

Porous Pavers and Landscaping





### 8.01.070 Urban Parks

#### Description

Urban parks include larger open spaces available for civic purposes, commercial activity, and unstructured recreation, as well as smaller structured recreation facilities and other passive uses. These parks should have a more formal urban character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square must have a front onto the park. The landscape should consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating should be provided. A civic element or small structure such as a kiosk, open shelter, pergola, or fountain may be included at a prominent location.

Urban parks may be centrally located at the geographic heart of neighborhoods and/or at the intersection of important thoroughfares. They may also be located at the edges of neighborhoods in locations where several residential areas may benefit from recreational amenities, and serve as a transition between developed areas and natural open spaces.

#### Size & Location

Min. Width	100'
Max. Width	N/A
Acres	0.5 – 4.9 acres
Transect Zones	T4MS, T4MS-O

#### Character

Formally Disposed

Passive/Active (Unstructured) Open Space

Building Frontage along at least one side

All buildings must front this space

Must front at least two streets

Paths, lawns, and trees formally arranged

Walkways and plantings at all edges

Civic element at prominent location

#### Allowed/Typical Uses

Passive /Active (Unstructured) Open Space

Civic Uses, including Outdoor Pavilions, Open-Air Shelters, Outdoor Assembly, Outdoor Seating, Public Restrooms

Commercial Uses, including Farmers' Markets subject to Special Event Permit

Playgrounds

Limited Community Facilities, Meeting Rooms, Community Centers

Small Structured Recreational Facilities

#### Stormwater Management Techniques

Integrated Runoff

Bioretention Best Management Practices

Extended Detention Basins

Porous Pavers and Landscaping



### 8.01.080 Neighborhood Pocket Parks

#### Description

These smaller parks provide secondary focal points for neighborhoods and other development areas. These parks accommodate a wide range of activities and should vary in character depending on the specific needs of their surroundings.

Generally, these parks may be located in public places, such as the intersections of principal streets, or in more intimate places, such as mid-block or even tucked away from the street. They can be regularly or irregularly shaped.

#### Size & Location

Min. Width	40'
Max. Width	300'
Acreage	0.1 – 1 acre
Transect Zones	T3N, T4N, T4N-O

#### Character

Formally Disposed

Passive /Active (Unstructured) Open Space

Irregular/Regular

Building Frontage along at least two sides

#### Allowed/Typical Uses

Multi-Use Trails and Paths

Community Gardening

Civic Uses, including Picnic Shelters, Outdoor Seating

Limited Community Facilities

#### Stormwater Management Techniques

Integrated Runoff

Bioretention Best Management Practices

Porous Pavers and Landscaping





### 8.01.090 Community Gardens

#### Description

Community gardens are groupings of garden plots that are available to nearby residents for small-scale cultivation. Such gardens may be provided as a component of other publicly accessible open spaces and/or civic uses, or may be provided as freestanding open spaces.

#### Size & Location

Min.Width	N/A
Max.Width	N/A
Acreage	0.1 – 1 acre
Transect Zones	All Transect Zones

#### Character

Space Organized for Agriculture

Passive Open Space

Regular Planting Beds

Independent of Building Frontage

#### Allowed/Typical Uses

Gardening/Agriculture

#### Stormwater Management Techniques

Integrated Runoff

Bioretention Best Management Practices

Permeable Paving





### 8.01.100 Playgrounds

#### Description

Playgrounds are open spaces designed and equipped for the recreation of children. They shall be interspersed within residential areas so that every neighborhood or freestanding development area has at least one playground. Playgrounds may be freestanding or located within larger Plazas, Neighborhood Parks, Pocket Parks, or Civic Spaces.

Playgrounds should be quiet, safe places protected from the street, and should typically be placed so that children do not have to cross major roads to get to them. Often playgrounds and tot-lots are interspersed within residential areas. An open shelter, play structures or interactive art and fountains may be included with landscaping between. Shaded areas and seating must be provided. Playgrounds may be included within larger parks and public spaces.

#### Size & Location

Min. Width	n/a
Max. Width	n/a
Acreage	n/a
Transect Zones	All Transect Zones

#### Character

Focused Towards Children

Fenced with Minimal Exits

Independent of Building Frontage

Protected from Traffic

#### Allowed/Typical Uses

Passive /Active (Unstructured) Open Space

Low-Impact Civic Uses, including Picnic Facilities,  
Outdoor Seating

Play Structures, Interactive Art, Fountains

#### Stormwater Management Techniques

Bioretention Best Management Practices

Porous Pavers and Landscaping



# Part 9 Permits and Approvals

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## Chapter 9.01 Application Processing Procedures

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9.01.030	Multiple Permit Applications
9.01.040	Application Preparation and Filing
9.01.050	Application Fees
9.01.060	Applicant Indemnification
9.01.070	Initial Review of Application
9.01.080	Environmental Assessment
9.01.090	Burden of Proof

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### 9.01.010 Purpose

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the land use permit applications required by this Development Code.

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### 9.01.020 Authority for Land Use and Zoning Decisions

Table 9.2 (Review Authority), below, identifies the review authority responsible for reviewing and making decisions on each type of application required by this Development Code.

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### 9.01.030 Multiple Permit Applications

- A. **Concurrent filing.** An applicant for a development project that requires the filing of more than one application (e.g., Zoning Map amendment and a Conditional Use Permit, etc.), shall file all related applications concurrently, together with all application fees required by Section 9.01.050 (Application Fees), below, unless the concurrent filing requirements are waived by the Director.
- B. **Concurrent processing.** Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest review authority designated by this Development Code for any of the applications (i.e., a project for which applications for Zoning Map amendment and a Conditional Use Permit are filed shall have both applications decided by the Council, instead of the Commission acting upon the Conditional Use Permit as otherwise required by Table 9.2)

**Table 9.1 Permits and Approvals**

<b>Name of Permit</b>	<b>Code Chapter/Section</b>	<b>Applicability of Permit</b>
<b>Permits Required by this Development Code</b>		
Conditional Use Permits	9.03	A Conditional Use Permit is required to authorize proposed land uses specified by Part 3 (Specific to Zones) as being allowable in the applicable zone, subject to the approval of a Conditional Use Permit.
Certificates of Appropriateness	9.02	A Certificate of Appropriateness is intended to protect structures, improvements, natural features, and objects, of historic significance including, but not limited to, areas of architectural, cultural, economic, historic, political, and social importance from any alteration, demolition, or removal which would have an adverse effect thereon.
Home Occupation Permits	9.05	A Home Occupation Permit is required to allow for home occupations that are conducted within a dwelling located in a residential zone, and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses, as specified by Part 6 (Specific to Uses).
Sign Permits	4.06	A Sign Permit is required to allow the installation or remodeling of a sign.
Site Plan and Design Reviews	9.07	A Site Plan and Design Review is required before construction of any structure erected in the Zones within Part 3 (Specific to Zones), and as specified in Table 9.3 (Review Authority for Site Plan and Design Review).
Temporary Use Permits	9.09	A Temporary Use Permit is required to allow short term activities that might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.
Zoning Clearances	9.11	A Zoning Clearance is required to verify a proposed land use or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use or structure.
Zoning Use Permits	9.03	A Zoning Use Permit is required to authorize proposed land uses specified by Part 3 (Specific to Zones) as being allowable in the applicable zone subject to the approval of a Zoning Use Permit.
<b>Additional Permits and Approvals Available to the Applicant</b>		
Minor Variances	9.10	A Minor Variance may be requested to allow an adjustment from any of the development standards specified in Table 9.4 (Types of Minor Variances Allowed).
Reasonable Accommodations	9.06	Reasonable Accommodations provides a procedure to request a necessary adjustment to the development standards specified in this Development Code in order to accommodate persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (also known as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures. A Reasonable Accommodation is typically an adjustment to physical design standards (e.g., setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.
Variances	9.10	A Variance may be requested to allow an adjustment from any of the development standards required by this Development Code.
<b>Subdivision Maps and Other Approvals</b>		
Tentative Maps, Final and Parcel Maps	See TABLE 10.1 (Subdivision Review Authorities)	
Lot Line Adjustments, Mergers, and Approvals	See TABLE 10.1 (Subdivision Review Authorities)	

**Table 9.2 Review Authority**

Type of Action	Code Chapter/Section	Role of Review Authority <sup>1</sup>		
		Director <sup>2</sup>	Commission	Council
Administrative and Legislative Actions				
Development Agreements	9.04		Recommend	Decision
Development Code Amendments	9.14		Recommend	Decision
General Plan Amendments	9.14		Recommend	Decision
Historic Preservation Designation	4.07		Recommend	Decision
Interpretations	9.19	Decision	Appeal	Appeal
Specific Plans and Amendments	9.08		Recommend	Decision
Zoning Map Amendments	9.14		Recommend	Decision
Planning Permits and Approvals				
Certificates of Appropriateness	9.02	See Section 9.02.030 (Review Authority)		
Conditional Use Permits <sup>3</sup>	9.03		Decision	Appeal
Home Occupation Permits	9.05	Decision	Appeal	Appeal
Minor Variances	9.10	Decision	Appeal	Appeal
Reasonable Accommodations	9.06	Decision	Appeal	Appeal
Sign Permits	4.06	Issuance	Appeal	Appeal
Site Plan and Design Reviews	9.07	See TABLE 9.3 for specified review thresholds		
Temporary Use Permits	9.09	Decision	Appeal	Appeal
Variances	9.10		Decision	Appeal
Zoning Clearances	9.11	Decision	Appeal	Appeal
Zoning Use Permits	9.03	Decision	Appeal	Appeal
Subdivision Maps and Other Approvals				
Tentative Maps, Final and Parcel Maps		See TABLE 10.1 (Subdivision Review Authorities)		
Lot Line Adjustments, Mergers, and Approvals		See TABLE 10.1 (Subdivision Review Authorities)		

**Notes**

<sup>1</sup> “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 9.15 (Appeals).

<sup>2</sup> The Director may defer action and refer the request to the Commission for consideration and final action.

<sup>3</sup> May require Historic Preservation Commission review in conformance with section 4.07.030.

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**9.01.040 Application Preparation and Filing****A. Pre-application conference.**

1. A prospective applicant is encouraged to request a pre-application conference with the Director (also known as an Advance Team meeting) before completing and filing a land use permit application.
2. 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 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.
3. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or denial of the application or project by any City staff.
4. Failure by City staff to identify all required studies or all applicable requirements shall not constitute a waiver of those studies or requirements.

**B. Application contents.** Each application for a permit, amendment, or other matter pertaining to this Development Code shall be filed with the Department on a City application form, together with all required fees and/or deposits and all other information and materials specified in the Department handout for the specific type of application and/or as specified by the Director.**C. Eligibility for filing.**

1. The application shall be signed by the owner of record or by an authorized agent.
2. Authorized agents shall provide written authorization signed by property owner.

**D. Without scope.**

1. In cases where the Director considers the reasons and conditions specified in the application not within the scope of the requested permit or approval, or that the application is incomplete, the applicant shall be so informed.
2. If the application is filed and the required fees are accepted, the application shall be signed by the applicant and the owner of record if not the owner, to the effect that the applicant was so informed.
3. Acceptance of the application does not constitute an indication of support or approval.

**E. Report by Expert Consultants.** The City may require of the applicant additional evidence and clarification as may be necessary to establish that the proposed use will conform to the applicable regulations and standards specified in this Development Code.

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**9.01.050 Application Fees****A. Fee schedule.**

1. The Council shall establish a schedule of fees for the processing of the applications

required by this Development Code, hereafter referred to as the Planning Fee Schedule.

2. The Planning Fee Schedule shall be adopted by resolution of the Council which may be evaluated and/or amended as often as determined to be necessary by the Council.
3. Projects subject to time and materials charges.
  - a. Projects which do not fit any category in the Planning Fee Schedule or which are otherwise extraordinary may be charged on a time and materials basis at the Director's sole discretion.
  - b. Staff time required on a project, post entitlement, and not part of another formal application (e.g., Final Map, Site Plan and Design Review, etc.) will be recovered on a time and materials basis at the Director's sole discretion.
  - c. The fees specified in the Planning Fee Schedule reflect standard processing time. Projects requiring excessive review time will be recovered on a time and materials basis.

**B. Timing of payment.**

1. Applications shall not be deemed complete, and processing shall not commence, on any application until all required fees or deposits have been paid.
2. Failure to timely pay supplemental requests for payment of required fees and/or deposits shall be a basis for postponement of any permit or other requested entitlement, notwithstanding any other provisions of this Development Code.

**C. Refunds and withdrawals.**

1. No refund due to denial shall be allowed.
2. In the case of a withdrawal, the Director 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.

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**9.01.060 Initial Review of Application**

- A. Review for completeness.** The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the City's list of required application contents and any additional information determined by the Director to be necessary to determine project conformance to all applicable policies (see Section 9.01.040 [Application Preparation and Filing], above).
1. Notification of applicant. As required by 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 Director's letter, shall be provided.
  2. Submittal of additional information. The Director's review of the any information resubmitted by the applicant shall be accomplished in compliance with Subparagraph A. 1., above, along with another 30-day period of review for completeness.
  3. Expiration of application.
    - a. If an applicant fails to provide the additional information specified in the

Director's letter within 180 days following the date of the letter, or shorter time frame as determined by the Director, the application shall expire and be deemed withdrawn without any further action by the City, unless an extension is approved by the Director for good cause shown.

- b. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated filing fees.
4. Environmental information. After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA), the City's CEQA guidelines, and Section 9.01.080 (Environmental Assessment), below.
- B. **Referral of application.** At the discretion of the Director, or where otherwise required by this Development Code 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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#### 9.01.070 Environmental Assessment

- A. **CEQA review.** After acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA) and the City's CEQA guidelines in order to determine whether:
  1. The proposed project is exempt from the requirements of CEQA;
  2. The proposed project is not a project as defined by CEQA;
  3. A Negative Declaration may be issued;
  4. A Mitigated Negative Declaration may be issued;
  5. An Environmental Impact Report (EIR) shall be required; or
  6. An addendum and/or supplemental information and materials are required in compliance with the (CEQA).
- B. **Compliance with CEQA.** These determinations and, where required, the preparation of appropriate environmental documents, shall be in compliance with CEQA and the City's CEQA guidelines.
- C. **Compliance with NEPA.** Where applicable, projects shall also comply with the requirements of the National Environmental Policy Act.
- D. **Special studies required.** At the applicant's expense, special study(ies) may be required by the City; and consultant selection may be done at City's sole discretion.

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#### 9.01.080 Burden of Proof

The burden of proof to establish the evidence in support of the required finding(s) for any permit or approval in compliance with this Development Code is the responsibility of the applicant.

## Chapter 9.02 Certificates Of Appropriateness

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### Sections:

9.02.010	Purpose
9.02.020	Applicability
9.02.030	Review Authority
9.02.040	Application Requirements
9.02.050	Findings and Decision
9.02.060	Appeals
9.02.070	Conditions of Approval
9.02.080	Post Decision Procedures

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### 9.02.010 Purpose

A Certificate of Appropriateness is intended to protect structures, improvements, natural features, and objects of historic significance including but not limited to areas of architectural, cultural, economic, historic, political, and social importance from any alteration, demolition, or removal which would have an adverse effect thereon.

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### 9.02.020 Applicability

#### A. When required.

1. A Certificate of Appropriateness is required for the alteration, demolition, or removal of any individual cultural resource or any contributing cultural resource within a historic district, and for any alteration, demolition, or removal of any potential cultural resource, by the City, any agent of the City, or a private party.
2. A property or structure with a Historic Preservation (HP) Overlay designation, or over 50 years of age; or on or potentially eligible for a local, State or national register shall be presumed to be a potential cultural resource subject to a Certificate of Appropriateness.
3. A Certificate of Appropriateness shall be required:
  - a. In addition to any other permits required by this Development Code; and
  - b. Shall accompany any permit or any work otherwise altering the architectural features or appearance of the resource.

#### B. Alteration defined.

1. An alteration shall mean any act or process, through private or public action, that changes the specified character defining or significant physical features or architectural appearance of a cultural resource, including the reconstruction, new construction, additions, rehabilitation, relocation, removal, repair, replacement, or restoration of any resource.
2. These changes include modification of a structure, architectural detail or visual characteristic (e.g., grading, paint color, surface texture), surface paving, the addition of new structures, the cutting or removal of trees, landscaping and other natural features, the disturbance of archaeological sites or areas, and the placement or removal of any significant objects (e.g., fences, landscaping and accessories, light

fixtures, plaques, signs, steps, street furniture, and walls) affecting the significant visual or historical qualities of the property.

- C. **Waiver of development standards.** When approving a Certificate of Appropriateness, the Historic Preservation Commission may allow a waiver of development standards only as follows, and only if first found to contribute to preserving a cultural resource.
1. Parking.
    - a. Up to one on-street parking space (defined as 24 unobstructed linear feet of property street frontage) may contribute to meeting parking requirements.
  2. Accessory structures.
    - a. A major accessory structure required setback may be reduced by up to two feet, but in no case closer than three feet to the nearest property line.
    - b. The peak of a major accessory structure gable roof may be allowed a height of up to 19 feet for a steep roof (defined as a roof with a rise as great or greater than its run) found necessary to maintain architectural consistency with the design of the site's primary structure.
  3. Floor area. The floor area of a cultural resource may be the amount allowed by the underlying zone district's floor area ratio or coverage limit, multiplied by a factor of 1.10.
  4. New construction projects incorporating a cultural resource.
    - a. Setbacks required by the underlying zone district for a cultural resource incorporated into a new construction development may be reduced by up to 25 percent.
    - b. Up to one dwelling that is a cultural resource incorporated into a new construction project on a development site 15,000 square feet or greater in size, may be excluded from the density calculation of the underlying zone district, and up to 1,000 square feet of its floor area may be excluded from the floor area calculations of the underlying zone district; provided, the site's density and floor area conforms to the General Plan.

## 9.02.030

**Review Authority**

Certificates of appropriateness shall be approved, approved with conditions, or denied subject to the following review authorities:

- A. **Administrative review.** Site modifications that are small in magnitude (e.g., minor fencing, hardscape, landscape, lighting, minor accessory structures, signs, and streetscape improvements) and minor structure modifications that do not involve new construction, additions to existing structures, or demolition of existing structures shall be subject to review and approval or denial by the Director.
- B. **Historic Preservation Commission.** Site modifications that do not meet the criteria for administrative review as specified above shall be subject to review and approval or denial by the Historic Preservation Commission.
- C. **Referral of review.** The Director may refer an administrative Certificate of Appropriateness review to the Historic Preservation Commission, and the Historic Preservation Commission may refer a Historic Preservation Commission Certificate of Appropriateness review to the Planning Commission, where unique circumstances or



policy implications deem it necessary to do so.

- D. **Compliance with findings required.** A Certificate of Appropriateness may be approved if the project is determined to be in compliance with the findings specified in Section 9.02.050 (Findings and Decision), below.

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**9.02.040 Application Requirements**

- A. **Filing.** An application for a Certificate of Appropriateness shall be filed and processed in compliance with Chapter 9.01 (Application Processing Procedures).
- B. **Required data.** The application shall include the information and materials specified in the Department handout for Certificate of Appropriateness applications, together with the required fee in compliance with the Planning Fee Schedule.
- C. **Responsibility.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 9.02.050 (Findings and Decision), below.

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**9.02.050 Findings and Decision**

- A. **Review authority's action.** An application for a Certificate of Appropriateness may be approved, conditionally approved, or denied by the review authority.
- B. **Required findings.** The applicable review authority may approve a Certificate of Appropriateness only after first making all of the following findings:
1. The proposed work will neither adversely affect the significant architectural features of a historic resource nor adversely affect the character of the aesthetic, architectural, or historic interest or value of a historic resource and its site;
  2. With regard to any property with a Historic Preservation Overlay designation, the proposed work is consistent with the standards of other resources in the district and does not adversely affect the character of the district;
  3. An engineering report and restoration cost estimate has been submitted in compliance with Chapter 15.26 (Preservation of Cultural Heritage), if the Certificate of Appropriateness is for the demolition of any structure that has been designated as a landmark;
  4. The proposed project is consistent with the General Plan, any applicable Specific Plan, and this Development Code;
  5. The proposed project is consistent with the Secretary of the Interior Standards and requirements of the California Environmental Quality Act (CEQA); and
  6. Any additional findings required by Section 9.02.020 C. (Waiver of development standards), above, can be made.
- C. **Certificate of Appropriateness for demolition.**
1. If the demolition is not approved by the Historic Preservation Commission, the issuance of the demolition permit shall be delayed for 60 days. This delay shall provide time for the Historic Preservation Commission to investigate, document and photograph the historic resources, or if desirable, to arrange for the preservation of the resource. After the expiration of the 60-day period, the demolition permit shall be issued.

2. The 60-day delay may be waived by the City if the Chief Building Inspector determines that the demolition is required for the safety of the public. Upon determination that the immediate demolition is required, the Chief Building Inspector shall provide a written notice to the Historic Preservation Commission explaining the justification for the waiver of the time delay.

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**9.02.060 Appeals**

An administrative decision by the Director is appealable to the Historic Preservation Commission; a Historic Preservation Commission decision is appealable to the Planning Commission; and a Planning Commission decision is appealable to the Council in compliance with Chapter 9.15 (Appeals).

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**9.02.070 Conditions of Approval**

In approving a Certificate of Appropriateness, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 9.02.050 (Findings and Decision), above, and which may also include conditions requiring maintenance of a cultural resource in good condition, or installation in publicly viewable areas of informative plaques.

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**9.02.080 Post Decision Procedures**

The procedures and requirements in Chapter 9.11 (Permit Implementation, Time Limits, and Extensions), and those related to appeals (Chapter 9.15) and modifications and/or revocations (Chapter 9.18) shall apply following the decision on a Certificate of Appropriateness application.

## Chapter 9.03 Conditional Use Permits and Zoning Use Permits

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### Sections:

9.03.010	Purpose
9.03.020	Applicability
9.03.030	Review Authority
9.03.040	Application Requirements
9.03.050	Project Review, Notice, and Hearing
9.03.060	Findings and Decision
9.03.070	Conditions of Approval
9.03.080	Use of Property before Final Action
9.03.090	Modification of Permit
9.03.100	Periodic Review
9.03.110	Permit to Run with the Land
9.03.120	Post Decision Procedures

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### 9.03.010 Purpose

- A. **Purpose.** The purpose of a Conditional Use Permit or Zoning Use Permit is to provide sufficient flexibility in the use regulations in order to further the objectives of this Development Code.
- B. **Process for reviewing uses.** A Conditional Use Permit or Zoning Use Permit provides a process for reviewing uses 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.
- C. **Special consideration.** Certain types of land uses require special consideration in a particular zone or in the City as a whole because they possess unique characteristics or present special problems that make automatic inclusion as allowed uses either impractical or undesirable.

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### 9.03.020 Applicability

- A. **Uses listed in Part 3.** A Conditional Use Permit or Zoning Use Permit is required to authorize proposed land uses specified by Part 3 (Specific to Zones) as being allowable in the applicable zone subject to the approval of a Conditional Use Permit or Zoning Use Permit.
- B. **Applicability of CUP procedure.**
  - 1. **Applicable zones.** The Conditional Use Permit procedure shall be utilized within zones where it is specified that other unlisted uses may be allowed subject to the granting of a Conditional Use Permit.
  - 2. **Allowability of unlisted uses.** It shall mean that unlisted uses might be allowed by the applicable review authority approving the Conditional Use Permit, when the uses are necessary to the development of the community and are in no way detrimental to existing uses or to those allowed in the zone

**C. Applicability of CUP procedure – private and quasi-public uses.**

1. Uses of a regional nature. Uses of a regional nature may be allowed in any zone subject to the granting of a Conditional Use Permit where found to be essential and/or desirable for the public convenience and welfare, and where the uses are in compliance with the objectives and policies of the General Plan.
2. Allowed uses. Uses shall include, but not be limited to the following:
  - a. Airport or aircraft landing field (private or public);
  - b. Cemeteries, columbariums, crematories, and mausoleums;
  - c. Commercial radio and television antennas and/or transmitters;
  - d. Development of natural resources together with the necessary structure apparatus or appurtenances thereto;
  - e. Golf courses, driving ranges, parks and similar commercial, quasi-public, public and private recreation facilities requiring extensive use of land;
  - f. Health facilities and places of assembly (e.g., places of worship);
  - g. Public utilities facilities including electric generating plants, substations, and overhead and underground transmission and distribution lines having a capacity over 50 KV; gas and oil transmission lines; and water wells pumping treatment and storage facilities and major transmission pipes and viaducts; and
  - h. Other uses as the review authority approving the Conditional Use Permit may deem to be similar and equally essential to service the public welfare.

**D. Modification of use regulations.**

1. Modification of regulations to use. The Conditional Use Permit procedure shall be utilized wherever it is specified in this Development Code that regulations to use may be modified through approval of a Conditional Use Permit.
2. Subject to findings. It shall mean that the modification may be granted provided the findings specified in Section 9.03.060 (Findings and Decision), below, can be made.

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**9.03.030****Review Authority****A. Conditional Use Permits.** Conditional Use Permits shall be approved or denied by the:

1. Commission. Commission, when not considered concurrently with another application that requires Council approval; or
2. Council. Council when considered concurrently with another application that requires Council approval.

**B. Zoning Use Permits.**

1. Zoning Use Permits shall be approved or denied by the Director.
2. The Director may choose to refer any Zoning Use Permit application to the Commission for review and final decision.

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**9.03.040 Application Requirements**

- A. **Filing.** An application for a Conditional Use Permit or Zoning Use Permit shall be filed and processed in compliance with Chapter 9.01 (Application Processing Procedures).
- B. **Required data.** The application shall include the information and materials specified in the Department handout for Conditional Use Permit and Zoning Use Permit applications, together with the required fee in compliance with the Planning Fee Schedule.
- C. **Responsibility.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 9.03.060 (Findings and Decision), below.

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**9.03.050 Project Review, Notice, and Hearing**

Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Development Code.

**A. Conditional Use Permits.**

- 1. **Conditional Use Permits.** The Commission (or Council when considering a concurrently filed application) shall conduct a public hearing on an application for a Conditional Use Permit before a decision on the application.
- 2. **Notice.** Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 9.17 (Public Hearings).
- 3. **Appeals.** The Commission's decision is appealable to the Council in compliance with Chapter 9.15 (Appeals).

**B. Zoning Use Permits.** Before a decision on a Zoning Use Permit, the City shall provide notice in compliance with Chapter 9.17 (Public Hearings), and as follows:

- I. **Notice.**
  - a. The notice shall state that the Director will decide whether to approve or deny the Zoning 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. The written request for a hearing shall be based on issues of significance directly related to the application (e.g., provision of evidence that the request cannot meet one or more of the findings specified in Section 9.03.060 [Findings and Decision], below).
  - c. If the Director determines that the evidence has merit and can be properly addressed by a condition(s) added to the Zoning Use Permit approval, the Director may consider the permit in compliance with Subparagraph 3. (If No Hearing is Requested), below.
- 2. **If hearing is requested.** If a public hearing is requested and the provisions of Subparagraph B.I.c., above do not apply the Director shall schedule the hearing that shall be noticed and conducted in compliance with Chapter 9.17 (Public Hearings).
- 3. **If no hearing is requested.** If no public hearing is requested, the Director shall render a decision on the date specified in the notice referred to in Subparagraph B.I.a., above.
- 4. **Appeals.** The Director's decision is appealable to the Commission in compliance

with Chapter 9.15 (Appeals).

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**9.03.060 Findings and Decision****A. Review authority's action.**

1. All applications. An application for a Conditional Use Permit or Zoning Use Permit may be approved subject to conditions or denied by the review authority, based on the findings identified in Subsection B. (Required findings), below.
2. Where Council is review authority. After the public hearing where the Council is the review authority in compliance with Subsection 9.03.030 A., above, the Commission shall forward a written recommendation, and reasons for the recommendation, to the Council whether to approve, approve in modified form, or deny the application, based on the findings identified in Subsection B. (Required findings), below.

**B. Required findings.** The review authority may approve a Conditional Use Permit or Zoning Use Permit only after first making all of the following findings:

1. The proposed use is consistent with the General Plan and any applicable Specific Plan;
2. The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;
4. The subject site is:
  - a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and
  - b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.
5. The site's suitability ensures that the type, density, and intensity of use being proposed will not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially detrimental to the improvements, persons, property, or uses in the vicinity and zone in which the property is located; and
6. The applicant agrees in writing to comply with any and all of the conditions imposed by the review authority in the approval of the Conditional Use Permit or Zoning Use Permit.

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**9.03.070 Conditions of Approval**

In approving a Conditional Use Permit or Zoning Use Permit, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 9.03.060 (Findings and Decision), above.

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**9.03.080      Use of Property before Final Action**

Permits or approvals shall not be issued for any use involved in an application for a Conditional Use Permit or Zoning Use Permit until and unless the same shall have become final, in compliance with Section 9.17.070 (Effective Date of Decision).

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**9.03.090      Modification of Permit**

An approved Conditional Use Permit or Zoning Use Permit may be modified in compliance with Section 9.12.080 (Changes to an Approved Project).

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**9.03.100      Periodic Review**

The City may conduct a periodic review of the permit to ensure proper compliance with this Development Code and any developmental or operational conditions imposed by the review authority.

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**9.03.110      Permit to Run with the Land**

A Conditional Use Permit or Zoning Use Permit approved in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this Chapter and the provisions of Chapter 9.16 (Nonconforming Provisions).

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**9.03.120      Post Decision Procedures**

The procedures and requirements in Chapter 9.12 (Permit Implementation, Time Limits, and Extensions), and those related to appeals (Chapter 9.15) and modifications and/or revocations (Chapter 9.18) shall apply following the decision on a Conditional Use Permit or Zoning Use Permit application.





## Chapter 9.04 Development Agreements

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### Sections:

9.04.010	Purpose
9.04.020	Application
9.04.030	Contents of Development Agreements
9.04.040	Initial Review
9.04.050	Consideration and Decision
9.04.060	Amendment and Cancellation
9.04.070	Annual Review
9.04.080	Effect of Development Agreement
9.04.090	Agreements for Newly Annexed Areas

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### 9.04.010 Purpose

- A. **Provide procedures.** The purpose of this Chapter is to provide procedures for the processing of Development Agreements in compliance with the Government Code Sections 65864 through 65869.5.
- B. **Compliance required.** All Development Agreements shall be processed in compliance with this Chapter.

[See Government Code Article 2.5 (Development Agreements), Sections 65864 through 65869.5. Bracketed references located throughout this Chapter are to the Government Code.]

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### 9.04.020 Application

- A. **Filing by owner.**
  - 1. An application for a Development Agreement may only be filed by a person having a legal or equitable interest in the subject real property.
  - 2. The Director shall require an applicant to submit a title report or other evidence satisfactory to the Director to verify the applicant's interest in the real property.
  - 3. If the real property is located in unincorporated territory within the City's sphere of influence, the Development Agreement shall not become operative unless annexation proceedings annexing the property to the City are completed within the period of time specified by the Development Agreement.
  - 4. If the annexation is not completed within the time specified, the Development Agreement is void.
- B. **Application fees.** The applicant shall pay fees for the filing and processing of a Development Agreement application as established by the Planning Fee Schedule. [Section 65865.]

**9.04.030 Contents of Development Agreements****A. Required provisions.**

1. A Development Agreement shall include all of the following, as applicable:
  - a. The duration of the Development Agreement;
  - b. The allowed uses of the property;
  - c. The density or intensity of the use;
  - d. The maximum height and size of the proposed structures;
  - e. Provisions for the dedication of land for public purposes;
  - f. The public benefit offered by the applicant as consideration for entering into the Development Agreement; and
  - g. The provisions specified in Subsection 9.04.080.B (Limitations), below.
2. Provisions in Subparagraphs 1.b., c., and d., above, may be satisfied by incorporating the terms of a PD zone governing the same property.

**B. Optional provisions.** A Development Agreement may include the following:

1. Conditions, terms, restrictions, and requirements for subsequent discretionary actions; provided, that the conditions, terms, restrictions, and requirements shall not prevent development of the land for the uses and to the density or intensity of development specified in the Development Agreement;
2. Provisions providing that construction shall begin within a specified time and that the project or any phase be completed with a specified time; and
3. Terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

**C. Provisions not allowed.** A Development Agreement shall not include the following:

1. Requirements for the City to provide public facilities, improvements, or services;
2. Requirements for the City to exercise its legislative or quasi-judicial powers in a particular way; or
3. Waivers or modifications of any City fees or requirements [Section 65865.2].

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**9.04.040 Initial Review****A. Completeness.**

1. The Director shall determine whether the application is complete.
2. The Director shall schedule the proposed Development Agreement for the required hearing for initial review in compliance with this Section.

**B. Initial review by Council.**

1. The Council shall hold a noticed public hearing to initially review an application for a Development Agreement.
2. At the hearing, the Council shall determine whether it wishes to enter into a Development Agreement and, if so, the general subject areas the City staff is authorized to negotiate.

3. Notice of the hearing shall be given as provided in Government Code Sections 65090 and 65091 and Chapter 9.17 (Public Hearings).

**C. Initial review not required.** Initial review under this Section is not required for:

1. A Development Agreement approved in conjunction with the approval or amendment of a residential, commercial, or industrial planned development zone under Section 3.04.030. The Development Agreement for these planned development projects shall be substantially in the standard form prepared by the City Attorney's office;
2. A Development Agreement approved in conjunction with a PUD permit in the South Livermore Valley Specific Plan area, in compliance with Chapter 3.04.060; and
3. An amendment to an existing Development Agreement.

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**9.04.050 Consideration and Decision**

**A. Director's responsibilities.**

1. The Director shall direct the negotiations with the developer regarding terms of the Development Agreement.
2. The Director shall determine what environmental review is appropriate under the California Environmental Quality Act (CEQA).
3. Once negotiations are completed, the Director shall schedule the proposed Development Agreement for the required hearings in compliance with this Section.

**B. Commission hearing and determination.**

1. The Commission shall hold a public hearing to consider whether the Development Agreement should be approved.
2. Notice of the hearing shall be given as provided in Government Code Sections 65090 and 65091 and Chapter 9.17 (Public Hearings).
3. The Commission may recommend approval, approval subject to conditions, or denial of the application based on the findings specified in Subsection D., below.

**C. Council determination.**

1. The Council shall hold a public hearing to consider whether the Development Agreement should be approved.
2. Notice of the hearing shall be given as provided in Government Code Sections 65090 and 65091 and Chapter 9.17 (Public Hearings).
3. Approval, authorizing the City Manager to sign the Development Agreement, shall be by ordinance (which takes effect 30 days after adoption), based on the findings specified in Subsection D, below.

**D. Findings.** The Commission may recommend approval and the Council may approve the Development Agreement only after first making all of the following findings:

1. The Development Agreement provides benefit to the City;
2. The Development Agreement is consistent with the purpose, intent, goals, policies, programs, and land use designations of the General Plan, any applicable Specific Plan, and this Development Code; and

3. The Development Agreement complies with the requirements of Government Code Sections 65864 through 65869.5.
- E. **Recordation.** Within 10 days after the City enters into a Development Agreement, the City Clerk shall record a copy, at the applicant's expense, of the Development Agreement with the County Recorder.

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**9.04.060      Amendment and Cancellation**

- A. **Same procedures.** A Development Agreement may be amended or cancelled using the same procedure for entering into the agreement in compliance with Section 9.04.050 (Consideration and Decision), above.
- B. **No initial review required.** Initial review in compliance with Section 9.04.040 is not required [Section 65868.].

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**9.04.070      Annual Review****A. Timing of review.**

1. The City shall review each Development Agreement at least every 12 months from the date it is entered into.
2. The Commission or Council, or both, may hold public hearings to conduct more frequent reviews of a Development Agreement as deemed appropriate.

**B. Notice.**

1. The Director shall give notice of the intention to conduct a review under this Section as provided in Government Code Sections 65090 and 65091 and Chapter 9.17 (Public Hearings).
2. In addition, at least 10 days before the hearing, the Director shall give notice to all persons having a legal or equitable interest in the real property subject to the Development Agreement.
3. The notice shall include all of the following:
  - a. A statement that the applicant, or the successor(s)-in-interest to the Development Agreement, has the burden of demonstrating good faith compliance with the terms of the agreement; and
  - b. A statement that if, as a result of the review, the Commission or Council finds on the basis of substantial evidence that the applicant or successor(s) to the Development Agreement has not complied in good faith with the terms and conditions of the agreement, the City may modify or terminate the agreement.

**C. Determination.**

1. If the Commission finds, on the basis of substantial evidence, that the applicant or successor(s)-in-interest has not complied in good faith with the terms or conditions of the Development Agreement, it may recommend modification or termination to the Council.
2. Based on substantial evidence that the applicant or successor(s) has not complied in good faith with the terms or conditions of the Development Agreement, the Council may modify or terminate the agreement [Section 65866.].

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**9.04.080      Effect of Development Agreement**

- A. **Vested development rights.** The development of the property shall be governed by those rules, regulations, and official policies in effect at the time of execution of the Development Agreement, regarding allowed uses of the land, density, design, improvement and construction standards and specifications, except:
1. As otherwise provided by the Development Agreement; or
  2. As provided in Subsection B (Limitations), below.
- B. **Limitations.** Notwithstanding the vested rights specified in Subsection A (Vested development rights), above, the property owner shall:
1. Pay the processing and development impact fees in effect at the time those fees are paid;
  2. Comply with Building Code requirements in effect on a Citywide basis at the time of construction;
  3. Comply with construction and technical design standards or specifications for public improvements which are applicable Citywide;
  4. Comply with changes in City laws, regulations, plans, or policies applicable Citywide, the terms of which are found by the Council, based on substantial evidence, to be necessary to protect members of the public from a condition dangerous to their health or safety;
  5. Comply with a change in City a law, regulation, plan, or policy which is:
    - a. Specifically mandated by State or Federal law, or by any regional governmental agency that has legal authority over the City under State law or a joint powers agreement;
    - b. A result of or in response to State or Federal law, or regional agency action, made necessary in order for the City to avoid losing or not receiving substantial funding or other substantial public benefits or facilities that would be available to the City only if it makes a change; or
    - c. Specifically mandated by, or necessary for compliance with or implementation of, the terms of any permit, entitlement, or other authorization necessary for the development of the property issued or granted to the City, County and/or property owners by any Federal, State or regional agency.
  6. Following any subsequent environmental review, comply with required mitigation measures.
- C. **City's rights.** A Development Agreement does not prevent the City in subsequent actions applicable to the property from:
1. Applying new rules, regulations, and policies which do not conflict with those specified in the Development Agreement; or
  2. Denying or conditionally approving any subsequent development project application on the basis of the existing or new rules, regulations, and policies [Section 65866.].

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**9.04.090      Agreements for Newly Annexed Areas**

If newly annexed area comprises territory that was formerly unincorporated, any Development Agreement entered into by the County before the effective date of annexation shall be governed by Government Code Section 65865.3.

## Chapter 9.05 Home Occupation Permits

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### Sections:

9.05.010	Purpose
9.05.020	Applicability
9.05.030	Permit Required
9.05.040	Application Filing, Processing, and Review
9.05.050	Prohibited Home Occupations
9.05.060	Director's Decision
9.05.070	Compliance with Standards
9.05.080	Findings and Decision
9.05.090	Conditions of Approval
9.05.100	Permit Expiration
9.05.110	Acknowledgment
9.05.120	Permit Not Transferable
9.05.130	Changes in Home Occupation
9.05.140	Post Decision Procedures

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### 9.05.010 Purpose

The purpose of this Chapter is to provide a process to gain City approval to conduct a home occupation which represents a legal commercial enterprise conducted by an occupant(s) of a dwelling.

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### 9.05.020 Applicability

- A. **Incidental and secondary.** The Home Occupation Permit is intended to allow for home occupations that are conducted within a dwelling located in a residential zone, including Transect Zones, and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses.
- B. **Allowed by Part 3.** A home occupation may only be conducted when allowed by Part 3 (Specific to Zones).

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### 9.05.030 Permit Required

- A. **Home Occupation Permit required.** No person shall conduct a home occupation without first obtaining a Home Occupation Permit in compliance with this Chapter.
- B. **Exemption.**
  - 1. **Live/work.** A legal live/work facility is exempt from the requirement of a Home Occupation Permit.
  - 2. **Small family day care home.** A small family day care home for eight or fewer children operated in compliance with State law and Section 6.02.020 (Child Day Care Facilities) is exempt from the requirement of a Home Occupation Permit.

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**9.05.040 Application Filing, Processing, and Review****A. Application.****1. Filing.**

- a. An application for a Home Occupation Permit shall be filed and processed in compliance with Chapter 9.01 (Application Processing Procedures).
  - b. The application shall be signed by the owner of record or by an authorized agent.
  - c. Authorized agents shall provide written authorization signed by the property owner.
2. **Required data.** The application shall include the information and materials specified in the Department handout for Home Occupation Permit applications, together with the required fee in compliance with the Planning Fee Schedule.
3. **Responsibility.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 9.05.080 (Findings and Decision), below.

- B. Public notice not required.** A public notice and hearing shall not be required for the Director's decision on a Home Occupation Permit application.

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**9.05.050 Prohibited Home Occupations**

Please refer to Section 6.02.060 (Home Occupations) for the list of prohibited home occupations.

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**9.05.060 Director's Decision**

- A. Director's actions.** The Director may approve a Home Occupation Permit application that would be operated in compliance with Section 9.05.070 (Compliance with Standards) below, deny the application, or defer action and refer the application to the Commission for review and final decision.
- B. Business License Tax required.** In conjunction with the Home Occupation Permit, the applicant shall obtain a Business License in compliance with Municipal Code Chapter 3.08 (Business License Tax).

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**9.05.070 Compliance with Standards**

Home occupations shall comply with the applicable locational, developmental, and operational standards specified in Section 6.02.060 (Home Occupations) as well as any conditions or terms imposed on the Home Occupation Permit.

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**9.05.080 Findings and Decision**

The Director shall review all applications and shall record the decision in writing with the findings on which the decision is based. The Director (or the Commission on a referral) may approve a Home Occupation Permit application, with or without conditions, only after first



making all of the following findings:

**A. The proposed home occupation will:**

1. Be consistent with the General Plan, any applicable Specific Plan, and the development and design standards of the subject residential zone;
2. Be listed as an allowable use in Part 3 (Specific to Zones);
3. Comply with the applicable locational, developmental, and operational standards specified in Section 6.02.060 (Home Occupations) as well as any conditions or terms imposed on the Home Occupation Permit; and
4. Be clearly incidental and secondary to the use of the dwelling for residential purposes and be compatible with surrounding residential uses.

**B. The proposed home occupation will not:**

1. Be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity; or
2. Interfere with the use or enjoyment of neighboring existing or future residential developments, and will not create traffic or pedestrian hazards.

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**9.05.090 Conditions of Approval**

In approving a Home Occupation Permit application, the Director (or the Commission on a referral) may impose conditions or terms (e.g., buffers, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the purpose of this Chapter.

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**9.05.100 Permit Expiration**

When a home occupation has been discontinued for at least 90 days the Home Occupation Permit shall immediately expire.

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**9.05.110 Acknowledgment**

An approved Home Occupation Permit shall not be valid until signed by the applicant, with the signature acknowledging the applicant's full understanding and agreement with all of the conditions, and agreement to waive any right to later challenge any conditions imposed as unfair, unnecessary, or unreasonable.

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**9.05.120 Permit Not Transferable**

- A. **Not transferable.** The Home Occupation Permit is not transferable to another resident.
- B. **New permits required.** A new Home Occupation Permit, for the same or different home occupation conducted by a new resident, shall be obtained before conducting an allowed home occupation.

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**9.05.130      Changes in Home Occupation**

A change in the type of home occupation activity (e.g., a change from one allowed activity to another allowed activity) conducted by the original resident/permittee shall also require a new Home Occupation Permit before conducting an allowed home occupation.

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**9.05.140      Post Decision Procedures**

The procedures and requirements in Chapter 9.12 (Permit Implementation, Time Limits, and Extensions), and those related to appeals (Chapter 9.15) and modifications and/or revocations (Chapter 9.18) shall apply following the decision on a Home Occupation Permit application.

## Chapter 9.06 Reasonable Accommodations

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### Sections:

9.06.010	Purpose
9.06.020	Applicability
9.06.030	Application Requirements
9.06.040	Review Authority
9.06.050	Review Procedures
9.06.060	Findings and Decision
9.06.070	Rescission of Approval of Reasonable Accommodation
9.06.080	Post Decision Procedures

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### 9.06.010 Purpose

- A. **The Acts.** This Chapter provides a procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (also known as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.
- B. **Adjustment to physical design standards.** A Reasonable Accommodation is typically an adjustment to physical design standards (e.g., setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

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### 9.06.020 Applicability

- A. **Eligible applicants.**
  - 1. A request for Reasonable Accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law (i.e., development standard) or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.
  - 2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
  - 3. This Chapter is intended to apply to those persons who are defined as disabled under the Acts.
- B. **Eligible request.**
  - 1. A request for Reasonable Accommodation may include a modification or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
  - 2. A request for Reasonable Accommodation shall comply with Section 9.06.030 (Application Requirements), below.

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**9.06.030 Application Requirements**

- A. **Filing.** An application for a Reasonable Accommodation shall be filed and processed in compliance with Chapter 9.01 (Application Processing Procedures).
- B. **Required data.** The application shall include the information and materials specified in the Department handout for Reasonable Accommodation applications, together with the required fee in compliance with the Planning Fee Schedule.
- C. **Filing with other land use applications.** If the project involves both a request for Reasonable Accommodation and some other discretionary approval (e.g., Conditional Use Permit, Site Plan and Design Review, etc.), the applicant shall file the information required by Subsection A (Application), above, together with the materials required for the other discretionary approval.
- D. **Responsibility of the applicant.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 9.06.060 (Findings and Decision), below.

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**9.06.040 Review Authority**

- A. **Director.** A request for Reasonable Accommodation shall be reviewed, and a decision shall be made, by the Director if no approval is sought other than the request for Reasonable Accommodation.
- B. **Other review authority.** A request for Reasonable Accommodation submitted for concurrent review with another discretionary land use application (e.g., Conditional Use Permit) shall be reviewed (and approved or denied) by the authority reviewing the discretionary land use application.

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**9.06.050 Review Procedures**

- A. **Director's review.** The Director shall make a written decision and either approve, approve with modifications, or deny a request for Reasonable Accommodation in compliance with Section 9.06.060 (Findings and Decision), below.
- B. **Other review authority.**
  - 1. The written decision on whether to approve or deny the request for Reasonable Accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review.
  - 2. The decision to approve or deny the request for Reasonable Accommodation shall be made in compliance with Section 9.06.060 (Findings and Decision), below.

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**9.06.060 Findings and Decision**

- A. **Findings.** The written decision to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts shall be based on consideration of all of the following factors:
  - 1. Whether the housing, which is the subject of the request, will be used by an

individual defined as disabled under the Acts;

2. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
  3. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;
  4. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
  5. Whether there are alternatives to the requested waiver or exception that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants or to the general public;
  6. Physical attributes of the property and structures; and
  7. Other Reasonable Accommodations that may provide an equivalent level of benefit.
- B. **Conditions of approval.** In approving a request for Reasonable Accommodation, the review authority may impose conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the findings required by Subsection A (Findings), above.

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#### 9.06.070      **Rescission of Approval of Reasonable Accommodation**

##### A. **Rescission.**

1. An approval or conditional approval of an application made in compliance with this Chapter may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the individual defined as disabled under the Acts vacates the subject site, etc.), unless allowed to remain in compliance with Subsection B (Discontinuance), below.
2. If rescinded or is subject to automatic expiration, the improvement made in compliance with the originally approved Reasonable Accommodation shall be removed from the subject property in compliance with Subparagraph B.2, below.

##### B. **Discontinuance.**

1. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is discontinued for at least 180 consecutive days.
2. If the person(s) initially occupying a residence vacates, the Reasonable Accommodation shall remain in effect only if the review authority first determines that:
  - a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Development Code; or
  - b. The accommodation is to be used by another qualifying individual with a disability.
3. The review authority may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities.
4. Failure to provide the documentation within 30 days of the date of a request by the review authority shall constitute grounds for discontinuance by the City of a

previously approved Reasonable Accommodation.

5. Discontinuance shall require that the improvement made in compliance with the originally approved Reasonable Accommodation shall be removed from the subject property.

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**9.06.080 Post Decision Procedures**

The procedures and requirements in Chapter 9.12 (Permit Implementation, Time Limits, and Extensions), and those related to appeals (Chapter 9.15) and modifications and/or revocations (Chapter 9.18) shall apply following the decision on a Reasonable Accommodation application.

## Chapter 9.07 Site Plan and Design Review

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### Sections:

9.07.010	Purpose and Intent
9.07.020	Applicability
9.07.030	Review Authority
9.07.040	Application Filing, Processing, and Review
9.07.050	Findings and Decision
9.07.060	Conditions of Approval
9.07.070	Issuance of Other Required Permits and Approvals
9.07.080	Minor Changes by Director
9.07.090	Post Decision Procedures

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### 9.07.010 Purpose and Intent

- A. **Purpose.** The purpose of this Chapter is to provide a process for the appropriate review of construction and development projects.
- B. **Intent.** The intent of this Chapter is to ensure that all approved site and structural development:
1. Promotes the orderly development of the City in compliance with the goals, objectives, and policies of the General Plan, any applicable Specific Plan, and the standards specified in this Development Code;
  2. Respects the physical and environmental characteristics of the site;
  3. Ensures safe and convenient access and circulation for pedestrians and vehicles;
  4. Exemplifies the best professional high quality design practices through consistency with the City's Design Standards and Guidelines;
  5. Allows for and encourages individual identity for specific uses and structures;
  6. Encourages the maintenance of a distinct neighborhood and/or community identity;
  7. Minimizes or eliminates negative or undesirable visual impacts;
  8. Prevents inappropriate design or development of structures;
  9. Ensures development of a City having "image and character," which the term shall include beauty, fitness, harmony, quality, and spaciousness;
  10. Maintains and increases the desirability of other properties within the vicinity for the uses for which they are zoned;
  11. Prevents unsightliness which causes a decrease in the value of surrounding properties;
  12. Prevents the decline in the taxable value of real property in the vicinity and the cost of municipal services to these properties;
  13. Ensures that property values within the vicinity of new and modified development retain their stability;
  14. Provides standards that result in the maintenance or improvement, or both, of surrounding properties so that improvements are not discouraged with the result

that properties degenerate resulting in an accompanying deterioration of conditions; and

15. It is not a purpose or intent of this Chapter to control architectural character so rigidly that individual initiative is stifled in the design of any particular structure. Rather, it is the purpose and intent of this Chapter that any control exercised be that necessary to achieve the overall objectives of this Chapter.

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#### 9.07.020 Applicability

- A. **When required.** Site Plan and Design Review shall be required for all of the following construction or development activities:
  1. All structures erected to accommodate any of the land use activities listed in Part 3 (Specific to Zones), except for those specified in Subsection B (Exemptions), below.
  2. Before the issuance of a Building or Grading Permit for any construction activities identified in Table 9.3 (Review Authority for Site Plan and Design Review), below.
- B. **Exemptions.** The following are exempt from the requirement for a Site Plan and Design Review:
  1. A development for which a Site Plan and Design Review has been previously granted under the conditions of a Conditional Use Permit, Variance, or Zoning Use Permit, issued in compliance with this Development Code;
  2. Any fence, wall, or other dividing structure in a residential zone district erected in compliance with this Development Code;
  3. Non-Transect zone. A new single-family residence, or an addition to an existing single-family residence located in a non-Transect zone;
  4. Transect zone. A new single-family residence, or addition to an existing single-family residence located in a Transect zone, provided a Zoning Clearance has been obtained; and
  5. Accessory structures in compliance with Section 4.02.030
- C. **Referral to Director.** The Building Official shall refer to the Director all applications for Building or Grading Permits subject to the requirements of this Chapter.
- D. **Compliance with Chapter required.** Building or Grading Permits or Certificates of Occupancy shall not be issued until the requirements of this Chapter have been met.

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#### 9.07.030 Review Authority

- A. **Applicable review authority.**
  1. Other discretionary approval required. If the proposed construction or development activity that requires Site Plan and Design Review also requires another discretionary approval (e.g., Conditional Use Permit, Variance, etc.), then the applicable review authority shall be the authority identified in Table 9.2 (Review Authority) for the other discretionary approval.
  2. Site Plan and Design Review only. If the proposed construction or development activity only requires a Site Plan and Design Review, then the applicable review authority shall be the authority identified in Table 9.3 (Review Authority for Site Plan



and Design Review).

- B. **Director.** The Director shall either approve, conditionally approve, or deny a Site Plan and Design Review application for all construction or development activities that do require another discretionary approval (e.g., Minor Variance, Zoning Use Permit, etc.) subject to the Director's authority, or may refer the application to the Commission.
- C. **Commission.**
  - 1. The Commission shall either approve, conditionally approve, or deny a Site Plan and Design Review application for all construction or development activities that do require another discretionary approval (e.g., Conditional Use Permit, Variance, etc.) subject to its authority.
  - 2. Upon receiving the referral specified in Subsection B., above, the Commission shall either approve, conditionally approve, or deny the Site Plan and Design Review application.
- D. **Council.** In cases where Site Plan and Design Review is considered concurrently with another entitlement subject to Council approval (e.g., legislative action [e.g., General Plan amendment]), the Site Plan and Design Review shall be reviewed and approved, conditionally approved, or denied by the Council.

<b>Table 9.3 Review Authority For Site Plan and Design Review</b>			
<b>Type of Construction Activity</b>	<b>Role of Review Authority<sup>1</sup></b>		
	<b>Administrative Design Review (Minor Review)<sup>2</sup></b>	<b>Commission (Major Review)</b>	<b>Council (Major Review)</b>
Construction of New Nonresidential Development. Construction of any structure erected to accommodate any of the land use activities as specified in the Applicability section, above (9.07.020)		Decision	Appeal
Additions to Existing Nonresidential Structures - Minor.	Decision	Appeal	Appeal
1. Additions to existing nonresidential structures where the addition matches the existing architecture, colors and materials, up to 50 percent of existing floor area or 50,000 square feet, whichever is less.			
2. Additions of less than 15 percent of existing floor area to existing nonresidential structures where the addition does not match the existing architecture, colors or materials.			
Additions to Existing Nonresidential Structures - Major.		Decision	Appeal
1. Additions to existing nonresidential structures greater than or equal to 50 percent of the existing floor area, or 50,000 square feet, whichever is greater.			
2. Additions to existing nonresidential structures greater than 15 percent of the existing floor area, where the addition does not match the existing architecture, colors, or materials.			
3. Additions to existing nonresidential structures greater than 15 percent of the existing floor area, where the addition noticeably affects the view from a major street.			
Planned Developments. All Planned Developments with a Site Plan and Design Review component in compliance with Chapter 3.04		Recommends	Decision
Condominium, Duplex, or Multi-Family Development. Any new construction, exterior addition to, modification to, or alteration of any existing structure which is used in whole or in part as a condominium, duplex, or a multi-family residence containing two, three, or four units.	Decision	Appeal	Appeal
Condominium and Multi-Family Developments. Initial construction, exterior additions to, alterations of, or modification to an existing structure which is used in whole or in part as a condominium or a multi-family residence containing five or more units.		Decision	Appeal
Major Residential and Non-Residential Subdivisions. Any map that creates five or more parcels.		Recommends	Decision
Minor Subdivisions. Any map that creates four or fewer parcels.		Decision	Appeal
Parcel Map Waivers.	Decision	Appeal	Appeal
New landscape/hardscape plans. New landscape/hardscape plans for the initial landscaping of all public and private development projects including public landscape projects along major roads as designated by the General Plan, along arroyos, and on City-owned property.		Decision	Appeal

**Table 9.3 Review Authority For Site Plan and Design Review**

Type of Construction Activity	Role of Review Authority <sup>1</sup>		
	Administrative Design Review (Minor Review) <sup>2</sup>	Commission (Major Review)	Council (Major Review)
Sign Permits. Proposals for any sign associated with an approved project or signs under an approved master sign program in compliance with Chapter 4.06.	Decision	Appeal	Appeal
Master Sign Programs. Master sign programs in compliance with Chapter 4.06.		Decision	Appeal
Minor changes. Minor changes that do not involve an increase in structure area or height, an increase in the number of dwelling units, or an intensity of use may be approved by the Director in compliance with Section 9.12.080 (Changes to an Approved Project).			

**Note:**

<sup>1</sup> “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 9.15 (Appeals).

<sup>2</sup> The review authority may defer action and refer the request to the next higher review authority for the final decision.

## 9.07.040 Application Filing, Processing, and Review

### A. Application filing.

1. An application for a Site Plan and Design Review shall be filed and processed in compliance with Chapter 9.01 (Application Processing Procedures).
2. The application shall include the information and materials specified in the Department handout for Site Plan and Design Review applications, together with the required fee in compliance with the Planning Fee Schedule.
3. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 9.07.050 (Findings and Decision), below.

### B. Review with other land use applications. If the project for which the request for Site Plan and Design Review is being made also requires some other discretionary approval (e.g., Conditional Use Permit, etc.), the applicant shall file the information required by Subsection A. (Application filing), above, together for concurrent review with the application for discretionary approval.

### C. Application review. Each application for a Site Plan and Design Review shall be reviewed to ensure that the application is consistent with the purpose of this Chapter; applicable development standards and regulations of this Development Code; and the City’s Design Standards and Guidelines.

1. A Site Plan and Design Review is initiated when the Department receives a complete application package including the required information and materials specified in the Department handout and any additional information required by the applicable review authority in order to conduct a thorough review of the proposed project.
2. Upon receipt of a complete application the applicable review authority shall review the design, location, site plan configuration, and the effect of the proposed development on adjacent properties by comparing the project plans to established development standards, regulations, and applicable design guidelines/policies.

3. During the course of the review process, the review authority may require the submittal of additional information or revised plans.
    - a. The applicant shall be notified in writing of any revisions or additional information required and shall submit the requested information to the Department within 180 days after the date of the notice or within the period of time designated by the review authority.
    - b. Failure to submit the required information within the 180-day period or within the period of time designated by the review authority may be cause for denial.
  4. After the Site Plan and Design Review application has been deemed complete in compliance with Section 9.01.070 (Initial Review of Application), the review authority shall either approve or deny the Site Plan and Design Review application and, if approved, may impose conditions deemed reasonable and necessary to protect the public health, safety and general welfare and ensure compliance with this Chapter and various regulations of the City.
- D. **On-site inspection.** An application for a Site Plan and Design Review may require that the Director perform an on-site inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions specified in this Chapter.
- E. **Public hearing and appeal provisions.**
1. A public hearing shall not be required for an Administrative Design Review on a Site Plan and Design Review application.
  2. A public hearing shall be required for the Director's, Commission's, or Council's decision on a Site Plan and Design Review application, only if being processed concurrently with another discretionary approval (e.g., Conditional Use Permit, Variance, etc.) requiring a public hearing. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 9.17 (Public Hearings).
  3. The review authority's decision may be appealed, in compliance with Chapter 9.15 (Appeals).

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9.07.050**Findings and Decision**

- A. **Meets requirements of this Chapter.** The review authority shall determine whether or not the application meets the requirements of this Chapter in compliance with Section 9.01.070 (Initial Review of Application).
- B. **Other review authority.**
1. The decision to approve or deny the Site Plan and Design Review shall be made by the authority responsible for reviewing the other discretionary land use application (e.g., Conditional Use Permit, Variance, etc.) in compliance with the applicable review procedure for the other discretionary review.
  2. The decision to approve or deny the Site Plan and Design Review shall be made in compliance with Subsection C (Required Findings), below.
- C. **Required findings.** The review authority may approve a Site Plan and Design Review application, only after first making all of the following findings. The proposed development will:
1. Be allowed within the subject zone;

2. Be designed such that:
  - a. The project will not be detrimental to the public health, safety, or general welfare, and not detrimental to adjacent property;
  - b. Architectural design and functional plan of the structure(s) and related improvements are of reasonable aesthetic quality and compatible with adjacent developments;
  - c. Structure(s) and related improvements are suitable for the proposed use of the property and provide adequate consideration of the existing and contemplated uses of land and orderly development in the general area of the subject site; and
  - d. The project's site plan and design is consistent with the City's Design Standards and Guidelines.
3. Be designed to include the following criteria, as applicable:
  - a. Compliant with this Chapter, this Development Code, Municipal Code Title 15 (Buildings and Construction), and all other applicable City regulations and policies;
  - b. Efficient site layout and design;
  - c. Compatible and appropriate scale to neighboring properties and developments;
  - d. Efficient and safe public access (both pedestrian and vehicular) and parking;
  - e. Appropriate and harmonious arrangement and relationship of proposed structures and signs to one another and to other development in the vicinity, based on good standards of design;
  - f. Appropriate relationship to land use and development of adjacent properties, including topographic and other physical characteristics of the land;
  - g. Proper site utilization and the establishment of a physical and architectural relationship to existing and proposed structures on the site;
  - h. Compatible architectural style with the character of the surrounding area, both to avoid repetition of identical design where not desired, and to ensure compatibility in design where desired;
  - i. Harmonious relationship with existing and proposed developments and the avoidance of both excessive variety and monotonous repetition;
  - j. Compatible in color, material, and composition of the exterior elevations to neighboring visible structures;
  - k. Appropriate exterior lighting which provides for public safety and is not of a nature that will constitute a hazard or nuisance to adjacent properties;
  - l. Compatible in scale and aesthetic treatment of proposed structures with public areas;
  - m. Appropriate open space and use of water efficient landscaping; and
  - n. Consistent with the General Plan and any applicable Specific Plan.

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**9.07.060 Conditions of Approval**

- A. **Necessary conditions.** In approving a Site Plan and Design Review application, the review authority may impose conditions deemed reasonable and necessary to ensure

that the approval would be in compliance with the findings required by Section 9.07.050 (Findings and Decision), above.

- B. **Similarity of style may be required.** When a neighborhood or zone has adopted/assumed a distinct character or style, and it is found that it is desirable to continue the character or style in the architectural features of the proposed structure, the similarity may be required.

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**9.07.070 Issuance of Other Required Permits and Approvals**

- A. **Permits for grading, structures, and uses.** Upon approval or conditional approval of a Site Plan and Design Review, or a revised Site Plan and Design Review, permits may be issued for grading, structures, and uses.
- B. **Compliance with Site Plan and Design Review.** Grading shall not be commenced and no structure shall be altered, enlarged, erected, moved, or rebuilt subject to the provisions of this Chapter, except in full compliance with the approved Site Plan and Design Review and the conditions imposed on the review.
- C. **Determination by Director.** Compliance shall be determined by the Director, or in the case of disagreement with the applicant, by the applicable review authority.
- D. **Determination by Building Inspector.** Before a Building Permit may be issued for any structure in a development requiring Site Plan and Design Review, the Building Inspector shall make a determination that the proposed structure(s) is in compliance with the approved Site Plan and Design Review.

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**9.07.080 Minor Changes by Director**

Minor changes in a Site Plan and Design Review that do not involve an increase in structure area or height, an increase in the number of dwelling units, or an intensity of use may be approved by the Director in compliance with Section 9.12.080 (Changes to an Approved Project).

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**9.07.090 Post Decision Procedures**

The procedures and requirements in Chapter 9.12 (Permit Implementation, Time Limits, and Extensions), and those related to appeals (Chapter 9.15) and modifications and/or revocations (Chapter 9.18) shall apply following the decision on a Site Plan and Design Review application.

## Chapter 9.08 Specific Plans

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### Sections:

9.08.010	Purpose
9.08.020	Intent
9.08.030	Applicability
9.08.040	Minimum Project Area
9.08.050	Initiation of Specific Plans
9.08.060	Application Filing and Initial Review
9.08.070	Application Processing
9.08.080	Adoption of Specific Plan
9.08.090	Amendment of Specific Plan

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### 9.08.010 Purpose

The purpose of this Chapter is to provide a process for preparing, processing, reviewing, adopting, and amending Specific Plans in compliance with Government Code Section 65450 et seq. or as that section may be amended or replaced from time to time.

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### 9.08.020 Intent

- A. **General Plan implementation.** The City may prepare, or accept an application for, a Specific Plan in order to systematically implement the General Plan.
- B. **Adopted by ordinance.** A Specific Plan adopted by ordinance shall replace the base zone(s) for the subject property, and the development standards and guidelines identified in the Specific Plan shall take precedence over the general standards and guidelines contained in this Development Code.
- C. **Adopted by resolution.** A Specific Plan adopted by resolution shall be applied as guidelines and the applicable standards contained in this Development Code shall take precedence over the development standards and guidelines identified in the Specific Plan.

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### 9.08.030 Applicability

- A. **Specific Plan required.** When required by the General Plan, this Development Code, initiated by the City, or filed by property owner(s) to systematically implement the General Plan, a Specific Plan shall be prepared, processed, approved and implemented, or denied in compliance with this Chapter.
- B. **Flexibility and innovation.** A Specific Plan is designed to provide for flexibility, innovative use of land resources and development, a variety of housing and other development types, and an effective and safe method of pedestrian and vehicular circulation.
- C. **Commission and Council review.** An application for a Specific Plan shall be considered by the Commission and Council.

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**9.08.040 Minimum Project Area**

A Specific Plan may only be requested for a site(s) with a minimum of two acres.

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**9.08.050 Initiation of Specific Plans**

A Specific Plan may be set in motion in the following manner:

- A. **Initiated.** May be initiated by the Council;
- B. **Proposed.** May be proposed by the Director; or
- C. **Filed.** An application may be filed by the owner(s) of one or more parcels that would be the subject of the Specific Plan. If filed by a property owner(s), the following shall first occur:
  - 1. A pre-application conference with the Director before the filing of a Specific Plan application, in compliance with Section 9.01.070 (Initial Review of Application).
    - a. The purpose of this conference is to generally:
      - (1) Inform the applicant of City requirements as they apply to the Specific Plan;
      - (2) Review the City's review process, possible project alternatives, or modifications; and
      - (3) Identify information and materials the City will require with the Specific Plan application, and any necessary technical studies and information relating to the environmental review of the Specific Plan.
    - b. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or denial of the Specific Plan by the Director and/or any City staff. Failure to identify all required studies or all applicable requirements shall not constitute a waiver of those requirements.
  - 2. Public meeting(s) required.
    - a. Before the preparation of the Specific Plan, at least one public meeting shall be held before the Council.
    - b. The purpose of the meeting will be to allow the applicant the opportunity to inform the Council and members of the public about the Specific Plan and for the Council and members of the public to identify potential community concerns and anticipated impacts relating to the proposed Specific Plan.
    - c. Public notice of the meeting shall be given in compliance with Chapter 9.17 (Public Hearings).
    - d. Comments offered by the Council or City staff shall not be construed as either an endorsement or rejection of the Specific Plan.

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**9.08.060 Application Filing and Initial Review**

If filed by a property owner(s), the Specific Plan application shall comply with all of the following.

- A. **Application.**



1. Filing. An application for a Specific Plan shall be filed and processed in compliance with Chapter 9.01 (Application Processing Procedures).
  2. Required data.
    - a. The application shall include the information and materials specified in the Department handout for Specific Plan applications, together with the required fee in compliance with the Planning Fee Schedule.
    - b. The draft Specific Plan shall include the detailed information in the form of text and diagram(s), organized in compliance with Government Code Section 65451.
  3. Responsibility. It is the responsibility of the applicant to provide evidence in support of the finding required by Section 9.08.080 (Adoption of Specific Plan), below.
- B. Project review procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Chapter.
- C. Notice and hearings.**
1. Public hearings shall be required for the Commission's recommendation and the Council's action on a Specific Plan or an amendment.
  2. The public hearings shall be scheduled once the Director finds the application complete in compliance with Section 9.01.070 (Initial Review of Application).
  3. Notice of the public hearings shall be given and the hearings shall be conducted in compliance with Chapter 9.17 (Public Hearings).

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**9.08.070 Application Processing**

If filed by a property owner(s), the draft Specific Plan shall be processed in the same manner as required for General Plans by State law, and as follows.

- A. Director's evaluation.**
1. After the filing of a draft Specific Plan, the Director shall review the draft plan to determine whether it is in compliance with the provisions of this Chapter.
  2. If the draft plan is not in compliance, it shall be returned to the applicant with written specification(s) as to why it does not comply, and with suggested revisions to ensure compliance.
  3. When a draft plan is returned by the applicant to the Department and the Director determines it is complete and in compliance with this Chapter, the plan shall be deemed to be complete and accepted for processing, in compliance with Section 9.01.070 (Initial Review of Application).
- B. Environmental review required.** The draft Specific Plan shall be subject to environmental review as identified in Section 9.01.080 (Environmental Assessment).
- C. Staff report.** A written staff report shall be prepared for the draft Specific Plan that shall include a detailed recommendation for approval or denial.

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**9.08.080 Adoption of Specific Plan**

- A. Mandatory finding for adoption.** A Specific Plan may only be adopted if first found

consistent with the General Plan in compliance with Government Code Section 65454.

- B. **Method of adoption.** The Specific Plan shall be adopted by ordinance or by resolution of the Council, in compliance with Government Code Section 65453.

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**9.08.090      Amendment of Specific Plan**

- A. **Process for amendment.** A Specific Plan may be amended through the same procedure specified by this Chapter for the adoption of a Specific Plan.
- B. **Mandatory finding for amendment.** A Specific Plan may only be amended if first found consistent with the General Plan in compliance with Government Code Section 65454.
- C. **Frequency of amendments.** The Specific Plan may be amended as often as deemed necessary by the Council, in compliance with Government Code Section 65453.

## Chapter 9.09 Temporary Use Permits

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### Sections:

9.09.010	Purpose
9.09.020	Temporary Defined
9.09.030	Applicability
9.09.040	Exempt Temporary Uses
9.09.050	Allowed Temporary Uses
9.09.060	Application Filing, Processing, and Review
9.09.070	Director's Review
9.09.080	Findings and Decision
9.09.090	Conditions of Approval
9.09.100	Condition of Site Following Temporary Use
9.09.110	Post Decision Procedures

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### 9.09.010 Purpose

The purpose of this Chapter is to allow for short term activities that would be compatible with adjacent and surrounding uses when conducted in compliance with this Chapter.

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### 9.09.020 Temporary Defined

For purposes of this Chapter, a temporary (short term) land use activity is defined as a land use that is interim, non-permanent, and/or seasonal in nature,

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### 9.09.030 Applicability

- A. **Short term activities.** A Temporary Use Permit allows short term activities that might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.
- B. **Categories of land uses.** The following two categories of temporary land uses identify the level of permit required, if any, based on the proposed duration, size, and type of use:
  - 1. Exempt temporary uses. Exempt temporary uses are identified in 9.09.040 (Exempt Temporary Uses), below; and
  - 2. Temporary uses requiring a Temporary Use Permit. Temporary uses requiring a Temporary Use Permit are identified in 9.09.050 (Allowed Temporary Uses), below.

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### 9.09.040 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 9.09.050 (Allowed Temporary Uses), below.

**A. Construction Yards – On-Site**

1. On-site contractors' construction/storage yard(s), in conjunction with an approved construction project on the same parcel.
2. 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.

**B. Emergency facilities.** Emergency public health and safety needs/land use activities, as determined by the Council.**C. Garage/yard sales.** Garage/yard sales (e.g., personal property sales) only when conducted on residentially zoned property in compliance with the following standards:

1. Only one garage/yard sale may be conducted within any four-month period and the sale shall be limited to not more than three consecutive days or to two consecutive weekends not to exceed four days in all.
2. All signs advertising a garage/yard sale shall be in compliance with Section 4.06.140 (Temporary Signs). All garage/yard sale signs shall be removed within 24 hours following the final close of the sale.
3. The sale shall not be conducted between the hours of 8:00 p.m. of any day and 7:00 a.m. of the following day.
4. The sales shall not encroach or be made on or from public streets or rights-of-way.
5. No licensed retail or wholesale dealer shall be allowed to consign or offer for sale any goods or merchandise or participate in any private sale authorized by this Subsection.
6. Any garage/yard sale not in compliance with the conditions specified in this Subsection is hereby declared to be unlawful and a public nuisance.

**D. Special Event Permits.** A Special Event Permit shall be obtained from the before conducting athletic events, parades, and public assemblies, occurring on or within the public rights-of-way or other publicly owned property, in compliance with LMC Section 12.45.120 (Permit required).

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9.09.050**Allowed Temporary Uses**

The following temporary uses are allowed on private property, subject to the issuance of a Temporary Use Permit, and only when conducted in compliance with Section 9.09.090 (Conditions of Approval), below.

**A. Contractors' construction yards – off-site.** The temporary use of a site for an off-site contractor's construction/storage yard(s). The permit may be effective for up to 12 months, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.**B. Events.**

1. Entertainment events. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, festivals, flea markets, food events, outdoor entertainment/sporting events, and other similar events as determined by the Director for a period not to exceed 10 days twice per year, separated by at least 30 days between uses. These events shall be conducted at least 200 feet away from any residence.
2. Outdoor sales displays. Outdoor sales displays, except in the downtown, conducted

by a retail business holding a valid Business License, issued in compliance with Municipal Code Chapter 3.08 (Business License), may be allowed a maximum of four outdoor sale events (excluding City sponsored activities) and shall be conducted in compliance with Section 6.03.090 (Outdoor Sales Display). For purposes of this Subsection an outdoor sales display shall be no longer than four consecutive days in duration.

3. Outdoor sales events. Outdoor sales events, except in the downtown, conducted by a retail business holding a valid Business License at a single fixed location, issued in compliance with Municipal Code Chapter 3.08 (Business License), may be allowed a maximum of four outdoor sale events (excluding City sponsored activities). For purposes of this Subsection an outdoor sales event shall be no longer than four consecutive days in duration.
  4. Seasonal sales events. Seasonal sales (i.e., Halloween pumpkin sales and Christmas tree sale lots) only by businesses holding a valid Business License, in compliance with Municipal Code Chapter 3.08 (Business License Tax) not to exceed 40 days for pumpkin and tree sales. All other seasonal sales shall not exceed four events per year with a maximum of five days for each event.
- C. **Storage of structures or equipment.** Temporary storage structures within residential areas, not to exceed 30 days.
- D. **Mobile homes.** A mobile home to be utilized as a temporary dwelling in a residential zone while a single-family dwelling is under construction on the same parcel shall be allowed subject to all of the following provisions:
1. The mobile home may only be located and occupied while actual construction activities are taking place upon the parcel. In no case may the period of placement and use exceed 12 months.
  2. The mobile home may only be occupied by the property owner; who is also the builder designated on the Building Permit, and the owner's/builder's family.
  3. City may require surety adequate to ensure the timely removal and compliance with all conditions of approval may be required in compliance with Section 9.12.050 (Performance Guarantees).
  4. The minimum yards for the zone shall be maintained.
  5. Additional conditions necessary and appropriate to ensure compatibility with surrounding development, existing and contemplated, may be imposed on the approved permit.
- E. **Temporary real estate sales office and model home complex.** One temporary real estate office may be located in any approved subdivision in any zone in the City.
1. The office shall be used only for the sale of property located within the subdivision in which the office is located.
  2. The temporary real estate office shall be removed at the end of two years following the date of the recording of the Final Map of the subject subdivision in which the office is located.
  3. If any parcels within the subdivision have not been sold at the end of the original two-year period, the Director may approve extensions.
- F. **Temporary work trailers.**
1. A trailer or mobile home may be used as a temporary work site for employees of a business:

- a. During construction or remodeling of a permanent commercial, industrial, or mixed-use structure, when a valid Building Permit is in force; or
  - b. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.
- 2. A permit for temporary work trailer(s) may be approved for up to 12 months. The Director may approve extensions.
- G. **Other similar temporary uses.** Similar temporary uses that, in the opinion of the Director, are compatible with the subject zone and surrounding land uses.

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#### 9.09.060 Application Filing, Processing, and Review

- A. **Filing.** An application for a Temporary Use Permit shall be filed with the Department in the following manner:
  - 1. An application for a Temporary Use Permit shall be filed and processed in compliance with Chapter 9.01 (Application Processing Procedures). The application shall include the information and materials specified in the Department handout for Temporary Use Permit applications, together with the required fee in compliance with the Planning Fee Schedule.
- B. **Responsibility.** It is the responsibility of the applicant to establish evidence in support of the findings required by Section 9.09.080 (Findings and Decision), below.
- C. **Public hearing not required.** A public hearing shall not be required for the Director's decision on a Temporary Use Permit application.

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#### 9.09.070 Director's Review

The Director may approve a Temporary Use Permit for a temporary use that would be operated in compliance with Section 9.09.090 (Conditions of Approval) below; or the Director may deny the application or defer action and refer the application to the Commission for review and final decision.

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#### 9.09.080 Findings and Decision

- A. **Director's review.** The Director shall review the application and shall record the decision in writing with the findings on which the decision is based.
- B. **Required findings.** The Director (or the Commission on a referral) may approve a Temporary Use Permit application, with or without conditions, only after first making all of the following findings:
  - 1. The operation of the requested temporary use at the location proposed and within the time period specified will not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, safety, or general welfare;
  - 2. The operation of the requested temporary use will not be detrimental to adjoining properties through the creation of excessive dust, light, noise, odor, or other objectionable characteristics;
  - 3. The proposed parcel is adequate in size and shape to accommodate the temporary

use without detriment to the enjoyment of other properties located adjacent to and in the vicinity of the subject parcel;

4. The proposed parcel is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate; and
5. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director.

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#### 9.09.090 Conditions of Approval

- A. **May impose conditions.** In approving a Temporary Use Permit application, the Director (or the Commission on a referral) may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Section 9.09.080 (Findings and Decision), above.
- B. **Requirements and conditions from other City departments.** Other City departments (e.g., Building, Engineering, Fire, and Police) may also recommend conditions for incorporation into the approved Temporary Use Permit and may have requirements and standards specified in the LMC that may have direct affect on the operation of the temporary use.
- C. **Appropriate conditions.** These conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include the following:
  1. Fixed period of time. Unless otherwise stated in the permit, a provision for a fixed period of time not to exceed 30 days for a temporary use not occupying a structure, including promotional activities, or 12 months for all other temporary uses or structures, or for a shorter period of time as determined appropriate by the Director;
  2. Operating hours and days. Regulation of operating hours and days, including limitation of the duration of the temporary use, as identified in Subparagraph 1., above;
  3. Temporary pedestrian and vehicular circulation. Provision for adequate temporary pedestrian and vehicular circulation, parking facilities (including vehicular ingress and egress), and public transportation, if applicable;
  4. Regulation of nuisance factors. Regulation of nuisance factors including prevention of glare or direct illumination on adjacent parcels, dirt, dust, gases, heat, noise, odors, smoke, trash, and vibration;
  5. Regulation of temporary structures. Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
  6. Sanitary and medical facilities. Provision for sanitary and medical facilities, as appropriate;
  7. Waste collection, recycling, and/or disposal. Provision for solid, hazardous, and toxic waste collection, recycling, and/or disposal;
  8. Police/security and safety measures. Provision for police/security and safety measures, as appropriate;
  9. Signs. Regulation of signs;

10. Performance bond or other security. Submission of a performance bond or other security measures, in compliance with Section 9.12.050 (Performance Guarantee) and satisfactory to the Director, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition, or better, as determined by the Director, in compliance with Section 9.09.100 (Condition of Site Following Temporary Use), below;
  11. Compliance with applicable provisions. A requirement that the approval of the requested Temporary Use Permit is contingent upon compliance with applicable provisions of the Municipal Code and the successful approval of any/all required permits from any other department or governing agency; and
  12. Other conditions. Other conditions that would ensure that the operation of the proposed temporary use would be conducted in an orderly and efficient manner, and in full compliance with the purpose of this Chapter.
- D. **Applicant's agreement.** The applicant agrees in writing to comply with any and all of the conditions imposed by the review authority in the approval of the Temporary Use Permit.

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**9.09.100 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 continue to be used in compliance with this Development Code.

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**9.09.110 Post Decision Procedures**

The procedures and requirements in Chapter 9.12 (Permit Implementation, Time Limits, and Extensions), and those related to appeals (Chapter 9.15) and modifications and/or revocations (Chapter 9.18) shall apply following the decision on a Temporary Use Permit application.



## Chapter 9.10 Variances And Minor Variances

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### Sections:

9.10.010	Purpose
9.10.020	Applicability
9.10.030	Review Authority
9.10.040	Application Filing, Processing, and Review
9.10.050	Findings and Decision
9.10.060	Precedents
9.10.070	Conditions of Approval
9.10.080	Use of Property before Final Action
9.10.090	Post Decision Procedures

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### 9.10.010 Purpose

#### A. The Purpose of this Chapter is to ensure that:

1. Variances and Minor Variances are only approved when, because of special circumstances applicable to the property, the strict application of this Development Code denies the owner of the property privileges enjoyed by other property located nearby and in an identical zone; and
2. Conditions are applied that would ensure that the Variance or Minor Variance shall not constitute an approval of special privilege(s) inconsistent with the limitations upon other property in the vicinity and zone in which the subject property is located.

#### B. Does not extend to land uses.

1. The power to approve Variances and Minor Variances does not extend to allowable land uses in compliance with Government Code Section 65906.
2. Flexibility in allowable land uses is provided in Chapter 9.03 (Conditional Use Permits and Zoning Use Permits).

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### 9.10.020 Applicability

- A. **Variances – Commission.** The Commission may approve a Variance that allows for any adjustment from any of the development standards required by this Development Code, and only after first making the findings specified in Section 9.10.050 (Findings and Decision), below.
- B. **Minor Variances – Director.** The Director may approve a Minor Variance for only those items specified in Table 9.4 (Types of Minor Variances Allowed), below, and only after first making the findings specified in Section 9.10.050 (Findings and Decision), below.

**Table 9.4 Types of Minor Variances Allowed**

<b>Types of Minor Variances Allowed</b>	<b>Maximum Variance</b>
1. <b>Height of a fence, hedge, or wall.</b> An increase of the allowed maximum height of a fence, hedge, or wall located within an interior side or rear setback, not adjoining a street.	Up to eight feet <sup>1</sup>
2. <b>Build-to-line in Transect zones.</b> A relaxation of the specified build-to-line, defined by the façade, for sites located within Transect Zones.	10 percent
3. <b>Distance between structures.</b> A decrease of the minimum required distance between detached accessory structures and main structures on the same site.	10 percent
4. <b>Location of new addition.</b> Allowing any new addition to an existing structure to be located as close to the property line as any existing encroachment, but no closer than any applicable Fire Code limitations.	
5. <b>Floor-to-area ratio (FAR).</b> An increase in the allowable floor-to-area ratio.	10 percent
8. <b>Coverage.</b> An increase of the maximum allowable parcel coverage.	10 percent
6. <b>Front façades in Transect zones.</b> A relaxation of the specified front façade requirements for sites located within Transect zones.	10 percent
7. <b>Residential additions not meeting parking requirements in non-Transect zones.</b> Allowing additions up to 400 square feet, to be constructed when and only when the resident cannot meet the two-car parking requirement due to the subject parcel configuration.	
9. <b>Parcel dimensions (e.g., area, depth, or width).</b> A decrease in the minimum required parcel area, parcel depth, or parcel width.	10 percent
10. <b>Setbacks.</b> A decrease of the minimum required setback areas (e.g., side, street-side, and rear) for structures.	20 percent

**Notes:**

<sup>1</sup> Additional two feet may only be allowed with the addition of lattice (defined as 50% open, continuous width), in compliance with Part 4 (General to Zones).

**9.10.030 Review Authority**

- A. **Responsibility.** The applicable review authority shall approve or deny Variance and Minor Variance applications, and impose conditions deemed reasonable and necessary to preserve the public convenience, health, interest, safety, or welfare, and necessary to make the findings required by Section 9.10.050 (Findings and Decision) below.
- B. **Applicable review authority.** Variances and Minor Variances may be approved in compliance with the following:
  1. Variances. The Commission may approve Variances in compliance with this Chapter and State law.
  2. Minor Variances. The Director may approve Minor Variances, or may defer action and refer the application to the Commission for review and final decision, in compliance with this Chapter and State law.

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**9.10.040 Application Filing, Processing, and Review****A. Filing.**

1. An application for a Variance or Minor Variance shall be filed and processed in compliance with Chapter 9.01 (Application Processing Procedures).
2. The application shall include the information and materials specified in the Department handout for Variance or Minor Variance applications, together with the required fee in compliance with the Planning Fee Schedule.
3. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 9.10.050 (Findings and Decision), below.

**B. Notice, hearings, and appeals.**

1. Variances – public hearing required. A public hearing shall be required for the Commission's decision on a Variance application.
  - a. Scheduling hearing. The public hearing shall be scheduled once the Director has determined the application complete.
  - b. Giving notice. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Chapter 9.17 (Public Hearings).
  - c. Appeals. The Commission's decision is appealable to the Council in compliance with Chapter 9.15 (Appeals).
2. Minor Variances.
  - a. Public hearing not required.
    - (1) A public hearing shall not be required for the Director's decision on a Minor Variance application in compliance with Government Code Section 65901.
    - (2) The Director shall have the discretion to provide notice (e.g., mailing and/or posting the subject parcel) if determined to be appropriate by the Director.
  - b. Appeals. The Director's decision is appealable to the Commission in compliance with Chapter 9.15 (Appeals).

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**9.10.050 Findings and Decision****A. Authorized actions.**

1. The Commission (Variance) or the Director (Minor Variance) shall record the decision in writing and shall recite the findings upon which the decision is based, in compliance with Government Code Section 65906 or as that Section may be amended from time to time.
2. The Director may defer action on a Minor Variance and refer the application to the Commission for review and final decision.

**B. Required findings.** The applicable review authority may approve a Variance or Minor Variance application, with or without conditions, subject to all of the following findings.

1. General findings. The review authority may approve a Variance or Minor Variance application only after first making all of the following findings in compliance with Government Code Section 65906:
  - a. There are special circumstances or conditions applicable to the subject property

(e.g., location, shape, size, surroundings, topography, or other physical features, etc.) that do not apply generally to other properties in the vicinity under an identical zoning classification;

- b. Strict compliance with Development Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
- c. Approving the Variance or Minor Variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated; and
- d. The requested Variance or Minor Variance would not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.

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**9.10.060      Precedents**

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance or Minor Variance is not admissible evidence for the approval of a new Variance or Minor Variance.

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**9.10.070      Conditions of Approval**

In approving a Variance or Minor Variance application, the applicable review authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 9.10.050 (Findings and Decision), above.

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**9.10.080      Use of Property before Final Action**

Permits shall not be issued for any structure involved in an application for a Variance or Minor Variance until and unless the same shall have become final, in compliance with Section 9.12.030 (Effective Dates of Permits).

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**9.10.090      Permits to Run with the Land**

A Variance or Minor Variance approved in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this Chapter and the provisions of Chapter 9.16 (Nonconforming Provisions).

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**9.10.100      Post Decision Procedures**

The procedures and requirements in Chapter 9.12 (Permit Implementation, Time Limits, and Extensions), and those related to appeals (Chapter 9.15) and modifications and/or revocations (Chapter 9.18) shall apply following the decision on a Variance or Minor Variance application.

## Chapter 9.11 Zoning Clearances

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### Sections:

9.11.010	Purpose
9.11.020	Applicability
9.11.030	Review Procedure
9.11.040	Post Decision Procedures

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#### 9.11.010 Purpose

Zoning Clearance is the procedure used by the City to verify that a proposed land use or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use or structure.

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#### 9.11.020 Applicability

Where Part 3 (Specific to Zones) or another provision of this Development Code requires a Zoning Clearance as a prerequisite to establishing a land use or structure, a Zoning Clearance shall be required at the time of the Director's review of any of the following:

- A. **Initiation of a land use.** A Zoning Clearance shall be obtained before the initiation or commencement of any use of land not requiring the construction of a structure.
- B. **Change of land use.**
  - 1. Whenever a use is proposed to be changed from a use for which a Zoning Clearance has been issued, whether or not the new use involves a new lessee, operator, or owner, a new Zoning Clearance shall be obtained.
  - 2. A Zoning Clearance shall also be required even if the lessee, operator, or owner of the previous use did not file for or receive a Zoning Clearance.
- C. **Building Permit, Grading Permit or other construction permit.**
  - 1. A Zoning Clearance shall be obtained before the City issues a new or modified Building Permit, Grading Permit, or other construction-related permit required for the alteration, construction, modification, moving, or reconstruction of any structure.
  - 2. The following types of projects and structures, only when proposed to be constructed within the Transect Zones, shall require the issuance of a Zoning Clearance:
    - a. The reconstruction or remodeling of existing structures (including facade improvements); and
    - b. Residential construction of a single family dwelling unit, without a tentative or parcel map.
  - 3. Before a Building Permit may be issued for any structure in a development requiring Site Plan and Design Review in compliance with Chapter 9.07, the Building Inspector shall make a determination that the proposed structure is in compliance with the approved plan.

- D. **Business License.** A Zoning Clearance shall be obtained before the City issues a new or modified Business License Tax, in compliance with Municipal Code Chapter 3.08 (Business License Tax).

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**9.11.030 – Review Procedure**

- A. **Director's responsibility.** The Director shall issue the Zoning Clearance after first determining that the request complies with all Development Code provisions applicable to the proposed land use or structure.
- B. **Form of approval.** An approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Director.

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**9.11.040 – Post Decision Procedures**

The procedures and requirements in Chapter 9.12 (Permit Implementation, Time Limits, and Extensions), and those related to appeals (Chapter 9.15) and modifications and/or revocations (Chapter 9.18) shall apply following the Director's action on a Zoning Clearance.

## Chapter 9.12 Permit Implementation, Time Limits, and Extensions

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### Sections:

9.12.010	Purpose
9.12.020	Conformance to Approved Plans
9.12.030	Effective Dates of Permits
9.12.040	Applications Deemed Approved by Operation of Law
9.12.050	Performance Guarantees
9.12.060	Expiration
9.12.070	Time Extensions
9.12.080	Changes to an Approved Project
9.12.090	Resubmittals

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### 9.12.010 Purpose

This Chapter provides requirements for the implementation of the permits or approvals required by this Development Code, including time limits and procedures for approving extensions of time.

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### 9.12.020 Conformance to Approved Plans

- A. **Compliance.** All work performed under a Building Permit for which project drawings and plans have received approval by the, Director, Commission, or Council shall be in compliance with the approved drawings and plans, and any conditions of approval imposed by the applicable review authority.
- B. **Changes.** Changes to an approved project shall be submitted and processed in compliance with Section 9.12.080 (Changes to an Approved Project), below.

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### 9.12.030 Effective Dates of Permits

- A. **Approvals, Permits, and Variances.** A Certificate of Appropriateness, Conditional Use Permit, Home Occupation Permit, Minor Variance, Reasonable Accommodation, Site Plan and Design Review, Temporary Use Permit, Variance, or Zoning Use Permit shall become effective 15 days following the actual date the decision was rendered by the applicable review authority and close of the 14-day appeal period, if no appeal is filed in compliance with Chapter 9.15 (Appeals).
- B. **Plans/Amendments.**
  - 1. Council actions to adopt or amend a Development Agreement, a Specific Plan (adopted by ordinance), this Development Code, Planned Development or the Zoning Map shall become effective on the 30th day following the date the ordinance is actually adopted by the Council.
  - 2. Council actions to adopt or amend the General Plan or a Specific Plan (adopted by resolution) shall become effective on the actual date the decision is rendered by the Council.

- C. **Issued on the effective date.** Permits, certificates, and/or other approvals shall not be issued until the effective date; provided, that no appeal of the review authority's decision has been filed, in compliance with Chapter 9.15 (Appeals).

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9.12.040**Applications Deemed Approved by Operation of Law**

- A. **Applicable provisions.** A permit application deemed approved by operation of law in compliance with Government Code Section 65956(b) shall be subject to all applicable provisions of this Development Code, which shall be fully satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is exercised or established.
- B. **Public notice.** The permit application shall be deemed approved only if the application received proper notice in compliance with Chapter 9.17 (Public Hearings).

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9.12.050**Performance Guarantees**

- A. **Deposit of security.**
1. As a condition of approval of a Certificate of Appropriateness, Conditional Use Permit, Home Occupation Permit, Minor Variance, Reasonable Accommodation, Site Plan and Design Review, Temporary Use Permit, Variance, or Zoning Use Permit, upon a finding that the City's health, safety, and welfare warrant, the review authority may require the execution of a covenant to deposit security and the deposit of security in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of the permit or approval in the event that the obligor fails to perform.
  2. The applicant/owner may offer to provide adequate security for the faithful performance of a condition(s) of approval imposed as part of the approval process if the Director determines that the condition(s) may be implemented at a later specified date (e.g., inability to install required landscaping due to weather conditions).
  3. The security shall, as required by law or otherwise at the option of the City, be in a form which includes but is not limited to cash, a certified or cashier's check, letter of credit, or a performance bond executed by the applicant and a corporate surety authorized to do business in California and approved by the City.
  4. The security shall remain in effect until all of the secured conditions have been performed to the satisfaction of the Director.
  5. Security required in compliance with this Section shall be payable to the City.
- B. **Release of security.** Upon satisfactory compliance with all applicable provisions of this Section, the security deposit shall be released.
- C. **Failure to comply.**
1. Upon failure to perform any secured condition(s), the City may perform the condition, or cause it to be done, and may collect from the obligor all costs incurred, including administrative, engineering, legal, and inspection costs.
  2. Any unused portion of the security shall be refunded to the obligor after deduction of the cost of the work.



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**9.12.060 Expiration**

- A. Expiration of permit or approval except Conditional Use Permits.** Unless otherwise specified in the permit or approval, all permits and approvals, except for Conditional Use Permits, for projects not subject to the Subdivision Map Act shall comply with the following expiration provisions.
1. Shall be implemented.
    - a. To ensure continued compliance with the provisions of this Development Code, the permit or approval shall be implemented within two years following the date of approval, unless, by conditions of the permit or approval, a different (either greater or lesser) time is prescribed, or the permit or approval shall expire and be deemed void, unless an extension is approved by the applicable review authority, in compliance with Section 9.12.070 (Time Extensions), below.
    - b. Any time limit set by the applicable review authority shall be reasonable, based upon the size and the nature of the proposed project.
    - c. If after construction commencement, work is discontinued for a minimum period of two years, the permit or approval shall expire and be deemed void.
    - d. If the application for the permit or approval also involves the approval of a tentative map, construction commencement shall be implemented before the expiration of the companion final map.
  2. Allowable phasing.
    - a. Where the permit or approval provides for development in two or more phases or units in sequence, the permit or approval shall not be approved until the review authority has approved the final phasing plan for the entire project site. The project applicant shall not be allowed to develop one phase in compliance with the pre-existing base zone and then develop the remaining phases in compliance with this Section, without prior review authority approval.
    - b. Pre-approved phases.
      - (1) If a project is to be built in pre-approved phases, each subsequent phase shall have two years from the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, unless otherwise specified in the permit or approval, or the permit or approval shall expire and be deemed void.
      - (2) If the application for the permit or approval also involves the approval of a tentative map, the phasing shall be consistent with the tentative map and the permit or approval shall be implemented before the expiration of the companion final map.
  3. Shall be implemented before expiration. A permit or approval shall be implemented before its expiration. The permit or approval shall not be deemed implemented until the applicant has:
    - a. Obtained a Building Permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other similar substantial improvement has commenced and diligently pursued toward completion; or
    - b. Obtained a Grading Permit and has completed a significant amount of on-site grading, as determined by the Director, in preparation for the work described in Subparagraph a, above; and
    - c. Diligently continued the approved grading and construction activities in a timely

- manner in compliance with the subject Building Permit; or
  - d. Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval; or
  - e. Met all of the applicable requirements as determined by the Director.
- B. Effect of expiration.** Where the permit or approval, except for Conditional Use Permits, has expired and/or has been deemed void:
- 1. No further action is required by the City;
  - 2. No further reliance may be placed on the previously approved permit or approval;
  - 3. The applicant shall have no rights previously granted under the permit or approval;
  - 4. The applicant shall file a new application(s) along with all required fees and obtain all required approvals before construction can commence or an allowable use may be implemented; and
  - 5. Any security provided by the applicant under the previously approved permit or approval may be utilized by the City to provide suitable protection from any harm that may result from the terminated development.

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9.12.070**Time Extensions****A. Director's action to extend.**

- 1. The Director shall have the authority to extend the period specified in Section 9.12.060 (Expiration), above, for up to one additional one-year period. The Director may instead refer the matter to the Commission for review and final decision.
- 2. The applicant's written request for an extension of time shall be on file with the Department before expiration of the permit or approval, together with the filing fee required by the Planning Fee Schedule.
- 3. Public hearing not required.
  - a. A public hearing shall not be required for the Director's decision on an extension of time.
  - b. However, the Director may conduct a public hearing in compliance with Chapter 9.17 (Public Hearings) if deemed appropriate by the Director.
  - c. The Commission shall conduct a public hearing on a referral from the Director in compliance with Chapter 9.17 (Public Hearings).

**B. Suspension of expiration.**

- 1. The filing of a written extension request shall suspend the actual expiration of the permit or approval until the extension request has been acted upon by the Director.
- 2. Building or Grading Permits shall not be issued in compliance with the permit or approval during the period of the suspension.

**C. Applicable review authority's action on further extension.**

- 1. Upon good cause shown, a further extension may be approved, approved with modifications, or denied by the applicable review authority (e.g., Director, Commission, and/or Council) which originally granted the permit or approval, subject to the findings identified in Subsection D (Required findings), below.

2. The permit or approval may be extended for up to one additional one-year period, up to a maximum of three years following the original date of approval, unless otherwise allowed by State law.
  3. A public hearing shall not be required for the Director's decision. However, the Director may conduct a public hearing in compliance with Chapter 9.17 (Public Hearings) if deemed appropriate by the Director.
  4. The Commission or Council shall conduct a public hearing in compliance with Chapter 9.17 (Public Hearings).
- D. **Required findings.** An extension of the permit or approval may be granted only if the applicable review authority first finds that there have been no changes in circumstances, law, or General Plan or Development Code policies that would preclude the review authority from making the findings upon which the original approval was based.
- E. **Further extensions.** An application for an extension of the permit or approval in excess of three years following the original date of approval shall be treated as a new application which shall be filed in compliance with Chapter 9.01 (Application Processing Procedures).

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#### 9.12.080 Changes to an Approved Project

##### A. Application.

1. A development or new land use allowed through a permit or approval granted in compliance with this Part shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the review authority, except where changes to the project are approved in compliance with this Section.
2. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.
3. Requested changes may involve changes to one or more conditions imposed by the review authority or actual changes to the project (e.g., hours of operation, expansion of a use, etc.) as originally proposed by the applicant or approved by the review authority.
4. Changes shall not be implemented until first approved by the applicable review authority in compliance with this Section, and may be requested either before or after construction or establishment and operation of the approved use.

B. **Notice and hearing.** If the matter originally required a noticed public hearing, the review authority shall hold a public hearing, except for the minor changes outlined below (See Subsection C), and shall give notice, in compliance with Chapter 9.17 (Public Hearings).

C. **Minor changes by Director.** The Director may authorize minor changes to an approved permit or other approval only if the changes:

1. Are consistent with all applicable provisions of this Development Code and the spirit and intent of the original approval; and
2. Do not involve a feature of the project that was:
  - a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project;
  - b. A basis for conditions of approval for the project; or

- c. A specific consideration by the review authority (e.g., the Director, Commission, or Council) in granting the permit or approval.
- 3. Do not involve any expansion or intensification of the use or structure.
- D. **Major changes.** Major changes include changes to the project involving features specifically described in Subsection C, above, and shall only be approved by the original review authority through a new application, processed in compliance with this Development Code.

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9.12.090**Resubmittals****A. Resubmittal after denial with prejudice.**

- 1. The review authority may deny an application for a discretionary planning permit, or amendment, on the grounds that two or more similar applications for the same site have been denied in the past two years (also known as denial with prejudice), or that another cause exists for limiting the refiling of the application.
- 2. For a period of 12 months following the actual date of denial with prejudice by the Director, Commission, or Council, or, if appealed, the actual date of denial by the applicable review authority considering the appeal, of a discretionary planning permit or amendment, no application for the same or substantially similar planning permit or amendment shall be filed for the same site, or any portion thereof.

**B. Exception to Subsection A, above.** The Director may allow exception to Subsection A., above, based on one or more of the following findings:

- 1. New evidence material to a revised decision will be presented that was unavailable or unknown to the applicant at the previous hearing(s) and that could not have been discovered in the exercise of reasonable diligence by the applicant.
- 2. There has been a substantial and permanent change of circumstances since the previous hearing(s), which materially affects the applicant's real property.
- 3. A mistake was made at the previous hearing(s) that was a material factor in the denial of the previous application.

**C. Resubmittal after denial without prejudice.** There shall be no limitation on subsequent applications for a site where a project was denied without prejudice.**D. Director's determination, appeal.**

- 1. The Director shall determine whether a new application is for a planning permit or amendment that is the same or substantially similar to a previously approved or denied permit or amendment, and shall either process or reject the application in compliance with this Section.
- 2. The Director's determination may be appealed to the Commission, in compliance with Chapter 9.15 (Appeals).

## Chapter 9.13 Administrative Responsibility

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### Sections:

9.13.010	Purpose
9.13.020	Planning Agency
9.13.030	City Council
9.13.040	Planning Commission
9.13.050	Historic Preservation Commission
9.13.060	Director

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#### 9.13.010 Purpose

The purpose of this Chapter is to describe the authority and responsibilities of the Council, Commission, Historic Preservation Commission, and Director in the administration of this Development Code.

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#### 9.13.020 Planning Agency

The Commission, the Historic Preservation Commission, the Director of Community Development, and the Community Development Department staff shall function as the Planning Agency and as the Advisory Agency, when so required or authorized, in compliance with Government Code Section 65100.

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#### 9.13.030 City Council

The City Council, referred to in this Development Code as the Council, in matters related to the City's planning process shall perform the duties and functions prescribed in this Development Code, which include the following:

- A. **Review authority on specified legislative planning matters.** Final legislative decisions on Development Agreements and amendments, Development Code amendments, General Plan amendments, Specific Plans and amendments, Zoning Map amendments, related environmental documents, and other applicable policy or Development Code matters related to the City's planning process.
- B. **Appeals.** The review of appeals filed from Commission decisions.
- C. **Compliance.** The above listed functions shall be performed in compliance with Table 9.2 (Review Authority), the California Environmental Quality Act (CEQA), and the City's CEQA guidelines.
- D. **Imposition of conditions.** In making decisions on applications, the Council may impose conditions it deems reasonable and necessary to implement the General Plan, any applicable Specific Plans, the Municipal Code standards that apply to development, and to further the public health, safety and general welfare of the community.

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**9.13.040 Planning Commission**

- A. **Establishment.** The Planning Commission, referred to in this Development Code as the Commission, is established in compliance with Municipal Code Chapter 2.55 (Planning Commission).
- B. **Duties and authority.** The Commission shall perform the duties and functions prescribed by Municipal Code Section 2.55.020 (Duties and responsibilities) and this Development Code, and the Council may, from time to time by resolution, prescribe additional powers and duties not inconsistent with State Law, including but not limited to the following:
  - 1. The review of development projects (e.g., Conditional Use Permits, Variances, etc.), including referrals from the Director;
  - 2. The review of appeals from the Director's decisions and determinations;
  - 3. The recommendation to the Council for final legislative decisions, on Development Agreements and amendments, Development Code amendments, General Plan amendments, Specific Plans and amendments, Zoning Map amendments, related environmental documents, and other applicable policy or regulatory matters related to the City's planning process;
  - 4. Implement the General Plan, this Development Code, and the Design Standards and Guidelines; and
  - 5. The above listed functions shall be performed in compliance with Table 9.2 (Review Authority), Table 9.3 (Review Authority for Site Plan and Design Review), the California Environmental Quality Act (CEQA), and the City's CEQA guidelines.
- C. **Imposition of conditions.** In making decisions on applications, the Commission may impose conditions it deems reasonable and necessary to implement the General Plan, any applicable Specific Plans, the Municipal Code standards that apply to development, and to further the public health, safety and general welfare of the community.
- D. **Meeting rules.** The Commission shall conduct public hearings and meetings in compliance with Chapter 9.17 (Public Hearings).

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**9.13.050 Historic Preservation Commission**

- A. **Establishment.** The Historic Preservation Commission is established in compliance with Municipal Code Chapter 2.47 (Historic Preservation Commission).
- B. **Membership.**
  - 1. The Historic Preservation Commission shall consist of five members, all of whom shall be residents of the City.
  - 2. Commission members shall be appointed from among professionals in the disciplines of archaeology, architecture, history, planning, or other historic preservation-related disciplines to the extent that these professionals are available in the community.
  - 3. Commission membership shall also include lay members who have demonstrated special competence, experience, knowledge, or interest in historic preservation.
- C. **Duties and authority.** The Historic Preservation Commission shall perform the duties and functions prescribed by Municipal Code Section 2.47.020 (Duties and responsibilities) and this Development Code, and the Council may, from time to time by resolution, prescribe additional powers and duties not inconsistent with State Law,

including but not limited to the following:

1. Review and approve or deny certificates of appropriateness in compliance with Chapter 9.02 (Certificates of Appropriateness);
2. Maintain a continuing survey of all heritage resources within the City;
3. Recommend action for the preservation of buildings, natural features, sites, structures, works of art, or similar objects which have a significant aesthetic, archaeological, architectural, community, cultural, or historic value;
4. Maintain and publish a register of all designated landmarks;
5. Encourage public awareness of involvement in the architectural and environmental heritage of the City thorough education and interpretive programs;
6. Explore and recommend means for protection, retention, and use of any designated or potential heritage resources through either governmental or private action;
7. Coordinate activities with the Planning Commission in order to integrate heritage resource consideration into the planning process;
8. Recommend and encourage the appreciation, protection, and use of structures of aesthetic, architectural, or historic value which have not been officially designated through private efforts;
9. When requested by any heritage resource owner, provide advice and guidance for the preservation of the heritage resource;
10. Encourage and participate in the development of a Cultural Heritage Element in the General Plan; and
11. Cooperate with and encourage the formation of private cultural heritage groups in the City, County, State, and Federal government.

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**9.13.060 Director**

- A. **Appointment.** The Director of Community Development, or the Director's designee, referred to in this Development Code as the Director, shall be appointed by the City Manager.
- B. **Duties and authority.** The Director shall:
  1. Have the responsibility to perform all of the functions designated by State law;
  2. Perform the duties and functions prescribed in this Development Code, including the review of administrative development projects, in compliance with Table 9.2 (Review Authority) and Table 9.3 (Review Authority for Site Plan and Design Review), Government Code Section 65901 et seq., the California Environmental Quality Act (CEQA), and the City's CEQA guidelines;
  3. Perform other responsibilities assigned by the Council, Commission, or City Manager; and
  4. Delegate the responsibilities of the Director to Department staff under the supervision of the Director.





# Chapter 9.14 Amendments (Development Code, General Plan, and Zoning Map)

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## Sections:

9.14.010	Purpose
9.14.020	Initiation of Amendment
9.14.030	Processing, Notice, and Hearings
9.14.040	Commission's Action on Amendment
9.14.050	Council's Action on Amendment
9.14.060	Findings and Decision
9.14.070	Prezoning – Annexations
9.14.080	Effective Dates
9.14.090	Zoning Map Designation – PD's
9.14.100	Existing PUD Permits

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### 9.14.010 Purpose

This Chapter provides procedures for the amendment of this Development Code, the General Plan, or the Official Zoning Map.

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### 9.14.020 Initiation of Amendment

An amendment may be initiated by the Council, Commission or Director, or as follows:

#### A. General Plan or Zoning Map Amendment.

1. In the case of the General Plan or the Zoning Map, an amendment may also be initiated by the filing of an amendment application with the Department by the owner(s) or authorized agent(s)/representative(s) of property owner(s) for which the amendment is sought, or the plaintiff in an action in eminent domain to acquire the subject property.
2. If the property is under multiple ownership, all owners or their authorized agents/representatives shall join in filing the application.

B. **Development Code Amendment.** In the case of this Development Code, the Council may also adopt an urgency measure as an interim ordinance in compliance with Government Code Section 65858.

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### 9.14.030 Processing, Notice, and Hearings

#### A. Application filing and processing.

1. Filing. If initiated by the filing of an amendment application in compliance with Section 9.14.020(A) (General Plan or Zoning Map amendment), the application shall be processed in compliance with Chapter 9.01 (Application Processing Procedures).
  - a. A change of zoning district designation for any area shall be made only where such change is in accord with the General Plan of the City of Livermore. In the event a proposed change of any zoning district is not in accord with the

General Plan of the City, a proposal for an amendment to the General Plan shall be considered two weeks prior to the proposed zoning district amendment. Proposals for zoning district changes may be considered concurrently with a related proposed General Plan amendment with a two-thirds vote of the City Council prior to the hearing date. In order to ensure consistency between the General Plan and the Development Code, approval of any such zoning district change is still contingent upon approval of the associated General Plan policy change and map amendment.

2. **Required data.** The application shall include the information and materials specified in the Department handout for amendment applications, together with the required fee in compliance with the Planning Fee Schedule.
  3. **Responsibility.** It is the responsibility of the applicant to provide evidence in support of the findings required by Section 9.14.060 (Findings and Decision), below.
- B. Timing of General Plan Amendments.** No mandatory element of the General Plan may be amended more frequently than four times in a single calendar year, in compliance with Government Code Sections 65358.
- C. Public hearings required.** The Commission and Council shall each conduct one or more public hearings regarding the amendment.
- D. Notice and hearing.** Notice of the public hearings shall be provided and the hearings shall be conducted in compliance with Chapter 9.17 (Public Hearings). (Ord. 1913 § 3, 2010)

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#### 9.14.040 Commission's Action on Amendment

##### A. Recommendation to Council.

1. All amendments. After the public hearing, the Commission shall forward a written recommendation, and reasons for the recommendation, to the Council whether to approve, approve in modified form, or deny the proposed amendment, based on the findings identified in Section 9.14.060 (Findings and Decision), below.
2. Recommendation for approval of Development Code or Zoning Map Amendments. A recommendation for approval or approval in modified form of a Development Code or Zoning Map amendment shall require only a majority vote.
3. Recommendation for approval of General Plan Amendments. A recommendation for approval or approval in modified form of a General Plan amendment shall require the affirmative vote of not less than a majority of the total voting members in compliance with Government Code Section 65354.

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#### 9.14.050 Council's Action on Amendment

##### A. Approval.

1. All amendments. Upon receipt of the Commission's recommendation to approve, or approve in modified form, the proposed amendment, the Council shall conduct a public hearing and either approve, approve in modified form, or deny the proposed amendment based on the findings identified in Section 9.14.060 (Findings and Decision), below.

2. Approval of Development Code or Zoning Map Amendments. The action by the Council to approve the Commission's recommendation regarding a Development Code or Zoning Map amendment shall be by a majority vote of the members present and shall be final and conclusive.
3. Approval of General Plan Amendments. The action by the Council to approve the Commission's recommendation regarding a General Plan amendment shall require the affirmative vote of not less than a majority of the total voting members in compliance with Government Code Sections 65356 and shall be final and conclusive, except as described in subsection B of this section.

**B. Referral to Commission.**

1. If the Council proposes to adopt a substantial modification(s) to the amendment not previously considered by the Commission, the proposed modification shall be first referred to the Commission for its recommendation, in compliance with Government Code Sections 65356 (General Plan amendments) and 65857 (Development Code or Zoning Map amendments).
2. Failure of the Commission to report back to the Council within the time limits specified in Government Code Sections 65356 and 65857 following the referral shall be deemed approval by the Commission of the proposed modification(s).

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**9.14.060 Findings and Decision**

An amendment to this Development Code, the General Plan, or the Official Zoning Map may be approved only if all of the following findings are first made, as applicable to the type of amendment:

**A. Findings for General Plan Amendments.**

1. The amendment is internally consistent with all other provisions of the General Plan;
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
3. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

**B. Findings for Development Code and Zoning Map Amendments.**

1. Findings required for all Development Code and Zoning Map Amendments.
  - a. The proposed amendment is consistent with the General Plan and any applicable Specific Plan; and
  - b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

2. Additional finding for Development Code Amendments. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
3. Additional finding for Zoning Map Amendments. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the requested zone designation and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

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**9.14.070      Prezoning – Annexations**

- A. **Prezoning required.** Before the annexation to the City of any property, the sponsor of any annexations shall file an application for prezoning of the subject property to be annexed and the City shall establish the zone(s) which will be in effect on the effective date of the annexation.
- B. **Same as Zoning Map Amendments.** The process for prezoning property to be annexed to the City shall be the same as is specified in this Chapter for Zoning Map amendments.
- C. **Compliance with plans.** The zoning shall be in compliance with the General Plan and any applicable Specific Plan.
- D. **Prezoning.**
  1. Any property lying outside the corporate limits of the City, but being adjacent to the City limits and inside its sphere of influence, may be prezoned with a City zone classification in compliance with Government Code Section 65859 and this Chapter.
  2. If any property has been prezoned in this manner, the assigned zone classification shall become effective at the same time the annexation of the property becomes effective.

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**9.14.080      Effective Dates**

- A. **General Plan.** A General Plan amendment shall become effective immediately upon the adoption of a resolution by the Council.
- B. **Development Code and Zoning Map.** A Development Code or Zoning Map amendment shall become effective on the 30th day following the adoption of an ordinance by the Council.

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**9.14.090      Zoning Map Designation – Planned Development (PD)**

- A. A PD district shall be noted on the Zoning Map by one of the following designations, followed by the given district number:  
PD-R-\_\_ (residential)  
PD-I-\_\_ (industrial)

PD-C-\_\_ (commercial, including BCP and CSGC)  
PD-OS (open space)

- B. The ordinance(s) adopting, or amending, the PD district shall not be codified, but shall be kept on file in the Department offices as a permanent reference file under the PD district number.

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**9.14.100 Existing PUD Permits**

- A. A PD district with a PUD permit existing on the effective date of the ordinance codified in this Chapter shall remain in effect until the City or property owner initiates an application for a PD ordinance in compliance with this Chapter.
- B. If a property owner proposes any amendment (major or minor) to a PUD permit existing on the effective date of the ordinance codified in this Chapter, that amendment may only be approved by an amendment approved in compliance with this Chapter.
- C. If the amendment is approved, it shall only be adopted as part of a new PD ordinance containing all of the relevant terms of the original PUD permit, plus the amendment.
- D. If the City initiates and adopts a Zoning Map amendment which affects a PUD permit, a structure or use covered by the PUD permit which is inconsistent with the new zoning shall become a legal nonconforming structure or use, subject to Chapter 9.16 (Nonconforming Provisions).



## Chapter 9.15 Appeals

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### Sections:

- 9.15.010 Purpose
- 9.15.020 Appeal Subjects and Jurisdiction
- 9.15.030 Filing and Processing of Appeals
- 9.15.040 Judicial Review

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### 9.15.010 Purpose

This Chapter establishes procedures for the appeal and calls for review of determinations and decisions rendered by the Commission, Historic Preservation Commission, and Director.

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### 9.15.020 Appeal Subjects and Jurisdiction

- A. **Development Code Administration and Interpretation.** The following determinations and actions of the Director, Department staff, and Historic Preservation Commission may be appealed to the Commission and then to the Council:
1. **Interpretations.** Any determination on the meaning or applicability of the regulations contained in this Development Code that are believed to be in error, and cannot be resolved with the Director; and
  2. **Enforcement actions.** Any enforcement action filed in compliance with Chapter 9.20 (Enforcement).
- B. **Planning permit decisions.**
1. **Director's decisions.** Any decision of the Director may be appealed to the Historic Preservation Commission or the Commission, as applicable.
  2. **Historic Preservation Commission's decisions.** Any decision of the Historic Preservation Commission may be appealed to the Commission.
  3. **Commission's decisions.** Any decision of the Commission may be appealed to the Council.

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### 9.15.030 Filing and Processing of Appeals

- A. **Eligibility.**
1. An appeal in compliance with this Chapter may be filed by any aggrieved person, except that in the case of a decision on a Conditional Use Permit, Variance, and/or other decision that followed a public hearing, an appeal may only be filed by a person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing.
  2. Any action or decision by the Commission, Historic Preservation Commission, Director, or Department staff in compliance with this Development Code may be appealed by a Council member acting as an individual.

- B. Timing and form of appeal.** An appeal shall be submitted in writing and shall specifically state the pertinent facts and the basis for the appeal.
1. The pertinent facts and the basis for the appeal shall include, at a minimum, the specific grounds for the appeal, where there was an error or abuse of discretion by the previous review authority (e.g., Commission, Historic Preservation Commission, Director, or other City official) in the consideration and action on the matter being appealed, and/or where the decision was not supported by the evidence on the record. Appeals filed by a City official, a Historic Preservation Commissioner, a Commissioner, or a Councilmember shall be exempt from the requirements of this Subparagraph.
  2. The appeal shall be filed with the Department or City Clerk, as applicable, within 15 days following the actual date the decision was rendered.
    - a. Appeals addressed to the Historic Preservation Commission or the Commission shall be filed with the Department; and
    - b. Appeals addressed to the Council shall be filed with the City Clerk.
  3. The appeal shall be accompanied by the filing fee identified in the Planning Fee Schedule.
  4. Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the applicable review authority.
- C. Scope of planning permit appeals.** An appeal of a decision on a planning permit shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.
- D. Report and scheduling of hearing.**
1. When an appeal has been filed, the Director shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority, identified in Section 9.15.020 (Appeal Subjects and Jurisdiction), above.
  2. Notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with Chapter 9.17 (Public Hearings).
  3. Any interested party may appear and be heard regarding the appeal.
- E. Decision.**
1. In deciding an appeal the review authority considering the appeal shall not hear or consider any evidence of any kind other than the evidence received from the previous review authority, or any argument on the merits of the case other than that contained in the notice of appeal, unless it sets the matter for hearing before itself, as provided in this Chapter, and gives the same notice of hearing as is required in compliance with Chapter 9.17 (Public Hearings).
  2. If new or different evidence is presented on appeal, the Commission or Council may refer the matter to the Director, Historic Preservation Commission, or Commission, as applicable, for further consideration.
  3. In the event of a tie vote by the review authority on an appeal, the decision being appealed shall stand.
  4. Provision of notice of decision.
    - a. Following the final decision on an application for a permit or other approval



required by this Development Code, the City shall provide notice of its final decision to the appellant, applicant (if not the appellant), and to any person who specifically requested notice of the City's final action.

- b. The notice of the final decision shall contain applicable findings, conditions of approval, and the reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the City.

**F. Effective date of appeal decisions.**

- 1. Commission's decision. A decision of the Commission is final and effective after 5:00 p.m. on the 15th day following the actual date the decision is rendered, when no appeal to the decision has been filed in compliance with this Chapter.
- 2. Council's decision.
  - a. Adoption of ordinance. Council's action to adopt or amend a Development Agreement, a Specific Plan (adopted by ordinance), this Development Code, or the Zone Map shall become effective on the 30th day following the date the ordinance is actually adopted by the Council.
  - b. Adoption of resolution. Council's action to grant a permit or other approval or adopt or amend the General Plan or a Specific Plan (adopted by resolution) is final and shall become effective on the actual date the decision is rendered by the Council.

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**9.15.040 Judicial Review**

No person shall seek judicial review of a City decision on a planning permit or other matter in compliance with this Development Code until all appeals to the Commission and Council have first been exhausted in compliance with this Chapter.



## Chapter 9.16 Nonconforming Provisions

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### Sections:

9.16.010	Purpose and Intent
9.16.020	Definitions
9.16.030	Proof of Legal Nonconformity
9.16.040	Restrictions on Nonconforming Uses and Structures
9.16.050	Residential Exemptions
9.16.060	Loss of Nonconforming Status
9.16.070	Nonconforming Parcels
9.16.080	Effect of Conditional/Zoning Use Permit Requirements

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### 9.16.010 Purpose and Intent

- A. **Purpose.** This Chapter provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption, or amendment of this Development Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Development Code or an amendment that changed applicable requirements.
- B. **Intent.**
1. In order to limit the number and extent of nonconforming uses, structures, parcels, created by adoption of this Development Code, it is the City's intent to generally allow nonconformities to continue until they are removed, but not to encourage their long term survival.
  2. It is further the intent of this Chapter that nonconformities shall not be altered, enlarged, expanded, extended, moved, or reestablished after abandonment or discontinuance or restored after involuntary destruction, except in compliance with this Chapter.
  3. This Chapter shall not apply to any use or structure established in violation of the previously adopted Development Code for the City, unless the use or structure presently conforms to the provisions of this Development Code.

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### 9.16.020 Definitions

Definitions of the terms used in this chapter are located in Part II (Definitions of Terms and Uses)

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### 9.16.030 Proof of Legal Nonconformity

The property owner has the burden to prove the claim of legal nonconformity and the related protected status that comes with that claim as specified in this Chapter.

- A. **Property owner's responsibility.** The property owner shall provide sufficient evidence to the satisfaction of the Director that the subject property is a legal nonconformity as specified in this Chapter.

- B. **City is not responsible.** The City is not responsible to prove the absence of legal nonconformity.
- C. **Appeal of determination.** The Director's determination of legal nonconformity shall be appealable in compliance with Chapter 9.15 (Appeals).

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#### 9.16.040 Restrictions on Nonconforming Uses and Structures

A legal nonconforming land use and the use of a legal nonconforming structure, as those terms are defined in Section 9.16.020 (Definitions), above, may be continued, including transfers of ownership; provided, that their continuation shall comply with the requirements of this Section. See Section 9.16.050 (Residential Exemptions), below for exceptions regarding certain residential uses and structures.

- A. **Nonconforming uses.** The continuance of a legal nonconforming use shall be allowed subject to the following provisions:

1. Change of ownership. Change of management, ownership, or tenancy of a nonconforming use shall not affect its nonconforming status; provided, that the use and intensity of use, as determined by the Director, does not change.
2. Additional development. Additional development of any property on which a nonconforming use exists shall require that all new uses be in compliance with the applicable provisions of this Development Code.
3. Conversion of a nonconforming use. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
4. Changes to a nonconforming use. A nonconforming use shall not be established or replaced by another nonconforming use, nor shall any nonconforming use be expanded or changed, except as provided in this Chapter.
5. Single-tenant structures. A nonconforming use operating within a single-tenant structure may only be replaced by a conforming use or another nonconforming use that is the same as or similar to the previous nonconforming use, provided not more than 180 days have passed since the cessation of the previous nonconforming use, and further provided the replacement nonconforming use does not create new impacts or an increase in intensity of the land use.
6. Multi-tenant structures. A nonconforming use operating within a multi-tenant structure may be replaced by a conforming use, a nonconforming use that is the same as or similar to the previous nonconforming use within the tenant space, provided not more than 180 days has passed since the cessation of the previous nonconforming use, or by a nonconforming use that is the same as or similar to an existing nonconforming use within the structure, and further provided the replacement nonconforming use does not create new impacts or an increase in intensity of the land use.

- B. **Nonconforming structures.**

1. Alteration. Nonconforming structures shall not be altered so as to increase the difference between the existing conditions and the development standards specified in the regulations for the zone in which the structure is located.
2. Moving or enlargement. Nonconforming structures shall not be moved or enlarged unless the new location or enlargement shall conform to the current development standards for the zone in which the structure is located.

3. Ordinary maintenance and repairs. Nonconforming structures may undergo ordinary maintenance and repairs.

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**9.16.050 Residential Exemptions**

An involuntarily damaged or destroyed nonconforming single- or multi-family dwelling unit may be reconstructed or replaced with a new structure with the same footprint (including preexisting nonconforming setbacks), height, and number of dwelling units, in compliance with current Building and Fire Code requirements.

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**9.16.060 Loss of Nonconforming Status****A. Termination by discontinuance.**

1. Nonconforming use. If a nonconforming use is discontinued for a continuous period of 180 or more consecutive calendar days, the use shall lose its legal nonconforming status, and the continued use of the property shall be required to be in compliance with the applicable provisions of this Development Code.
2. Affordable rental housing units. None of the restrictions specified in this Subsection shall apply if doing so would decrease the number of low-income rental housing units available in the City.

**B. Termination by destruction.** Nonconforming status shall terminate if a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed as a result of an accident or by earthquake, fire, flood, or other act of nature; except as provided by Section 9.16.050 (Residential Exemptions), above, and except as follows.

1. 50 percent or less. If the cost of repairing or replacing the damaged portion of the structure is 50 percent or less of the appraised value of the structure immediately before the damage, the structure may be restored to no more than the same size and use, and the use continued, if the restoration is started within one year of the date of damage and be completed within two years following initiation of restoration.
2. Exceeds 50 percent.
  - a. If the cost of repairing or replacing the damaged portion of the structure exceeds 50 percent of the appraised value of the structure immediately before the damage, or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full compliance with the applicable regulations for the zone in which it is located and the nonconforming use shall not be resumed.
  - b. This limitation shall not apply if doing so would decrease the number of affordable rental housing units available in this City.
3. Appraised and estimated values.
  - a. All appraised values referred to in this Section shall be determined by a State licensed appraiser and confirmed by the Building Official.

- b. Estimates of repairing or replacing the damaged portion of the structure for purposes of this Section shall be made by or shall be reviewed and approved by the Building Official and shall be based on the minimum cost of construction in compliance with the Building Code.

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**9.16.070 Nonconforming Parcels**

- A. **Legal building site.** A nonconforming parcel that does not comply with the applicable area, depth, or width, requirements of this Development Code shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director by evidence furnished by the applicant.
  - 1. Approved subdivision. The parcel was created by a recorded subdivision as a legal building site;
  - 2. Individual parcel legally created by deed. The parcel is under one ownership and was legally created by a recorded deed as a legal building site before the effective date of the amendment that made the parcel nonconforming; or
  - 3. Partial government acquisition. The parcel was created in compliance with the provisions of this Development Code, 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.
- B. **Subdivision of a nonconforming parcel.** No subdivision or lot line adjustment shall be approved that would result in the nonconformity of an existing parcel or any nonconforming use on the parcel.

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**9.16.080 Effect of Conditional/Zoning Use Permit Requirements**

- A. **Absence of Conditional/Zoning Use Permit.** A use lawfully existing without the approval of a Conditional Use Permit or Zoning Use Permit that would be required by this Development Code shall be deemed conforming only to the extent of its previous lawful use (e.g., maintaining the same site area boundaries, hours of operation, etc.). Any change in use would require the approval of a Conditional Use Permit or Zoning Use Permit
- B. **Previous Conditional/Zoning Use Permit in effect.** A use that was authorized by a Conditional Use Permit or Zoning Use Permit but is not allowed by this Development Code in its current location may continue, but only in compliance with the original Conditional Use Permit or Zoning Use Permit conditions of approval.

## Chapter 9.17 Public Hearings

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### Sections:

9.17.010	Purpose
9.17.020	Notice of Hearing
9.17.030	Scheduling of Hearing
9.17.040	Hearing Procedure
9.17.050	Recommendation by Commission
9.17.060	Decision and Notice
9.17.070	Effective Date of Decision

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### 9.17.010 Purpose

This Chapter provides procedures for public hearings required by this Development Code. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this Chapter.

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### 9.17.020 Notice of Hearing

When this Development Code requires a noticed public hearing before a decision on a permit, or for another matter, the public shall be provided notice of the hearing in compliance with Government Code Sections 65090, 65091, 65094, and Public Resources Code 21000 et seq., and as required by this Chapter.

- A. **Content of notice.** Notice of a public hearing shall include all of the following information, as applicable.
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's right to appear and be heard); and the phone number, street address, and website 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.
  3. Statement on environmental document. If a proposed Negative Declaration, Mitigated Negative Declaration, or final Environmental Impact Report has been prepared for the project in compliance with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, the hearing notice shall include a statement that the review authority will also consider approval of the proposed CEQA determination.
- B. **Method of notice distribution.** Notice of a public hearing required by this Chapter for a planning permit, amendment, appeal, or other approval shall be given as follows, as required by Government Code Sections 65090 and 65091.
1. Mailing. Notices shall be mailed or delivered at least 10 days before the scheduled hearing to the following:

- a. Project site owner(s) and the applicant. The owner(s) of the property being considered in the application or the owners' authorized agent, and the applicant.
  - b. Local agencies. Each local agency expected to provide roads, schools, sewage, streets, water, or other essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be significantly affected.
  - c. Affected owners.
    - (1) All owners of real property, as shown on the latest adopted tax roll of the County, located within a radius of a minimum of 300 feet of the exterior boundaries of the parcel that is the subject of the hearing.
    - (2) The Director shall have the authority to extend the radius specified in Subparagraph (1), above, at the Director's sole discretion.
  - d. Persons requesting notice. Any person who has filed a written request for notice with the Director, and has paid the required fee for the notice.
  - e. Other person(s). Any other person(s), whose property might, in the judgment of the Director, be affected by the proposed project.
2. Alternative to mailing. If the number of property owners to whom notice would be mailed in compliance with Subparagraph B.1, above is more than 1,000, the Director may choose to provide the alternative notice allowed by Government Code Section 65091(a)(3).
  3. Publication and posting. Either one of the following, publication or posting, shall be required for all applications requiring public notice:
    - a. Publication required. Notice shall be published at least once in a newspaper of general circulation in the City at least 10 days before the scheduled hearing; or
    - b. Posting required. Notice shall be posted at least 10 days before the scheduled hearing in at least three public places within the City, including one on the project site.
    - c. When required by the Director. When required by the Director, the project site shall be posted in compliance with the following courtesy notice provisions:
      - (1) Process for posting courtesy notices.
        - (a) Once an application has been scheduled for hearing, the applicant will receive a letter from the Department specifying that courtesy notice shall be posted. Included in this letter will be the Department's courtesy notice original to use as an example.
    - d. On sites less than one acre, a four-square-foot sign not to exceed six feet in height is required.
      - (1) On sites one acre or larger, a 32-square-foot sign not to exceed eight feet in height is required.
      - (2) For South Livermore Valley Specific Plan (SLVSP) projects the sign text shall include the total number of acres planted or preserved as part of the project.
      - (3) If the project is approved, the sign shall be amended to include anticipated construction dates.
        - (a) The applicant will be required to post the courtesy notice on the project site a minimum of 10 days before the scheduled hearing.



- (b) Upon posting of the courtesy notice, the applicant will be required to complete the "Certificate of Posting" and return it to the Department at least three days before the scheduled hearing.
- (c) The courtesy notice shall remain posted until all hearings have taken place. This may include Commission and/or Council hearings.
- (d) Following final City action on the project, the applicant is responsible for removing all courtesy notices from the project site within 10 days.
- (4) Placement of courtesy notice. Courtesy notices shall be placed on the project site within 25 feet from the primary street frontage of the project site and properly maintained.
- (5) Installation of courtesy notice. The courtesy notice shall be staked at between a height of four feet and seven feet above grade and shall not be attached to fences, telephone poles, or trees.
- 4. Additional notice. In addition to the types of notice required above, the Director may provide any additional notice with content or using a distribution method (e.g., posting on the City's website) as the Director determines is necessary or desirable.
- 5. Failure of receipt of notice. Failure of property owners to receive notice of a hearing shall in no way affect the validity of action taken, as required by Government Code Section 65093.

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**9.17.030 Scheduling of Hearing**

After the completion of any environmental document required by the California Environmental Quality Act (CEQA), the City's CEQA Guidelines, and a Department staff report, a matter requiring a public hearing shall be scheduled on an agenda (Director, Historic Preservation Commission, Commission, or Council, as applicable) reserved for public hearings, but no sooner than any minimum time period established by State law.

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**9.17.040 Hearing Procedure**

- A. **Time and place of hearing.** A hearing shall be held at the date, time, and place for which notice was given.
- B. **Continued hearing.** Any hearing may be continued from time to time without further notice; provided, the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
- C. **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 have been prepared.

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**9.17.050 Recommendation by Commission**

After a public hearing on a proposed Development Agreement or amendment, a Specific Plan or amendment, or an amendment to this Development Code, the General Plan, or the Zoning Map, the recommendation and findings of the Commission shall be forwarded to the Council.

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**9.17.060 Decision and Notice****A. Decision.**

1. The review authority may 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 9.17.040 (Hearing Procedure), above.
2. Prior to making a decision, the Director may instead refer the matter to the Historic Preservation Commission, or the Commission for review and final decision.
3. The decision of the Council on any matter shall be final and conclusive.

**B. Notice of decision.**

1. Provision of notice. Following the final decision on an application for a permit or other approval required by this Development Code, the City shall provide notice of its final action 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 procedure for appeal.

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**9.17.070 Effective Date of Decision****A. Director's, Historic Preservation Commission's, or Commission's decision.**

The decision of the Director, Historic Preservation Commission, or Commission is final and effective after 5:00 p.m. on the 15th day following the actual date the decision is rendered, when no appeal to the decision has been filed in compliance with Chapter 9.15 (Appeals).

**B. Council's decision.**

1. Adoption of ordinance. Council's action to adopt or amend a Development Agreement, a Specific Plan (adopted by ordinance), this Development Code, or the Zone Map shall become effective on the 30th day following the date the ordinance is actually adopted by the Council.
2. Adoption of resolution. Council's action to grant a permit or other approval or adopt or amend the General Plan or a Specific Plan (adopted by resolution) is final and shall become effective on the actual date the decision is rendered by the Council.

## Chapter 9.18 Permit Modifications and Revocations

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### Sections:

9.18.010	Purpose
9.18.020	Modifications
9.18.030	Revocations
9.18.040	Hearing and Notice Required
9.18.050	Findings to Modify or Revoke

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### 9.18.010 Purpose

This Chapter provides procedures for securing punitive modification or revocation of previously approved permits or approvals.

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### 9.18.020 Modifications

The City's action to modify a permit or approval, instead of revocation, may include conditioning any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit or approval is operated in a manner consistent with the original findings for approval.

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### 9.18.030 Revocations

The City's action to revoke a permit or approval, instead of modification, shall have the effect of terminating the permit or approval and denying the privileges granted by the original approval.

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### 9.18.040 Hearing and Notice Required

#### A. Hearing required.

1. The appropriate review authority shall hold a public hearing to modify or revoke a permit or approval granted in compliance with the provisions of this Development Code.
2. The hearing shall be noticed and conducted in compliance with Chapter 9.17 (Public Hearings).

#### B. Notice.

1. Ten days before the public hearing, notice shall be mailed or delivered to the applicant for the permit or approval being considered for modification or revocation, and/or owner of the property for which the permit or approval was granted.
2. The only exception to the 10-day notice provision shall be for Temporary Use Permits which, because of their short term nature, shall only require a 24-hour

notice.

3. Notice shall be deemed delivered two days after being mailed, certified and first class, through the United States Postal Service, postage paid, to the owner as shown on the County's current equalized assessment roll and to the project applicant, if not the owner of the subject property.

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#### 9.18.050 Findings to Modify or Revoke

- A. **Permits.** A Conditional Use Permit or other City planning permit or approval (except a Variance, see Subsection B., below) may be modified or revoked by the review authority (e.g., Director, Commission, or Council) that originally approved the permit, if the review authority first makes any one of the following findings:
  1. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and welfare require the modification or revocation;
  2. The permit or other approval was granted, in whole or in part, on the basis of a fraud, misrepresentation, or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;
  3. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated;
  4. The approved use or structure, except those approved under a Conditional Use Permit and Zoning Use Permit, has not been implemented within two years of the date of approval;
  5. The approved use or structure has ceased to exist or has been suspended for a period in excess of 12 months;
  6. An improvement authorized in compliance with the permit or approval is in violation of any applicable code, law, ordinance, regulation, or statute; or
  7. The improvement/use allowed by the permit or approval has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance.
- B. **Variances.** A Variance (major or minor) may be modified or revoked by the review authority which originally approved the Variance, if the review authority first makes any one of the following findings, in addition to any one of the findings specified in Subsection A, above:
  1. Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance; or
  2. One or more of the conditions of the Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance.

## Chapter 9.19 Interpretation

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### Sections:

- 9.19.010 Purpose
- 9.19.020 Effect on Previously Issued Permits
- 9.19.030 Existing Agreements, Covenants, or Easements

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#### **9.19.010 Purpose**

The purpose of this Chapter is to provide clarity regarding this Development Code and any other agreements, covenants, deed restrictions, easements, ordinances, regulations, or other rules affecting the use of real property.

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#### **9.19.020 Effect on Previously Issued Permits**

Nothing contained in this Development Code shall be deemed to require any change in the plans, construction, or designated use of any structure for which a Building Permit has been properly issued, in compliance with the provisions of ordinances then effective, and upon which actual construction has been started before the effective date of the ordinance codified in this Chapter, or pertinent amendments thereto; provided, that in all cases actual construction shall be diligently carried on until completion of the structure.

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#### **9.19.030 Existing Agreements, Covenants, or Easements**

This Development Code is not intended to interfere with, abrogate, or annul any covenants, deed restrictions, easements, or other agreements between parties; except, that where this Development Code imposes a greater restriction upon the use of structures or premises or upon the height of structures, or requires larger open spaces than are imposed by the other agreements, covenants, deed restrictions, easements, ordinances, regulations, or other rules, the provisions of this Development Code shall control.



## Chapter 9.20 Enforcement

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### Sections:

9.20.010	Purpose
9.20.020	Permits and Approvals
9.20.030	Enforcement Responsibility
9.20.040	Inspections
9.20.050	Initial Enforcement Action
9.20.060	Recording Notice of Violation
9.20.070	Violations
9.20.080	Legal Remedies
9.20.090	Remedies are Cumulative
9.20.100	Recovery of Costs
9.20.110	Additional Permit Fees
9.20.120	Reinspection Fees

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### 9.20.010 Purpose

This Chapter establishes provisions that are intended to ensure compliance with Livermore Municipal Code Section 1.24 (Compliance Orders), as well as the requirements of this Development Code and any conditions of planning permit approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City.

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### 9.20.020 Permits and Approvals

All departments, officials, and public employees of the City who are assigned the authority or duty to issue certificates, licenses, or permits shall comply with the provisions of this Development Code.

- A. **Permits in conflict with Development Code.** Certificates, licenses, or permits for uses or structures that would be in conflict with the provisions of this Development Code shall not be issued.
- B. **Permits deemed void.** Any certificate, license, or permit issued in conflict with the provisions of this Development Code shall be void and of no effect.

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### 9.20.030 Enforcement Responsibility

#### A. Responsibility of Director.

- 1. The Director shall exercise the authority provided in California Penal Code Section 836.5, and issue Notices of Violation, stop work orders, and citations for any violations of this Development Code pertaining to the use of any land, and the addition, alteration, construction, conversion, erection, installation, moving, reconstruction, or use of any structure.
- 2. Wherever the term Director is used in this Chapter, it shall be understood to mean the Director, or the designee(s) of the Director.

- B. **Responsibility of Police Chief and City Attorney.** The Police Chief and City Attorney shall render any and all necessary assistance to the Director for the enforcement of this Development Code.

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9.20.040**Inspections**

- A. **Pre-approval inspections.** Every applicant seeking a permit or any other approval in compliance with this Development Code shall allow the City officials handling the application access to any premises or property that is the subject of the application.
- B. **Post approval inspections.** If the permit or other approval is approved in compliance with this Development Code, the owner or applicant shall allow appropriate City officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.
- C. **Failure to allow inspections.** Failure to allow access for any inspection or reinspection may result in the denial, revocation, or voiding of the permit or approval, as applicable to the status of the permit or approval.

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9.20.050**Initial Enforcement Action**

This Section describes the procedures for initiating enforcement action in cases where the Director has determined that real property within the City is being used, maintained, or allowed to exist in violation of the provisions of this Development Code. It is the objective of these provisions to encourage the voluntary cooperation of responsible parties in the prompt correction of violations, so that the other enforcement measures provided by this Chapter may be avoided.

- A. **Notice to responsible parties.** The Director shall provide the record owner of the subject site and any person in possession or control of the site with a written Courtesy Notice of Violation, which shall include the following information:
1. A legal description of the property where the violation exists including street address and/or Assessor's Parcel Number;
  2. A description of each violation and citations of applicable Development Code provisions being violated and required corrective action(s);
  3. A compliance date for correcting the violation(s) in compliance with Subsection B., below;
  4. A statement that the City will seek full reimbursement from the property owner for all administrative costs associated with the abatement of the violation(s) in compliance with Section 9.20.100 (Recovery of Costs), and/or initiate legal action as described in Section 9.20.080 (Legal Remedies); and
  5. A statement that the property owner or any person in possession or control of the site may appeal the Courtesy Notice of Violation in compliance with Chapter 9.15 (Appeals)
- B. **Time limit for correction.**
1. The Courtesy Notice of Violation shall state that the violation(s) shall be corrected within 30 days from the date of the notice to avoid further enforcement action by the City, unless the responsible party contacts the Director within that time to arrange for a longer period for correction.



2. The 30-day time limit may be extended by the Director upon a showing of good cause.
  3. The Director may also require through the Courtesy Notice of Violation that the correction occur within less than 30 days if it is determined that the violation(s) constitutes a hazard to public health or safety.
- C. **Use of other enforcement procedures.** The enforcement procedures of Section 9.20.080 (Legal Remedies) may be employed by the Director after or instead of the provisions of this Section where the Director determines that this Section would be ineffective in securing the correction of the violation(s) within a reasonable time.

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**9.20.060 Recording Notice of Violation**

- A. **Record notice with County Recorder's Office.** If property in the City exists in violation of this Development Code and the owner fails or refuses to correct the violation, the City may record a Notice of Violation against the affected property in the County Recorder's Office.
- B. **City actions before recordation.** Before recording a Notice of Violation, the City shall do all of the following:
1. Mailing of notice.
    - a. The Director shall send a written Notice of Violation to the current owner(s) and any mortgage holder(s) that a violation(s) exists and request that the owner(s) correct the violation within a specified, reasonable period of time.
    - b. The Director may, in the Director's discretion, send more than one Notice of Violation and conduct an informal show cause hearing to discuss the violation with the owner(s).
    - c. All notices of violation and hearing notices shall be posted on the violating property.
  2. Failure to correct violation.
    - a. If the owner fails or refuses to correct the violation(s) within the specified time, the Director shall mail to the current owner(s) by regular first class and by certified mail a Notice of Intention to record a Notice of Violation, describing the real property in detail, naming the owner(s), describing the violation in detail (including relevant Municipal Code sections), and stating that an opportunity will be given to the owner(s) to present evidence.
    - b. The notice shall specify a time, date, and place for a Commission hearing or nuisance abatement hearing at which the owner may present evidence to the Commission why the Notice of Violation should not be recorded.
    - c. The Commission hearing shall take place no sooner than 30 days and no later than 60 days following the date of mailing and/or posting of the Notice of Violation.
  3. Commission's actions.
    - a. The Commission shall hear the matter on the date scheduled.
    - b. If, after the owner(s) and the City staff have presented evidence, the Commission determines that there is no violation, the Director shall mail a clearance letter to the current owner.

- c. If the owner(s) fails to appear, or the Commission determines that there is a violation(s), the Commission may, by resolution, direct the Director to record the Notice of Violation with the County Recorder.
4. Constructive notice. The Notice of Violation, when recorded, shall be deemed to be constructive notice of the violation(s) to all successors-in-interest in the property, under California Civil Code Sections 1213 and 1215.
5. Release or cancellation of Notice of Violation. If the owner corrects the violation(s) or the property otherwise becomes conforming after the Notice of Violation has been recorded, and the owner has notified the City in writing and consented to an inspection to confirm the correction, the Director shall record a release or cancellation of the Notice of Violation.

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## 9.20.070 Violations

### A. Violations of this Development Code.

1. Violation and Public Nuisance. Any use of land or structures operated or maintained contrary to the provisions of this Development Code and any structure constructed or maintained contrary to the provisions of this Development Code are hereby declared to be a violation of this Development Code and a public nuisance.
2. Violation of any Required Condition. The violation of any required condition imposed on a permit or approval shall constitute a violation of this Development Code and may constitute grounds for modification or revocation of the permit in compliance with Chapter 9.18 (Permit Modifications and Revocations).
3. Violation of Affordable Housing Restrictions of Section 10.06.050.
  - a. It is unlawful, a public nuisance, and a misdemeanor for a person to sell or rent an affordable unit at a price or rent exceeding the maximum allowed in Section 10.06.050 (Affordable Housing) or to a household not qualified under that Section.
  - b. A person who violates the affordable housing restrictions is subject to a \$750.00 fine for each month from the date of original noncompliance with Section 10.06.-050 (Affordable Housing).
  - c. The City Attorney's office or the County District Attorney, as appropriate, is authorized to abate violations of Section 10.06.050 (Affordable Housing) and to enforce the provisions of that Section and all implementing regulatory agreements and resale controls placed on affordable units, by civil action, injunctive relief, and/or any other method permitted by law.
4. Efforts shall be made to Correct. All efforts shall be made to correct any conflicts with an issued certificate, license, or permit if deemed appropriate by the Director.

### B. Public nuisance. Upon verification by the Director, any use or structure that is altered, constructed, converted, demolished, enlarged, established, erected, maintained, moved, or operated contrary to the provisions of this Development Code or any applicable condition of approval imposed on a permit or approval, is hereby declared to be unlawful and a public nuisance, and shall be subject to the fines, penalties, and remedies specified in Municipal Code Chapters 1.16 (General Penalty) and 1.20 (Administrative Citations), Chapter 9.21 (Penalties), and this Chapter.

### C. Infractions. Any responsible person, whether an agent, principal, or otherwise, violating or causing the violation of any provision(s) of the Municipal Code, this Development

Code, or any permit or approval issued in compliance with this Development Code, may, at the discretion of the City Attorney, be prosecuted as infraction, unless the violation is specifically identified as a misdemeanor in the Municipal Code, and upon conviction thereof, shall be punishable by the applicable fine(s) specified in Municipal Code Chapter 1.16 (General Penalty) and Chapter 9.21 (Penalties).

**D. Citations.**

1. Any responsible person violating or causing the violation of any provision(s) of the Municipal Code, this Development Code, or any permit or approval issued in compliance with this Development Code may be issued an administrative citation by a Director.
2. The responsible person shall be liable for and shall remit payment of any fine(s) assessed in connection with an administrative citation in compliance with Municipal Code Chapter 1.20 (Administrative Citations) and Chapter 9.21 (Penalties).
3. Any person who is subject to an administrative citation may appeal the citation to the Hearing Officer in compliance with Municipal Code Chapters 1.20 (Administrative Citations) and 8.14 (Public Nuisances).
4. Failure to appeal the administrative citation within 30 days of issuance shall result in the appellant/responsible person exhausting all administrative remedies.

**E. Continuing violation.**

1. Any violator shall be guilty of a separate offense for each and every day during any portion of which any violation(s) of this Development Code or any applicable condition of approval imposed on a permit or approval is committed, continued, or allowed to continue and the violator shall be punished accordingly.
2. A new violation committed within 12 months of the original violation shall constitute a continuing violation.

**F. Stop Work Order or other similar notice.**

1. Any construction verified in violation of this Development Code or any conditions imposed on a permit or approval shall be subject to the issuance of a "Stop Work Order" or other similar notice issued by the City.
2. Any verified violation of a Stop Work Order or other similar notice shall constitute a misdemeanor and a public nuisance, and shall be subject to the fines, penalties, and remedies specified in Municipal Code Chapter 1.16 (General Penalty), Chapter 9.21 (Penalties), and this Chapter.

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**9.20.080 Legal Remedies**

The City may choose to undertake any one or all of the following legal actions to correct and/or abate any nuisances or violation(s) of this Development Code.

**A. Civil actions.**

1. Injunction. The City Attorney may apply to the Court for injunctive relief to terminate a violation(s) of this Development Code.
2. Abatement proceedings. Where any person fails to abate a violation(s) after being provided a Notice of Violation in compliance with Subsection 9.20.050 A. (Notice to responsible parties), above, and the opportunity to correct or end the violation(s), the City Attorney shall apply to the Court for an order authorizing the City to

undertake actions necessary to abate the violation(s) and require the violator to pay for the cost of the actions.

3. Nuisance abatement. The City may pursue any remedies or enforcement action(s) for the abatement of a nuisance, in compliance with Municipal Code Section 1.16.030 (Public nuisance).

**B. Civil penalties and remedies.**

1. Civil penalties. Any person, who willfully violates the provisions of this Development Code, or any permit or approval issued in compliance with this Development Code, shall be liable for a civil penalty in compliance with the Administrative Citation Fee Schedule, specified in Municipal Code Chapter 1.20 (Administrative Citations), for each day that a violation(s) continues to exist.
2. Costs and damages. Any person violating any provisions of this Development Code, or any permit or approval issued in compliance with this Development Code, shall be liable to the City for the costs incurred and the damages suffered by the City, its agents, and agencies as a direct result of the violation(s).
3. Procedure. In determining the amount of the civil penalty to impose, the Court should consider all relevant circumstances, including the extent of the harm caused by the conduct constituting a violation(s), the nature and persistence of the conduct, the length of time over which the conduct occurred, the assets, liabilities, and net worth of the defendant, whether corporate or individual, and any corrective action taken by the defendant.

**C. Criminal actions and penalties.** See Section 9.20.070 (Violations), above.

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**9.20.090 Remedies are Cumulative**

- A. **Cumulative, not exclusive.** All remedies contained in this Development Code for the handling of violations or enforcement of the provisions of this Development Code shall be cumulative and not exclusive of any other applicable provisions of City, County, or State law.
- B. **Other remedies.** Should a person be found guilty and convicted of an infraction or misdemeanor for the violation of any provision(s) of this Development Code, or any permit or approval issued in compliance with this Development Code, the conviction shall not prevent the City from pursuing any other available remedy to correct the violation(s).

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**9.20.100 Recovery of Costs**

This Section establishes procedures for the recovery of administrative costs, including staff and City Attorney time expended on the enforcement of the provisions of this Development Code in cases where no permit is required in order to correct a violation. The intent of this Section is to recover City administrative costs reasonably related to enforcement in compliance with Code of Civil Procedure Section 1033.5 and this Section.

**A. Record of costs.**

1. The Department shall maintain records of all administrative costs incurred by responsible City departments associated with the processing of violations and enforcement of this Development Code, and shall recover the costs from the

property owner in compliance with this Section.

2. Staff and City Attorney time shall be calculated at an hourly rate as established and revised from time to time by the Council.

**B. Notice.**

1. Upon investigation and a determination that a violation(s) of any of the provisions of this Development Code, or any condition(s) imposed on a permit or approval is found to exist, the Director shall notify the owner of record or any person having possession or control of the property by mail, of the existence of the violation(s), the Department's intent to seek full reimbursement from the property owner for all administrative costs associated with enforcement, and of the owner's right to a hearing on any objections they may have.
2. The notice shall be in a form approved by the City Attorney and posted on the property where the violation is located.

**C. Summary of costs and notice.**

1. At the conclusion of the case, the Director shall send a summary of costs associated with enforcement action (including any delinquent citation fees) to the owner and/or person having possession or control of the property by certified and first class mail.
2. The summary shall include a notice in a form approved by the City Attorney, advising the responsible party of their right to request a hearing on the charges for City cost recovery within 10 days of the date of the notice, and that if no request for hearing is filed, the responsible party will be liable for the charges.
3. In the event that no request for hearing is timely filed or, after a hearing the Director affirms the validity of the costs, the property owner or person in control shall be liable to the City in the amount stated in the summary or any lesser amount as determined by the Director.
4. The costs shall be recoverable in a civil action in the name of the City, in any court of competent jurisdiction, or by tax assessment or a lien on the property in compliance with Government Code Section 54988, at the City's election.
5. The obligation to pay any unpaid costs shall be made a personal obligation of the property owner.
6. The obligation may be recovered against the property owner through a civil action initiated by the City or its authorized collection agent, or in any other manner provided for by law.
7. The City shall be entitled to recover all costs related to the civil action, including the City Attorney's fees.

**D. Attorney's fees.**

1. In any action or administrative proceeding to abate a nuisance, the prevailing party in the action or proceeding shall be entitled to recover reasonable attorney's fees; however, the amount of attorney's fees awarded to a prevailing party shall not exceed the amount of attorney's fees incurred by the City in the action or proceeding.
2. An award of attorney's fees in compliance with this Section shall only be allowed where the City elects, at the initiation of the action or proceeding, to seek recovery of its own attorney's fees.

- E. Request for hearing on costs.** Any property owner, or other person having possession or control of the subject property, who receives a summary of costs shall

have the right to a hearing before the Director on their objections to the proposed costs.

1. A request for hearing shall be filed with the Department within 10 days of the service by mail of the Director's summary of costs, on a form provided by the Department.
2. Within 30 days of the filing of the request, and on 10 days written notice to the owner, the Director shall hold a hearing on the owner's objections, and determine their validity.
3. In determining the validity of the costs, the Director shall consider whether total costs are reasonable in the circumstances of the case. Factors to be considered include:
  - a. Whether the present owner created the violation(s);
  - b. Whether there is a present ability to correct the violation(s);
  - c. Whether the owner moved promptly to correct the violation(s); and
  - d. The degree of cooperation provided by the owner.
4. The Director's decision shall be appealable directly to the Council as provided by Chapter 9.15 (Appeals).

**9.20.110****Additional Permit Fees**

Any person who establishes a land use, in conflict with the established or approved use for a property, or alters, constructs, demolishes, enlarges, erects, maintains, or moves any structure without first obtaining any permit or approval required by this Development Code, shall pay the additional permit processing fees established by the Planning Fee Schedule for the correction of the violations, before being granted a permit for a use or structure on the site.

**9.20.120****Reinspection Fees****A. Amount and applicability of reinspection fees.**

1. A reinspection fee shall be imposed on each person who receives a Notice of Violation, notice and order, or letter of correction of any provision of this Development Code, any permit or approval issued in compliance with this Development Code, the Municipal Code, adopted Building Code, or State law.
  - a. The fee amount shall be established by the Planning Fee Schedule.
  - b. The fee may be assessed for each inspection or reinspection conducted when the particular violation for which an inspection or reinspection is scheduled is not fully abated or corrected as directed by, and within the time and manner specified in, the notice or letter.
2. The fee shall not apply to the original inspection to document the violation(s) and shall not apply to the first scheduled compliance inspection made after the issuance of a notice or letter, if the correction(s) has been made.

**B. Continuation of the original case.**

1. If a notice or letter has been previously issued for the same violation and the property has been in compliance with the provisions of this Development Code

or the Municipal Code for less than 180 days, the violation shall be deemed a continuation of the original case, and all inspections or reinspections, including the first inspection for the repeated offense, shall be charged a reinspection fee.

2. This fee is intended to compensate for administrative costs for unnecessary City inspections, and is not a penalty for violating this Development Code or the Municipal Code.
3. Any reinspection fees imposed shall be separate and apart from any fines or penalties imposed for violation of this Development Code in compliance with Municipal Code Chapters 1.16 (General Penalty) and 1.20 (Administrative Citations), Chapter 9.21 (Penalties), or costs incurred by the City for the abatement of a public nuisance, in compliance with Municipal Code Section 1.16.030 (Public nuisance).





## Chapter 9.21 Penalties

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### Sections:

- 9.21.010 Purpose
- 9.21.020 Violations – Infractions and Misdemeanors

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#### **9.21.010 Purpose**

The purpose of this Chapter is to provide penalties for infractions and misdemeanors related to violations of this Development Code.

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#### **9.21.020 Violations – Infractions and Misdemeanors**

##### **A. Infractions.**

1. Guilty of an infraction. Any corporation, firm, or person, whether as principal agent, employee or otherwise, violating or causing the violation of any of the provisions of this Development Code shall be guilty of an infraction, unless otherwise specifically stated.
2. Penalties for infractions. Penalties for infractions shall be as specified in Government Code Section 36900 and Municipal Code Chapter 1.16 (General Penalty).

##### **B. Misdemeanors.**

1. Guilty of a misdemeanor. Notwithstanding the above, any violation occurring after a third infraction citation has been issued shall be considered as a misdemeanor.
2. Penalties for misdemeanors. Penalties for misdemeanors shall be as specified in Penal Code Section 19 and Municipal Code Chapter 1.16 (General Penalty).



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# Chapter 10.01 General Provisions

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### 10.01.010 Title

- A. **Subdivision Regulations.** The provisions contained in this Part shall be referred to as Development Code Part 10 also known as “the City’s subdivision regulations” (Sections 66410 et seq.).
- B. **Government Code References.** References throughout this Part are to the California Government Code, unless stated otherwise.

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### 10.01.020 Purpose and Intent

- A. **Purpose.** The purpose of this Part is to:
  - 1. Regulate and control the division of land within the City and the form and content of all required maps, and the procedure to be followed in securing the official approval of the City regarding the maps;
  - 2. Implement the General Plan and any applicable specific plan;
  - 3. Preserve the public health, safety, and general welfare; and
  - 4. Allow for orderly development of the community.
- B. **Intent.**
  - 1. Supplement and Implement the Act. The provisions of this Part are intended to supplement, implement, and work with the State Subdivision Map Act, referred to in this Part as the Act, as specified in Government Code Sections 66410 et seq., for the purpose of regulating the design and improvement of divisions of land within the City, and as those sections may be replaced or amended from time to time.
  - 2. Used in Conjunction with the Act. This Part is not intended to replace the Act, but is expected to be used in conjunction with the Act in the preparation of subdivision applications, and the review, approval, and improvement of proposed subdivisions.

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**10.01.030 Authority**

This Part is adopted in compliance with the Act as a “local ordinance,” as the term is used in the Act. All provisions of the Act and future amendments to the Act not incorporated into this Part shall, nevertheless, apply to all subdivision maps and proceedings under this Part.

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**10.01.040 Applicability****A. Applicability of Part.**

1. No person shall divide any real property for the purpose of sale, lease, or financing except in compliance with the provisions of this Part and/or the Act, Government Code Sections 66410 et seq.
2. This Part shall apply to all divisions of land, except those exceptions granted by the Act and specified in Subsection C. (Exceptions), below.
3. In the event of divisions of land which are not subject to this Part and/or the Act, a certificate of compliance shall be issued on a form prescribed by the Director.

**B. Subdivision approval required.** Each division of land within the City shall be authorized through the approval of a map or other entitlement in compliance with this Part.

**C. Exceptions.** This Part shall not apply to the following:

1. The financing or leasing of apartments, offices, stores, or similar spaces within apartment, commercial, or industrial structures, mobile home parks, or trailer parks (Section 66412(a));
2. Gas, mineral, or oil leases (Section 66412 (b));
3. Land dedicated for cemetery purposes in compliance with the Health and Safety Code (Section 66412(c));
4. Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party (Section 66412(e));
5. Any separate assessment in compliance with State Revenue and Taxation Code Section 2188.7 (Section 66412(f));
6. The conversion of a community apartment project or a stock cooperative to a condominium. However, the conversion is subject to the requirements of Government Code Sections 66412(g) and 66412(h);
7. The leasing of or the granting of an easement to a parcel of land or any portion(s) of the land, in conjunction with the erection, financing, and sale or lease of a wind-powered electrical generation device on the land, if the project is subject to discretionary action by the City (Section 66412(i));
8. The financing or leasing of any parcel of land, or any portion of the land, in conjunction with the construction of commercial or industrial structures on a single parcel, unless the project is not subject to review under other City ordinances regulating design and improvements (Section 66412.1(a));
9. The financing or leasing of existing separate commercial or industrial structures on a single parcel (Section 66412.1(b));



10. The construction, financing, or leasing of a second dwelling unit under Government Code Sections 65852.1 and 65852.2, but this Development Code shall apply to the sale or ownership transfer of the second dwelling unit (Section 66412.2);
11. Leasing of agricultural land for agricultural purposes (e.g., the cultivation of food or fiber, and grazing or pasturing of livestock) (Section 66412(k));
12. Subdivisions of four parcels or less for the construction of removable commercial structures having a floor area of less than 100 square feet (Section 66412.5);
13. The subdivision of a portion of the operating right-of-way of a railroad corporation (defined in Public Utilities Code Section 230) which is created by a short-term lease (terminable by either party on not more than 30 days notice in writing) (Section 66428);
14. Land conveyed to or from a governmental agency, public entity, public utility, or land conveyed to a subsidiary of a public utility for right-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. "Land conveyed to or from a governmental agency" includes a fee interest, a leasehold interest, an easement, or a license (Sections 66428 and 66426.5); and
15. The leasing or licensing of a portion of a parcel, or the granting of an easement, Use Permit, or similar right to a telephone corporation exclusively for the placement and operation of cellular radio transmission facilities, if the action is subject to discretionary action by the City (Section 66412(j)).

**D. Exception for lot line adjustments.** This Chapter does not apply to a lot line adjustment; provided (Section 66412(d)):

1. No additional parcels are created, and the adjustment is limited to four or fewer existing adjoining parcels;
2. The resulting parcels comply with this Development Code, Municipal Code Title 15 (Buildings and Construction), and the General Plan. A plot plan is required to determine compliance with these requirements;
3. The resulting parcels do not interfere with existing easements, infrastructure, or utilities;
4. All real property taxes have been prepaid;
5. The adjustment is approved by the Department in compliance with Section 10.04.030 (Lot Line Adjustments);
6. The owner prepares a deed and plat map. However, if a record of survey is required under Business and Professions Code Section 8762, the owner shall prepare a record of survey; and
7. The City approves a certificate of compliance, deed description and plat map, or record of survey and the County Recorder records these documents.

**E. Exception for waiver of tentative parcel maps.**

1. The Director may waive the requirements for a tentative parcel map for only the following types of land divisions (Section 66428):
  - a. A division of real property or interests in real property created by eminent domain procedures, partition, probate, or other civil judgments or decrees;
  - b. A division of property resulting from conveyance of land or interest in land to or from the City, public entity, or public utility for a public purpose (e.g., public building sites, school sites, or rights-of-way or easements for drainage, sewers,

streets, utilities, etc.) “Land conveyed to or from a governmental agency” includes a fee interest, a leasehold interest, an easement, or a license;

- c. A division of property which has been merged in compliance with Section 10.04.040 (Parcel Mergers), the Act, or any prior City ordinance; and
  - d. Any other division of property which would otherwise require a parcel map.
2. A person requesting a parcel map waiver shall comply with the requirements specified in the City’s Development Plan Check and Procedures Manual and parcel map waiver checklist. To waive the tentative parcel map requirements, the Director, in consultation with the City Engineer, shall first find that the proposed division of land complies with requirements as to:
    - a. Area;
    - b. The City’s standard engineering specifications and standard details for improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection;
    - c. Other requirements of the Act and this Development Code; and
    - d. The City’s Development Plan Check and Procedures Manual.
  3. A waiver of the tentative parcel map requirement may be conditioned to require payment by the subdivider of drainage, park land dedication, and other fees by a method approved by the City Engineer.
  4. Whenever a tentative parcel map is waived under this Section, a parcel map shall be submitted to and approved by the City Engineer and Director. The City Clerk shall transmit the map to the County Recorder. If the County Recorder rejects that map for filing, the City shall rescind its approval of the map in compliance with Government Code Section 66466.

**F. Consistency.**

1. No land may be subdivided or developed for a purpose which is inconsistent with the General Plan, any applicable specific plan, this Development Code, or other applicable provisions of the LMC (Section 66474).
2. The type and intensity of land use as shown on the General Plan and any applicable specific plan shall determine, together with the requirements of this Development Code, the type of highways, roads, streets, utilities, and other public services that shall be provided by the subdivider.
3. The City may not approve a subdivision of land unless the subdivider establishes that the subdivision and construction of improvements will be appropriately timed and phased so that the development will be supported by adequate public facilities and services, and that appropriate measures can be taken to mitigate the adverse environmental impacts. Adequacy of public facilities and services shall be determined in compliance with:
  - a. The planned long-term buildout of the community as provided in capital improvements programs in which facilities are actually available or funded; and
  - b. The General Plan elements in effect at the time of considering the application.

**G. Conflicts with the Act.** In the event of any conflicts between the provisions of this Part and the Act, the Act shall control.

**10.01.050     Advisory Agency**

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**A. Advisory agency.**

1. The designated advisory agencies specified in this Section shall have the duty of making investigations and reports on the design and improvement of proposed applications for the division of real property and imposing requirements and conditions thereon, and shall have the authority to act upon the applications as specified below.
2. The Commission, acting in its capacity as advisory agency, shall have the authority granted to it by the Council as specified in Table 10.1 (Subdivision Review Authorities), below.
3. Notwithstanding the provisions of this Section, any application filed in compliance with this Part that has an associated permit application made in compliance with the provisions of this Development Code, and is subject to action by the Commission or Council, the application shall be subject to those same review and hearing requirements required for the associated permit application, in compliance with Table 9.2 (Review Authority).

**Table 10.1 Subdivision Review Authorities**

Type of Decision	Applicable Division or Section	Role of Review Authority <sup>1</sup>			
		Director	City Engineer	Commission	Council <sup>2</sup>
Amendments to Approved Tentative and Tentative Parcel Maps and Conditions	10.02.120	Decision		Decision/ Appeal	Appeal
Amendments to Recorded Maps	10.03.070		Decision	Appeal	Decision/ Appeal
Certificates of Compliance	10.04.020	Decision		Appeal	Appeal
Condominiums (with Final Maps)					
Non-Residential Condominiums	10.07	Recommend		Recommend	Decision
Residential Condominiums	10.08	Recommend		Recommend	Decision
Condominium Conversions					
Non-Residential Condominium Conversions	10.09	Recommend		Recommend	Decision
Residential Condominium Conversions	10.10	Recommend		Recommend	Decision
Extensions of Time – Tentative and Tentative Parcel Maps	10.02.110	Decision		Decision/ Appeal	Appeal
Final Maps	10.03				Decision
Improvement Agreements	10.05.070		Decision		Appeal
Lot Line Adjustments	10.04.030		Decision	Appeal	Appeal
Parcel Mergers	10.04.040		Decision	Appeal	Appeal
Reversion to Acreage Maps	10.04.050		Decision	Appeal	Appeal
Subdivision Improvement Plans	10.05.040		Decision	Appeal	Appeal
Tentative Maps, Vesting Tentative Maps	10.02	Recommend		Recommend	Decision
Tentative Parcel Maps	10.02	Recommend		Decision	Appeal
Wavier of Parcel Maps	10.03.020		Decision	Appeal	Appeal

<sup>1</sup> “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 9.15 (Appeals).

<sup>2</sup> Decisions of the Council may not be appealed.

### **B. Appeal boards.**

1. The Commission shall be the Review Authority for any appeal of a decision of the City Engineer or Director.
2. The Council shall be the Review Authority for any appeal of a decision of the Commission.

### **C. City Engineer.**

1. The responsibilities of the City Engineer include the following:
  - a. Establishing design and construction details, standards, and specifications for approval by the Council;

- b. Determining if proposed subdivision improvements comply with the Act and this Part;
  - c. Examining and certifying that final and parcel maps are in substantial compliance with the approved tentative map; and the processing and certification of final and parcel maps, reversion to acreage maps and amended maps, and the processing and approval of subdivision improvement plans;
  - d. Inspection and approval of subdivision improvements;
  - e. Review and approval of grant deeds for subdivision dedications which are outside a subdivision boundary;
  - f. Collection of plan check, inspection, and development fees;
  - g. Approving improvement agreements;
  - h. Processing and approval, of waiver of tentative parcel maps, lot line adjustments, and mergers;
  - i. Collection of all required application fees and deposits; and
  - j. Determining violations of the Act or this Part.
2. When necessary to carry out these responsibilities, the City Engineer may designate and authorize a representative to act on the City Engineer's behalf (Sections 66416.5, 66431).

**D. Director.**

1. The responsibilities of the Director include the following:
- a. Certificate of compliances;
  - b. Processing of tentative maps;
  - c. Determining whether a proposed subdivision conforms to the General Plan, any applicable specific plans, and this Development Code;
  - d. Making recommendations to the Commission for approval, conditional approval, or denial of a tentative map application (including recommendations of other departments and agencies);
  - e. Sending proper notice of proceedings in compliance with this Part;
  - f. Certifying, as Secretary of the Commission, that the Commission has approved, conditionally approved, or denied the tentative map;
  - g. Scheduling, as Secretary of the Commission, any appeal of a decision on a lot line adjustment merger, parcel map, or reversion to acreage;
  - h. Conducting environmental analyses related to proposed applications in compliance with the California Environmental Quality Act (CEQA) specified in Public Resources Code Section 21000 et seq.; and
  - i. Approving or denying an application for extensions of an approved tentative map as specified in Section 10.02.110 (Tentative Map Expiration and Extensions). (Sections 66415, 66452.6(e), 66474.7).
2. When necessary to carry out these responsibilities, the Director may designate and authorize a representative to act on the Director's behalf.

- E. **Commission.** The Commission is designated as the advisory agency regarding subdivisions under the Act. It has the powers and duties provided in the Act and this Part including the following:
1. Making investigations and reports on the design and improvement of proposed subdivisions and either imposing requirements and conditions on the subdivisions approved by the Commission or recommending requirements and conditions on the subdivisions to be considered by the Council;
  2. For subdivisions of five or more parcels, making recommendations to the Council for approval, conditional approval, or denial of applications for tentative maps;
  3. For subdivisions of four or fewer parcels, approving, conditionally approving or denying applications for tentative maps;
  4. Acting as the appeal board for decisions of the City Engineer or Director; and
  5. Approving or denying an application for extensions of an approved tentative map as specified in Section 10.02.110 (Tentative Map Expiration and Extensions) (Sections 66415, 66452.6(e), 66474.7).
- F. **Council.** The Council has the powers and duties provided by law and this Part, including the following:
1. Approving final maps;
  2. Accepting land or improvements which are proposed for dedication;
  3. Acting as the appeal board for hearing appeals of Commission actions, including actions on tentative maps;
  4. For subdivisions of five or more parcels, approving, conditionally approving or denying applications for tentative maps; and
  5. Establishing processing fees necessary to implement the provisions of this Part.
- G. **City Attorney.** The City Attorney's responsibilities include reviewing and approving as to form all subdivision improvement agreements and security liability agreements and insurance, and the governing documents for a community apartment project, condominium, stock cooperative, or conversion.

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#### 10.01.060 Type of Subdivision Approval Required

- A. **Compliance required.** Any subdivision of an existing parcel into two or more parcels shall require approval by the City in compliance with this Part.
1. In general, the procedure for subdivision first requires the approval of a tentative map, and then the approval of a parcel map (for a subdivision that results in four or fewer parcels) or a final map (for a subdivision that results in five or more parcels) to complete the subdivision process.
  2. The City's review of a tentative map evaluates the compliance of the proposed subdivision with applicable City standards, and the appropriateness of the proposed subdivision design.
  3. Parcel and final maps are precise surveying documents that detail the location and dimensions of all parcel boundaries in an approved subdivision and, after approval, are recorded in the office of the County Recorder.

**B. Summary of types of maps.****1. Tentative and Final maps – Major Subdivisions.**

- a. A tentative map (Chapter 10.02) shall be required for a major subdivision, that is, a division of land proposed to be divided into five or more parcels as determined by the Director (Section 66426).
- b. A final map (Chapter 10.03) shall be required for a subdivision of five or more parcels, except a subdivision that is otherwise required to have a final parcel map by Government Code Section 66426.
- c. However, a tentative map and a parcel map (but not a final map) are required for a major subdivision where:
  - (1) The land before division contains fewer than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the Council; or
  - (2) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway; or
  - (3) The land consists of a parcel(s) of land having approved access to a public street or highway which comprises part of a tract of land zoned for commercial or industrial development and which has the approval of the Council as to street alignments and widths; or
  - (4) Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section; or
  - (5) The property owner proposes to adjust the boundaries of five or more existing, adjoining parcels if: no additional parcels are created; the resulting parcels conform to this Development Code, LMC Title 15 (Buildings and Construction), and the General Plan; the resulting parcels do not interfere with existing easements, infrastructure, or utilities; and all real property taxes have been prepaid.

**2. Tentative and Parcel maps – Minor Subdivisions. A tentative map and parcel map are required for major subdivisions listed in Subparagraph B. 1, above and all minor subdivisions, except that maps are not required for:**

- a. The subdivision of a portion of the operating right-of-way of a railroad corporation, defined by State Public Utilities Code Section 230, which is created by a short-term lease terminable by either party on not more than 30 days' notice in writing (Section 66428);
- b. Land conveyed to or from a governmental agency, public entity, or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to the public utility for right-of-way, unless a showing is made by the Director in individual cases, upon substantial evidence, that public policy necessitates a parcel map. "Land conveyed to or from a governmental agency" includes a fee interest, a leasehold interest, an easement, or a license (Sections 66428, 66426.5);
- c. A lot line adjustment approved in compliance with Section 10.04.030 (Section 66412(d));
- d. A tentative parcel map waived in compliance with Section 10.03.020 (Section 66428); and
- e. Land dedicated for cemetery purposes in compliance with the Health and Safety Code.

3. Vesting Tentative maps.
  - a. Whenever this Part requires the filing of a tentative map, the subdivider may file a vesting tentative map instead.
  - b. The procedures for and rights of a vesting tentative map are specified in Section 10.02.100 (Sections 66424.5, 66452).
4. Exemptions from subdivision approval requirements. The types of subdivisions specified by Government Code Sections 66411, 66412, 66412.1, 66412.2, and 66426.5, or other applicable Act provisions as not being subject to the requirements of the Act, and/or not being considered to be divisions of land for the purposes of the Act, shall be exempt from the subdivision approval requirements of this Part.

**C. Designated remainder.**

1. A subdivider of unimproved land may designate as a remainder that portion which is not divided for the purpose of sale, lease, or financing. The designated remainder shall not be counted as a parcel for the purpose of determining whether a parcel map or final map is required (Sections 66424.6, 66434(e)).
2. For a designated remainder parcel, the fulfillment of construction requirements for improvements is not required until:
  - a. A permit or other grant of approval for development of the remainder parcel is issued by the City;
  - b. The construction of the improvements is required under an agreement between the subdivider and the City; or
  - c. The City makes a finding that fulfillment of the construction requirements is necessary for reasons of:
    - (1) The public health and safety; or
    - (2) The required construction is a necessary prerequisite to the orderly development of the surrounding area (Section 66424.6(a)(2)).
3. When fulfillment of the construction requirements is to be delayed, the subdivider shall record a declaration of restrictions approved by the City Attorney, or an agreement with the City, stating:
  - a. What the required improvements are; and
  - b. That the subdivider or a successor owner is required to complete them all before the City will grant a permit or other approval for development.
4. If a designated remainder is subsequently sold, the subdivider or the owner shall obtain a Certificate of Compliance or Conditional Certificate of Compliance in compliance with Section 10.04.020 (Sections 66424.6(d), 66499.34, 66499.35).

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**10.01.070 Enforcement of Subdivision Regulations**

**A. Prohibition.**

1. Sale, Lease, or Financing.
  - a. No person shall sell, lease, or finance a parcel of real property or begin construction of a structure for sale, lease or financing on the parcel (except for model homes) or allow occupancy of the structure, for which a final or parcel map is required by the Act or this Part, until the map complies with the Act and



this Part and is recorded with the County Recorder (Section 66499.30).

- b. This Section does not prohibit an offer or contract to sell, lease, or finance real property or to construct improvements where the sale, lease, or financing or the beginning of construction is expressly conditioned upon the approval and filing of a final map or parcel map.
2. Conveyance of real property. The conveyance of part of a division of real property for which a final or parcel map is required shall not be made by parcel or block number, letter, or other designation until the map is recorded with the County Recorder.
3. Exemption. This Section does not apply to a parcel of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this Part, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

**B. Penalty for violation.**

1. Applicability of Imprisonment and/or Fine. A violation of this Part by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation is punishable by imprisonment in the County jail not exceeding one year or in the State prison, by a fine not exceeding \$10,000.00, or by both that fine and imprisonment.
2. Misdemeanors. Every other violation of this Part is a misdemeanor (Section 66499.31).
3. Remedies.
  - a. Conveyance voidable.
    - (1) When voidable. A deed of conveyance, sale, or contract to sell real property which has been divided or which results from a division in violation of the Act or this Part is voidable at the sole option of the grantee, buyer, or person contracting to purchase, or the heirs, personal representative, or trustee in insolvency or bankruptcy within 12 months after the date of discovery of the violation.
    - (2) When binding. However, the deed of conveyance, sale, or contract to sell is binding upon a successor(s)-in-interest of the grantee, buyer, or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or their assignee, heir, or devisee (Section 66499.32).
  - b. Other legal action.
    - (1) This Part does not bar any legal, equitable, or summary remedy to which the City or other public agency, or any person may otherwise be entitled.
    - (2) The City or other public agency or person may file a suit in the superior court to restrain or enjoin an attempted or proposed subdivision or sale, lease, or financing in violation of the Act or this Part (Section 66499.33).
  - c. Denial of permits and approvals.
    - (1) The City shall not issue a permit or grant any approval necessary to develop real property which has been divided or which has resulted from a division in violation of the Act or this Part if the City first finds that development of the property is contrary to the public health or safety.
    - (2) The authority to deny or approve a permit applies whether the applicant

was the owner of record at the time of the violation or whether the applicant is either the current owner of record or a vendee of the current owner with, or without, actual or constructive knowledge of the violation at the time of the acquisition of an interest in the property (Section 66499.34).

- d. Permit or approval subject to conditions.
  - (1) If the City issues a permit or grants approval for the development of any real property illegally subdivided, the City may impose those additional conditions which would have been applicable to the division of the property at the time the current owner of record acquired the property.
  - (2) If the property has the same owner of record as at the time of the initial violation, the City may impose conditions applicable to a current division of the property.
  - (3) If a conditional certificate of compliance has been filed for record in compliance with Section 10.04.020 (Certificate of Compliance), below, only the conditions stipulated in that certificate are applicable (Section 66499.34).

**C. Notice of violation.**

- 1. Notice of intention to record notice of violation.
  - a. If it is determined that real property has been divided in violation of the Act or this Part, the Director shall mail by certified mail to the then current owner a notice of intention to record a notice of violation.
  - b. The notice shall describe the property in detail, name the owner(s), describe the violation, why the subject parcel is not lawful under Government Code Section 66412.6(a) or (b) and state that the owner will be given the opportunity to present evidence.
  - c. The notice shall specify the date, time, and place for a Commission meeting at which the owner(s) may present evidence to the City why a notice of violation should not be recorded (Section 66499.36).
- 2. Commission meeting. The Commission meeting shall be held no sooner than 30 days and no later than 60 days from that date of mailing of the notice of intention to record a notice of violation.
- 3. Clearance if no violation. If, after the owner has presented evidence, the Commission determines that there has been no violation, the Director shall mail a clearance letter to the then current owner(s) of record.
- 4. Recording notice of violation. The City shall record the notice of violation with the County Recorder if:
  - a. Within 15 days of receipt of the notice, the owner(s) fails to file with the Department a written objection to recording the notice of violation; or
  - b. After the owner(s) has presented evidence, the Commission determines that the property has in fact been illegally divided.
- 5. Effect of recording. The notice of violation, when recorded, is constructive notice of the violation to all successors-in-interest in the subject property.

**D. Judicial review.**

- 1. Action to annual, attack, review, set aside, or void a decision.
  - a. An action or proceeding to annual, attack, review, set aside, or void a decision of the City made in compliance with this Part shall be commenced and served on

the City within 90 days after the date of the decision.

- b. After 90 days, all persons are barred from any of the actions specified in Subparagraph D.1, above (Section 66499.37).
2. Limitation of issues. The issues raised in an action may be limited to those raised in the public hearing or in written correspondence presented before or at the hearing (Section 65009).

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#### 10.01.080 Applications Deemed Approved

- A. **Subdivisions deemed approved by law.** A subdivision application deemed approved in compliance with Government Code Sections 65956 or 66452.1, 66452.2 or 66542.4, shall be subject to all applicable provisions of this Development Code, and any conditions imposed by the Review Authority, which shall be satisfied by the subdivider before a Building Permit is issued.
- B. **Subject to mandatory requirements.** Final maps filed for recordation after their tentative maps and tentative parcel maps are deemed approved shall remain subject to all of the mandatory requirements of this Part and the Act, including Government Code Sections 66473, 66473.5, and 66474.

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#### 10.01.090 Processing Fees

The Council, by resolution, shall set reasonable fees in connection with this Part, including but not limited to fees for processing tentative, final, and parcel maps; fees for giving notice of public hearings; fees for copying and distributing written reports on tentative maps; and fees for processing lot line adjustments, mergers, and reversions to acreage. This schedule of fees shall be referred to in this Development Code as the Planning Fee Schedule.

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#### 10.01.100 Exceptions to Subdivision Standards

- A. **Exceptions to standards.** An exception to a provision of Chapter 10.05 (Subdivision Design and Improvement Requirements) may be requested by a subdivider in compliance with Chapter 9.10 (Variances and Minor Variances).
- B. **Not used to waive act.** An exception shall not be used to waive or modify a provision of the Act, or a provision of this Part that is duplicated or paraphrased from the Act.



## Chapter 10.02 Tentative Map and Vesting Tentative Map Filing and Processing

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### Sections:

10.02.010	Purpose
10.02.020	Tentative Map Preparation, Application Contents
10.02.030	Tentative Map Filing, Initial Processing
10.02.040	Application Evaluation
10.02.050	Tentative Map Public Hearing and Action
10.02.060	Tentative Map Approval or Denial
10.02.070	Conditions of Approval
10.02.080	Effective Date of Tentative Map Approval
10.02.090	Completion of Subdivision Process
10.02.100	Vesting on Approval of Vesting Tentative Map
10.02.110	Tentative Map Expiration and Extensions
10.02.120	Amendments to Approved Tentative Maps or Conditions

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### 10.02.010 Purpose

This Chapter establishes requirements for the preparation, filing, approval or denial of tentative maps, consistent with the requirements of the Act.

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### 10.02.020 Tentative Map Preparation, Application Contents

#### A. When required.

1. A tentative map shall be submitted for a subdivision for which a parcel map or final map is required by Government Code Sections 66410 et seq.
2. The requirements specified in this Chapter shall apply to all applications for tentative parcel and final maps.

#### B. Application and filing fees required.

1. An application shall be filed on forms provided by the Department.
2. The application shall be accepted for filing only upon payment by the applicant of a filing and processing fee in compliance with the Planning Fee Schedule.
3. An applicant may, in writing, withdraw the application at any time during the processing of the application.
4. In compliance with adopted City policy, any refund of any of the filing and processing fees paid in connection with the application may only occur on a pro-rated basis in compliance with Section 9.01.050 (Application Fees).
5. Within 30 days of receiving an application and the application filing fee, the Director shall inform the applicant in writing whether the application is deemed complete for the purpose of complying with Government Code Chapter 4.5 and Section 9.01.070 (Initial Review of Application).

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**10.02.030 Tentative Map Filing, Initial Processing**

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**A. General.**

1. Form, Contents, Submittal and Approval Procedures. This Chapter governs the form, contents, submittal and approval procedures and requirements for submittal of tentative and vesting tentative maps.
2. Same for Major and Minor Subdivisions. The same tentative map requirements and procedures apply both to major subdivisions (five or more parcels) and minor subdivisions (four or fewer parcels), except where stated otherwise.
3. Subdivision of Unincorporated Territory. A subdivider may file with the City a tentative map of a proposed subdivision of unincorporated territory adjacent to the City in compliance with Government Code Section 66454.
4. Submission of Tentative Maps.
  - a. Submission of a tentative map shall not constitute filing with the City until all attachments and required statements, instructions, environmental forms and clearances, and a completed application form with appropriate fees are deposited with the Department and a written receipt is provided to the applicant. Included with the application shall be a signed statement indicating whether the project site is located on a site included on any of the local lists prepared by the California Integrated Waste Management Board in compliance with Government Code Sections 65962.5(d) and (f).
  - b. For tentative maps proposing the subdivision of real property for the purposes of residential development of five or more dwelling units, the applicant shall also provide architectural renderings of the units as specified on applicable application forms.
  - c. The subdivider shall file with the Department the number of tentative maps the Director shall deem necessary, together with evidence as to the ownership of the land proposed to be divided.
  - d. Failure to submit all materials and statements required by this Section shall constitute grounds for rejection of the application.

**B. Form and contents.**

1. The tentative map shall be prepared in a manner acceptable to the Director and shall be prepared by a registered civil engineer or licensed land surveyor.
2. The tentative map shall be clearly and legibly drawn and in compliance with the City's Development Plan Check and Procedures Manual.
3. The map shall be drawn to an engineer's scale, large enough to show all information clearly, but no less than one inch equals 100 feet.
4. The map shall contain not less than the following:
  - a. A title including the subdivision number obtained from the County Recorder, and type of subdivision;
  - b. Name and address of the legal owner, subdivider, and person preparing the map, including registration or license number;
  - c. Sufficient legal description to define the boundary of the proposed subdivision; names and locations of streets adjacent to the proposed subdivision shall be indicated;

- d. The numbers of adjacent subdivisions and the names of the owners of adjacent properties;
- e. Boundary lines of the City, school district, and other taxing districts when within or contiguous to the subdivision;
- f. Date of map preparation and map revision, if the map is revised after the initial submittal to the City, north arrow, and scale;
- g. A vicinity map showing streets, adjoining subdivisions, shopping centers, schools, and other data sufficient to locate the proposed subdivision and show its relation to the community;
- h. Existing topography of the proposed site and at least 100 feet beyond its boundary, and proposed changes in topography.
  - (1) The contours of the land shall be shown at intervals of not more than one foot for ground slopes between level and five percent, and not more than five feet for ground slopes in excess of five percent.
  - (2) Elevations shall be according to U.S. Geodetic Survey datum, commonly termed mean sea level;
- i. Existing improvements to be shown include, but are not limited to:
  - (1) Type, circumference, and dripline of all existing trees; other significant vegetation with a trunk diameter of four inches or more, measured 24 inches above existing grade. Any trees or other significant vegetation proposed to be removed shall be so indicated;
  - (2) The location and outline of existing structures to scale identified by type. Structures to be removed shall be so indicated;
  - (3) Existing culverts, drainage channels, irrigation ditches, springs, and wells, and the approximate location of all areas subject to inundation or stormwater overflow, and the location, width, and direction of flow of each watercourse;
  - (4) The location, pavement and right-of-way width, typical section, grade and name of existing streets, highways, and driveways within and/or contiguous to the proposed subdivision;
  - (5) The widths, location, and identity of all existing easements; and
  - (6) The location and size of existing fire hydrants, sanitary sewers, storm drains, and water mains within and/or contiguous to the proposed subdivision.
    - (a) The approximate slope of existing sewers and storm drains shall be indicated.
    - (b) The location of existing overhead and underground utility lines and poles within and/or contiguous to the proposed subdivision shall be indicated;
- j. Proposed improvements to be shown include, but are not limited to:
  - (1) The location, arc length, centerline radius, and grade of curves, pavement, and rights-of-way width of all streets.
    - (a) Typical sections of all streets shall be shown, including pavement widths, curbs, gutters, sidewalks, medians, and slopes of cuts and fills.
    - (b) Proposed private streets shall be clearly indicated;
  - (2) The location and radius of all curb returns and cul-de-sacs;

- (3) The location, width, and purpose of all easements;
  - (4) The angle of intersecting streets, if the angle deviates from a right angle by more than four degrees;
  - (5) Engineering plan and data showing the approximate finished grading of each parcel, the preliminary design of all grading, the elevation of proposed building pads, and the top and toe of all cut and fill slopes, to scale;
  - (6) Areas to be used for public purposes or facilities;
  - (7) Proposed recreation parks, sites, and trails for private or public use. If park dedication is proposed, the tentative map application is not complete unless accompanied by Livermore Area Recreation and Park District's written comments on the proposed location;
  - (8) Proposed common areas and areas to be dedicated for public open space;
  - (9) The location and size of fire hydrants, sanitary sewers, storm drains, and water mains, including all necessary provisions for handling sewage, stormwater, and water supply. Proposed slopes, approximate elevation, direction of flow, and type of facilities for sanitary sewers, storm drains, and overland drainage releases shall be indicated; and
  - (10) A planting plan for erosion control, slopes, street trees, other landscaping, and fencing;
- k. Parcel numbers beginning with the numeral "1" and continuing consecutively throughout the subdivision;
  - l. The name(s) of any engineering geologist or soil engineer whose services were required in the preparation of the design of the tentative map;
  - m. The approximate parcel layout and dimensions of each parcel and each building site;
  - n. The approximate boundaries of areas subject to inundation or stormwater overflows, and the location, width, and direction of flow of all watercourses;
  - o. The size and parcel number of the smallest and largest parcels;
  - p. If the subdivider plans to develop the site in phases, the proposed phases and their proposed sequence of construction (Section 66456.1);
  - q. Proposed names for all streets;
  - r. Energy conservation information. The design of a subdivision for which a tentative map is required, excluding a conversion, shall provide, to the maximum extent feasible, for future passive or natural heating or cooling opportunities in the subdivision (Section 66473.1); and
  - s. The Director may waive any of the above tentative map requirements if the type of subdivision does not need to comply with these requirements or if other circumstances justify a waiver. The Director may require other data, drawings, or information as deemed necessary by the Director to accomplish the purposes of the Act and this Development Code.
- C. **Accompanying data and reports.** At the time of filing, a tentative map shall be accompanied by all of the following data and reports:
- I. A statement of present zoning and of existing and proposed uses of the property, and any proposed Zoning Map changes, whether immediate or future;



2. A description of the proposed subdivision, including the number of parcels, their average size, and nature of proposed development;
3. A description of bridges, fences, gates, landscaping, or other proposed improvements which may not be fully shown on the map;
4. A preliminary title report, not more than 180 days old and acceptable to the Director, showing the legal owner(s) at the time of filing the tentative map;
5. Soil and engineering geology reports as specified in Subsection D. (Preliminary Soil and Engineering Geology Reports), below;
6. A statement of the time when improvements are proposed to be completed;
7. Proposed tract or deed restrictions, if any;
8. Description, location, and existing elevation of an established City bench mark or other bench marks within the immediate vicinity;
9. Information required by the Director to allow a determination on environmental review to be made in compliance with the California Environmental Quality Act (CEQA);
10. A signed statement of compliance under Government Code Section 65962.5(f) indicating whether the proposed project is located on a hazardous waste and substance site as defined in that Section. See Subparagraph D. 5. (Hazardous Waste and Substances Statement), below (Section 65940);
11. For a vesting tentative map, the subdivider shall also submit all of the following information, unless a requirement is waived by the Director after consultation with the City Engineer (Section 66498.8):
  - a. The height, location, and size of structures, including elevations; and
  - b. Information on the uses to which the structures will be put.
12. Any other data or reports deemed necessary by the Director or the Commission in order to review the tentative map;
13. For major subdivisions, design review related materials as required by Chapter 9.07 (Site Plan and Design Review); and
14. Written verification from the applicable public water system or evidence of a written request to the applicable public water system, as required by Government Code Section 66473.7. This Subparagraph applies only to a residential subdivision of 500 units or more which is not within an urbanized area previously developed for urban uses and is not a housing project exclusively for very low and low-income households.

**D. Preliminary soil and engineering geology reports.**

- I. Preliminary soil report.
  - a. A preliminary soil engineering report, prepared by a soil engineer, based upon adequate test borings or excavations, shall be submitted with each application for a tentative map.
  - b. The report shall include any information appropriate for the site, including any information required by the City Engineer in compliance with Section 10.05.110 (Soils Reports), below (Sections 66490, 66491, Business and Professions Code Section 6736.1).

2. Preliminary engineering geology report.
  - a. A preliminary engineering geology report, prepared by an engineering geologist, shall be submitted with each application for a tentative map, unless waived by the City Engineer.
  - b. The report shall include any information appropriate for the site, including any information required by the City Engineer (Sections 66490, 66491).
3. Expanded investigation. If the preliminary soil report or the preliminary engineering geology report indicates, or the City Engineer has knowledge of, the presence of soil or geologic conditions which, if corrective measures are not taken, could lead to structural defects, then a soil or engineering geology investigation of each proposed parcel shall be submitted with the final map (Sections 66490, 66491).
4. Compliance required. A tentative map application is not considered as filed until the required preliminary reports have been submitted with the map (see Subsection 10.05.090 B. [Construction and Inspection]).
5. Hazardous Waste and Substances Statement.
  - a. Under Government Code Section 65962.5, the California Secretary for Environmental Protection is required to consolidate information regarding land where certain hazardous wastes or contaminants are present, and to distribute a list to each city and county in which sites on the list are located.
  - b. An applicant for any development project shall consult the list sent to the City and submit a signed statement to the City indicating whether the project and any alternatives are located on the list (Section 65940).

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**10.02.040      Application Evaluation****A. Review by Director.**

1. The application shall include a sufficient number of prints of the tentative map as required by the Director, together with the filing fee in compliance with the Planning Fee Schedule.
2. The Director, in consultation with the City Engineer, shall within 30 days after submittal of the application determine whether the application is complete in compliance with the requirements of this Part and the State Permit Streamlining Act (Sections 65943, 66452).

- B. Review by affected agencies.** Within five days after the application is accepted as complete, the Director shall forward copies of the tentative map to the affected public agencies and utilities which have 15 days to submit their findings and recommendations to the Director (see Subsection 10.02.050 C. [Review by Other Agencies]) (Sections 66453, 66455, 66455.1, 66455.7).

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**10.02.050      Tentative Map Public Hearing and Action****A. Public hearings – when required.**

1. Commission and Council hearings.
  - a. The Commission and Council shall hold a public hearing on the tentative map for a major subdivision for which a final or parcel map will be filed.

- b. The Commission shall hold a public hearing on a tentative map for a minor subdivision for which a parcel map will be filed.
    2. If a decision regarding a minor subdivision is appealed from the Commission to the Council, the Council shall hold a public hearing.
  - B. **Public hearings – notice.** Unless otherwise specified in this Development Code, notice of a public hearing shall be given as specified in this Section (Sections 66451.3(a), 65090, 65091).
    1. When. Notice shall be given at least 10 days before the hearing.
    2. Contents.
      - a. The notice shall include the date, time, and place of the hearing, the identity of the hearing officer or body, a general explanation of the matter to be considered, and a general description by text or diagram of the location of the property.
      - b. The notice shall also include the following: “If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission or Council at, or before, the public hearing” (Sections 65094, 65009(b)(2)).
    3. Manner.
      - a. Notice shall be given in the manner required by Government Code Sections 65090 and 65091 which is summarized as follows:
        - (1) Publication once in a newspaper of general circulation;
        - (2) Mailing or delivery to the property owner and project applicant;
        - (3) Mailing or delivery to each local agency expected to provide roads, schools, sewage, streets, water, or other essential facilities or services to the proposed project; and
        - (4) Mailing or delivery to all owners of real property located within 300 feet of the exterior boundaries of the subject property. If the number of owners exceeds 1,000, the City may instead publish notice of at least one-eighth page in a newspaper of general circulation.
      - b. In addition, the City may give notice in any other manner it deems necessary or desirable.
      - c. If the proposed project is a conversion of residential real property to a condominium, community apartment, or stock cooperative, notice shall be given to each tenant of the property (Sections 66451.3, 66452.5(e)).
    4. Continued hearings. A public hearing may be continued from time to time and, if continued to a specific date, time and place, no new notice is required (Section 65095).
    5. Appeal or request for modification. If a decision under this Development Code is appealed or if a subdivider requests a change in a condition of approval either before or after a final or parcel map is filed, notice of the appeal or request shall be given in compliance with Chapter 9.17 (Public Hearings).
    6. Staff reports. A report of recommendation on a tentative map by the Director shall be in writing and provided to the subdivider and to each tenant in the case of a proposed condominium, community apartment project, or stock cooperative, at least three days before any hearing or action (Section 66452.3).

7. **Costs.** The subdivider is responsible for the costs incurred in giving proper notice (Sections 66451.3(c), 66452.3).
8. **Substantial compliance.**
  - a. Substantial compliance with these notice requirements is sufficient.
  - b. A technical failure to comply shall not affect the validity of any action taken in compliance with the procedures specified in this Section (Section 65093).

**C. Review by other agencies.**

1. **Agency located within three miles.**
  - a. A local agency with service boundaries located within three miles of a proposed subdivision may make recommendations to the City regarding a tentative map if it does so within 15 days after the notice and map are mailed by the City.
  - b. A local agency which desires to make recommendations shall file with the City a written request and map indicating the territory in which it wishes to make recommendations (Sections 66453, 66455.1).
2. **State Department of Transportation.** The State Department of Transportation may make recommendations regarding a tentative map if the proposed subdivision is located within one mile of a State highway routing and if the recommendations are submitted to the City within 15 days after the notice and map are mailed by the City (Sections 66413.7, 66455).
3. **School districts.** Within five days after the application for a tentative map is accepted as complete, the Director shall send a notice of the filing to the governing board of any affected school district.
  - a. The notice shall contain information about the location, number of units, density, and other relevant information.
  - b. Within 15 working days after the notice was mailed, the board may submit to the City a report and recommendation regarding the proposed subdivision and its impact on the school district.
  - c. Failure of the school district to respond within the 15-working-day period is considered a recommendation for approval (Section 66455.7).
  - d. If the proposal shows an area for a public school site, the City shall notify the State Department of Education.
  - e. The notice shall include the identification of an existing or proposed runway within a distance specified by Education Code Section 17215 (Section 66455.9).
4. **Water supplier.** Within five days after a tentative map application is accepted as complete, the Director shall send a copy of the application to the City's Water Resources Department (Section 66455.3).

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**10.02.060 Tentative Map Approval or Denial**

- A. **Findings required.** In order to approve or recommend the approval of a parcel map or tentative map and conditions of approval, or to deny a parcel map or tentative map, the Review Authority, as designated in Table 10.1, (Designated Review Authorities), shall first make the findings specified in Subsection C. (Commission and Council Review and Determination), below.

- B. Applicable ordinances, policies, and standards.** In determining whether to approve a parcel map or tentative map, the City shall apply only the ordinances, policies, and standards in effect on the date the Department determined that the application was complete in compliance with Section 10.02.030 (Tentative Map Filing, Initial Processing), except where the City has initiated General Plan, specific plan, or Development Code changes, and provided public notice as required by Government Code Section 66474.2.
- C. Commission and Council review and determination.**
1. Notice of public hearings.
    - a. The Director shall set a date for a public hearing before the Commission and/or Council, as applicable, provide notice as required by Chapter 9.17 (Public Hearings), and prepare a report with recommendations.
    - b. The Director shall send a copy of the report to the subdivider at least three days before the public hearing (Section 66452.3).
  2. Commission and Council actions.
    - a. For subdivisions of four or fewer parcels, the Commission shall approve, conditionally approve, or deny the tentative map in compliance with Government Code Sections 66451 and 66452 (Sections 66452.1(b), (c), 65952.1).
    - b. For subdivisions of five or more parcels, the Commission shall make its recommendation to the Council and the Council shall approve, conditionally approve, or deny the tentative map in compliance with Government Code Sections 66451 and 66452 (Sections 66452.1(a), (c), 66452.2).
    - c. The time periods specified in Government Code Sections 66451 and 66452 begin after certification of the Environmental Impact Report, adoption of a Negative Declaration or Mitigated Negative Declaration, or a determination that the project is exempt from the requirements of the California Environmental Quality Act (Section 66452.1(c)).
    - d. If no action is taken within the time periods specified in Government Code Sections 66451 and 66452, or an extension is mutually approved in compliance with Chapter 9.18 (Public Hearings), the tentative map is deemed approved insofar as it complies with the General Plan, any applicable specific plan, this Development Code, including City-approved policies, standards, and requirements, and the Act (Section 66452.4).
  3. Findings for approval.
    - a. The Commission or Council may approve or conditionally approve a tentative map only if it finds all of the following (Sections 66473.5, 66474):
      - (1) The proposed map is consistent with the General Plan and any applicable specific plan, any policy or guideline implementing the General Plan (including the City's Design Standards and Guidelines), or other applicable provisions of this Development Code;
      - (2) The site is physically suitable for the proposed type of development;
      - (3) The site is physically suitable for the proposed density of development;
      - (4) The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the Commission or Council may approve a tentative map if an Environmental Impact Report was prepared with respect to the project and a statement of overriding

considerations was made to the effect that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report;

- (5) The design of the subdivision or the type of improvements will not cause serious public health problems;
  - (6) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision (The Commission or Council may approve a tentative map if it finds that alternative easements for access will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This Subparagraph shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is hereby granted to the Commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.); and
  - (7) Any proposed phases and their proposed sequence of construction are identified on the submitted tentative map. The City may impose reasonable conditions relating to the filing of multiple final maps in conjunction with the approval of the tentative map (Section 66456.1).
- b. The Commission or Council may modify or delete a condition of approval recommended in the Director's report, except a condition required by the LMC. The Commission or Council may add additional requirements as a condition of its approval (Section 66474.10).
  - c. If the subdivision proposes 500 dwelling units or more and is not within an urbanized area previously developed for urban uses and is not a housing project exclusively for very low and low-income households, the Commission or Council shall include as a condition the requirement that a sufficient water supply shall be available, as required by Government Code Section 66473.7.
  - d. The Commission or Council may require that the subdivider defend, indemnify, and hold harmless the City, its agents, officers, and employees from any action, claim, or proceedings against the City to attack the approval of a subdivision in compliance with Government Code Section 66474.9.

#### **D. Standards in effect.**

- 1. In determining whether to approve or deny a tentative map application, the City shall apply only those ordinances, policies, and standards in effect at the time the application was accepted as complete.
- 2. The City may apply ordinances, policies, and standards adopted later if:
  - a. The subdivider requests changes in connection with the same development project, and they are approved; or
  - b. The City had formally initiated proceedings to amend the General Plan or specific plan, or this Development Code and published notice of the proposed change before the application was accepted as complete (Section 66474.2).

#### **E. Appeals.**

- 1. Appeal review authorities.
  - a. A decision by the Director or a City staff member under this Development Code may be appealed to the Commission.

- b. A decision by the Commission under this Development Code may be appealed to the Council.
- 2. Appeals filed by the subdivider or other person(s).
  - a. The subdivider or other person may file an appeal of a decision of the City Engineer, Director, or any other city administration official to the Commission by filing with the Secretary of the Commission on a form prescribed by the City within 10 days following the date the action is taken in compliance with Government Code Sections 66452.5.
  - b. The subdivider or other person may file an appeal of a decision of the Commission to the Council by filing with the City Clerk on a form prescribed by the City within 10 days following the date the action is taken in compliance with Government Code Sections 66452.5.
  - c. The appeal shall be filed and processed in compliance with Chapter 9.15 (Appeals).
- 3. The hearing on the appeal shall be held by the Commission or the Council, whichever has jurisdiction, within 30 days of the filing of the notice of appeal, and notice of the hearing shall be given in compliance with Chapter 9.17 (Public Hearings).
- 4. The appeal body shall make its decision on the appeal in writing within 10 days after the hearing is concluded (Section 66452.5).
- F. **Review authority's action is conclusive.** In the absence of a timely filed written appeal, the decision of the Review Authority shall be final and conclusive.
- G. **Form of approved tentative map.** Within 90 days after approval of the tentative map, the subdivider shall submit a revised map to the Director which conforms to any changes required by the conditions of approval.

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## 10.02.070 Conditions of Approval

Along with the approval of a parcel map or tentative map, the Review Authority may adopt any conditions of approval deemed reasonable and necessary to carry out the purposes of this Development Code, including conditions regarding the matters described in Subsection A., below; provided, that all conditions shall be consistent with the requirements of the Act.

### A. Dedications and improvements.

- 1. As a condition of approval of a map of five or more parcels, the City may require dedications and improvements as necessary to ensure that the parcels to be created:
  - a. Are provided with adequate public services and utilities, including any appropriate cable television services, to meet the needs of future residents or users;
  - b. Are of adequate design in all respects in compliance with this Development Code;
  - c. Act to mitigate any potential environmental impacts specified in the Environmental Impact Report (EIR) or by other means; and
  - d. Provide for proper grading and erosion control, including the prevention of sedimentation or damage to off-site property.
- 2. All improvements shall comply with adopted City standards.

**B. Access.**

1. Except as provided below, parcels created by a subdivision of land shall abut upon a recorded dedicated public right-of-way of a width as established by the City's General Plan Circulation Element and City Standard Details, or shall be ensured of access to the City road system by an approved access which connects a parcel(s) to a maintained public street or State highway.
2. Private road easements may be approved for access to each parcel if it is determined that public street access cannot be provided due to certain title limitations or topographical conditions.
3. Road easements of record established before the effective date of this Part shall be recognized as legal access to each parcel of the proposed subdivision.
4. Existing traveled roads for which a court has determined that a prescriptive right by users exists for public use shall be recognized as legal access to each parcel of the proposed subdivision.

- C. Conditions modifying subdivision design - time for compliance.** When modifications in design require a change in the conditions of approval of a parcel map or tentative map, the subdivider shall, at least 30 days before the submission of a final map, submit the appropriate number of copies of the tentative map as modified to the Department for review for confirmation by the City Engineer.

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**10.02.080 Effective Date of Tentative Map Approval**

The approval of a tentative map shall become effective for the purposes of filing a parcel or final map, including compliance with the conditions of approval, on the 10<sup>th</sup> day following the date of decision by the Commission, if no appeal is filed in compliance with Chapter 9.16 (Appeals).

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**10.02.090 Completion of Subdivision Process**

- A. Effect of approval on prior approvals.** The approval or conditional approval by the Review Authority of any revised or new parcel map or tentative map shall annul all previous subdivision designs and approvals for the same site.
- B. Compliance with conditions, improvement plans.** After approval of a parcel map or tentative map in compliance with this Part, the subdivider shall proceed to fulfill the conditions of approval within any time limits specified by the conditions and the expiration of the map and, where applicable, shall prepare, file, and receive approval of improvement plans in compliance with Chapter 10.05 (Subdivision Design and Improvement Requirements), before constructing any required improvements.
- C. Parcel or final map preparation, filing, and recordation.**
1. A parcel map for a subdivision of four or fewer parcels shall be prepared, filed, processed, and recorded in compliance with Chapter 10.03 (Final Maps and Parcel Maps), to complete the subdivision, unless a parcel map has been waived in compliance with Section 10.03.020 (Waiver of Parcel Map).
  2. A final map for a subdivision of five or more parcels shall be prepared, filed, processed, and recorded in compliance with Chapter 10.03 (Final Maps and Parcel Maps), to complete the subdivision.



3. Project phasing and the filing of multiple parcel or final maps shall be in compliance with this Chapter.

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**10.02.100 Vesting on Approval of Vesting Tentative Map**

- A. **Purpose.** The purpose of this Section is to establish procedures necessary for the implementation of the provisions of Government Code Sections 66410 et seq., relating to vesting tentative maps.
- B. **General.** Whenever a provision of the Act or this Chapter requires the filing of a tentative map or tentative parcel map, a vesting tentative map may instead be filed (Sections 66452, 66498.1 – 66498.9).
- C. **Procedures and requirements.**
  1. A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as is required of tentative maps in compliance with this Chapter, except as otherwise provided in this Section.
  2. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “Vesting Tentative Map.”
  3. At the time a vesting tentative map is filed a subdivider shall also supply all of the following information, as applicable:
    - a. The height, location, and size of all existing and proposed structures.
    - b. Detailed information on the use(s) of the existing and proposed structures.
    - c. Architectural plans for tract development.
    - d. Detailed circulation information (existing and proposed). This information may include area wide traffic data sufficient for the City to determine future circulation needs.
    - e. Detailed grading plans.
    - f. Flood control information.
    - g. Hazardous materials, Level I Study.
    - h. Road, sewer, storm water, and water details.
    - i. Soils report.
    - j. Any other studies the Director and/or City Engineer may require to thoroughly evaluate the project.
    - k. The Director may require the filing and concurrent review of other related development applications where it is necessary for the review and implementation of the vesting tentative map.
  4. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the Act and/or this Chapter for the expiration of approved or conditionally approved tentative maps.
- D. **Vesting on approval of vesting tentative map.**
  1. The approval or conditional approval of a vesting tentative map shall confer a vested

right to proceed with development in compliance with Government Code Section 66474.2.

2. However, if Government Code Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall be deemed to have conferred a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map was approved or conditionally approved.
3. The review authority may alter any condition(s) of a vesting tentative map through an amendment in compliance with Section 10.03.070 (Correction and Amendment of Maps) or Section 10.02.120 (Amendments to Approved Tentative Maps) in order to protect against conditions dangerous to public health and safety or to comply with State or Federal law.

**E. Expiration of vested rights.**

1. Final map shall be approved before expiration of the vesting tentative map. The vested rights referred to in this Section shall expire if a final map is not approved before the expiration of the vesting tentative map, as provided in the Act (Sections 66498.1(d), 66463.5(g)).
2. Period for vesting rights. If the final map is approved, the vested rights shall last for the following periods of time (Section 66498.5(b)):
  - a. An initial time period of 12 months following the recordation of the final or parcel map.
  - b. If a project covered by a single vesting tentative map is divided into phases and more than one final map is recorded, the 12-month period begins for each phase when the final map for that phase is recorded.
  - c. A subdivider may apply for a 12-month extension 30 days before expiration in compliance with Subsection C. (Expiration), above.
  - d. If the extension is denied, the subdivider may appeal that denial within 15 days after the denial, in compliance with Chapter 9.16 (Appeals).
3. Expiration of vesting rights.
  - a. If the subdivider submits a complete application for a Building Permit during the 12-month period specified in Subparagraph E. 2., above, the right to proceed with development continues until the Building Permit expires (Section 66948.5(d)).
  - b. If a final map or parcel map is recorded based upon a vesting tentative map, and the development rights expire, the final map remains in effect without the development rights.
4. Extension of time for exercise of vesting rights.
  - a. If the City does not complete processing of an application for a Grading Permit or for design or architectural review within 30 days of the date the application is complete, the 12-month period specified in Subparagraph E. 2., above, is automatically extended by the time exceeding the 30-day period used by the City to complete processing (Section 66498.5(c)).
  - b. Before the expiration of the 12-month period specified in Subparagraph E. 2., above, a subdivider may apply to the City for an extension in compliance with Section 10.02.110 (Tentative Map Expiration and Extensions), below (Section

66463.5(g)).

**F. City's right to condition or deny approval.**

- I. This Section does not:
  - a. Enlarge or diminish the types of conditions which the City may impose on a development; or
  - b. Diminish or alter the City's power to protect against a condition dangerous to the public health or safety (Section 66498.6).
2. The City may condition or deny a permit, approval, extension, or entitlement relating to a vesting tentative map if it determines that either:
  - a. The failure to do so would place the residents of the subdivision or the community in a condition dangerous to their health or safety; or
  - b. The condition or denial is required to comply with State or Federal law (Section 66498.1(c)).

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**10.02.110 Tentative Map Expiration and Extensions**

- A. **Time limits may be extended.** The time limits specified in this Part and the Act for reporting and acting on maps may be extended by mutual consent of the subdivider and the City.
- B. **Waiver of time limits.** The City may not require a routine waiver of time limits except as necessary to permit concurrent processing of related approvals or an Environmental Impact Report on the same project (Section 66451.1).
- C. **Expiration and extensions of tentative maps.**
  - I. Expiration defined.
    - a. The approval or conditional approval of a tentative map expires 24 months after its date of approval.
    - b. The expiration of the map terminates all proceedings, and no final or parcel map may be filed without first processing a new tentative map (Sections 66452.6(a), (d), 66463.5).
  2. Statutory extensions.
    - a. One hundred seventy-eight thousand dollars or more of public improvements.
      - (1) If the subdivider is subject to a requirement of \$178,000.00 or more to construct, improve, or finance public improvements outside the tentative map boundaries (excluding public rights-of-way improvements which abut the property), each filing of a phased final map extends the expiration of the tentative map by 36 months, not to exceed a total of 10 years.
      - (2) The \$178,000.00 amount shall be annually increased by operation of law for inflation each year after 2005 in compliance with Government Code Section 66452.6, or as that section may be amended from time to time (Section 66452.6 (a)).
      - (3) For purposes of this Section "filing" of a final map is the date of the Council meeting at which the Council receives the map (Section 66457).
    - b. Development moratorium. The 24- or 36-month period of time specified in

Subparagraph a., above, shall not include any period of time during which a development moratorium, defined by the Act, is in existence for up to five years (Section 66452.6(b), (f)).

c. Pending litigation.

(1) If a lawsuit has been filed and is pending in a court of competent jurisdiction affecting the validity of the approval or conditional approval of a parcel map or tentative map, the subdivider may apply to the City within 10 days of the service of the initial petition or complaint upon the City for a stay of the time in which a parcel map or tentative map will expire (Section 66452.6(c)).

(2) Within 40 days after receiving the request, the Director may stay the map's expiration date until final conclusion of the action, if the Director determines that the action affects the validity of the parcel map or tentative map approval.

3. Improvement plans review.

a. A tentative map remains valid during the period that the review of subdivision map and improvement plans by the City is underway, and the subdivider is actively pursuing approval of a final map.

b. However, under no circumstances will the map remain valid for a period beyond 12 months after the expiration date of the tentative map.

c. In addition, if the City Engineer determines at any time during the improvement review period that the subdivider is not actively pursuing the approval of the final map, as evidenced by subdivider's failure to adhere to time deadlines as specified in guidelines promulgated by the City Engineer, the privileges granted by this Subparagraph will end and the map will expire; provided, the expiration date of the tentative map has passed (Section 66452.6(d)).

**D. Filing of extension request.**

1. The time limits for acting on maps and associated appeals, as specified in this Part and Government Code Sections 66410 et seq., may be extended by mutual consent of the subdivider and the City.

2. An extension request shall be in writing and shall be filed with the Department not less than 45 days before the date of expiration of the approval or previous extension, together with the required filing fee in compliance with the Planning Fee Schedule.

3. No public hearing is required for the extension (Section 66452.6(e)).

**E. Approval of initial extension.** The Director may grant one 12-month extension to the initial time limit, only after first finding all of the following:

1. There have been no changes to the provisions of the General Plan, any applicable specific plan, or this Development Code applicable to the project since the approval of the parcel map or tentative map;

2. There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan, any applicable specific plan, or other standards of this Development Code apply to the project; and

3. There have been no changes to the capacities of community resources, including but not limited to roads, sewage treatment or disposal facilities, schools, or water supply so that there is no longer sufficient remaining capacity to serve the project.

**F. Approval of additional extensions.**

1. The Commission may grant additional extensions to the initial time limit, only after first making the three finds specified in Subsection E., above.
2. However, the aggregate period of time for all extensions shall not exceed the maximum limits specified in Government Code Section 66452.6.

**G. Appeal of decision.** If the tentative map extension request is denied, the subdivider may appeal the denial within 10 days after the effective date of the denial of the extension in compliance with Chapter 9.16 (Appeals).

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**10.02.120 Amendments to Approved Tentative Maps and Conditions**

- A. Minor changes to approved tentative maps.** A subdivider may request minor changes or amendments to an approved parcel map or tentative map or its conditions of approval before recordation of a parcel or final map in compliance with this Section. Changes to a parcel or final map after recordation are subject to Section 10.03.070 (Correction and Amendment of Recorded Maps).
- B. Minor changes defined.** Minor changes or amendments to a parcel map or tentative map that may be requested by a subdivider in compliance with this Section include minor adjustments to the location of proposed parcel lines and improvements, and reductions in the number of approved parcels (but no increase in the number of approved parcels), and any changes to the conditions of approval, consistent with the findings required by Subsection F. (Required Findings for Approval), below.
- C. Changes other than minor changes.** All proposed changes or amendments not covered by this Section shall require the filing and processing of a new parcel map or tentative map in compliance with this Chapter.
- D. Application for changes.** The subdivider shall file an application and filing fee, in compliance with the Planning Fee Schedule, with the Department, using the forms furnished by the Department, together with the following additional information:
  1. A statement identifying the parcel map or tentative map number, the features of the map or particular conditions to be changed and the changes requested, the reasons why the changes are requested, and any facts that justify the changes; and
  2. Any additional information deemed appropriate by the Director.
- E. Processing of application.** Proposed changes to a parcel map or tentative map or conditions of approval shall be processed using the same procedures as the original parcel map or tentative map, except as otherwise provided by this Section.
- F. Required findings for approval.** The Director may approve changes or amendments to an approved parcel map or tentative map or its conditions of approval if the Director first finds all of the following findings to be true, and that all of the applicable findings for approval required by Subsections 10.02.060 A. and B., above, can still be made:
  1. No parcels are added, deleted, or substantially altered;
  2. No proposed structure locations are substantially altered;
  3. The changes are consistent with the intent and spirit of the original parcel map or tentative map approval;
  4. No amenity, facility, or feature is deleted which substantially affects the project's function, quality, or safety; and

5. There are no resulting violations of this Part, the Act, or other applicable laws.
- G. **Effect of changes on time limits.** Approved changes to a parcel map or tentative map or conditions of approval shall not be considered as approval of a new tentative map, and shall not extend the time limits provided by Section 10.02.110 (Tentative Map Expiration and Extensions), nor extend any right(s) in compliance with a vesting tentative map.
- H. **Recording of amendments.** Minor changes or amendments shall be indicated on the approved map and certified by the Director and City Engineer.

## Chapter 10.03 Final Maps and Parcel Maps

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### Sections:

- 10.03.010 Purpose
- 10.03.020 Waiver of Parcel Map
- 10.03.030 Final Map and Parcel Map Form and Content
- 10.03.040 Filing and Processing of Final Maps and Parcel Maps
- 10.03.050 Final Map or Parcel Map Approval and Recordation
- 10.03.060 Supplemental Information Sheets
- 10.03.070 Correction and Amendment of Recorded Maps

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### 10.03.010 Purpose

This Chapter establishes requirements for the preparation, filing, processing, approval, conditional approval, or deny, and recordation of parcel maps and final maps, consistent with the requirements of the Act.

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### 10.03.020 Waiver of Parcel Map

- A. **Director may waive requirement for a parcel map.** The Director may waive the requirements for a tentative parcel map for the following (Section 66428):
  - 1. A division of real property or interests in the property created by eminent domain procedures, partition, probate, or other civil judgments or decrees;
  - 2. A division of property resulting from conveyance of land or interest in the land to or from the City, public entity, or public utility for a public purpose (e.g., public building sites, school sites, or rights-of-way or easements for drainage, sewers, streets, utilities, etc.) “Land conveyed to or from a governmental agency” includes a fee interest, a leasehold interest, an easement, or a license;
  - 3. A division of property which has been merged under this Part, the Act, or any prior City ordinance; and
  - 4. Any other division of property which would otherwise require a parcel map.
- B. **Development Plan Check and Procedures Manual.** A person requesting a parcel map waiver shall comply with the requirements specified in the City’s Development Plan Check and Procedures Manual and parcel map waiver checklist.
- C. **Findings required.** To waive the tentative parcel map requirements, the Director, in consultation with the City Engineer, shall first find that the proposed division of land complies with requirements as to:
  - 1. Area;
  - 2. The City’s standard engineering specifications for improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection;
  - 3. Other requirements of the Act and this Development Code; and
  - 4. The City’s Development Plan Check and Procedures Manual.

- D. **Waiver may be conditioned.** A waiver of the tentative parcel map requirement may be conditioned to require payment by the subdivider of drainage, park land dedication, and other fees by a method approved by the City Engineer.
- E. **Parcel map required.** Whenever a tentative parcel map is waived under this Section, a parcel map shall be submitted to and reviewed for approval by the City Engineer and Director.
  - 1. After approval, the City Clerk shall transmit the map to the County Recorder.
  - 2. If the County Recorder rejects that map for filing, the City shall rescind its approval of the map in compliance with Government Code Section 66466.

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### 10.03.030 Final Map and Parcel Map Form and Content

#### A. General.

- 1. The form, contents, accompanying data, and filing of a final or parcel map shall conform to the Act and this Section (Section 66433).
- 2. The final or parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor.
- 3. The City Engineer may waive a requirement of this Section regarding map contents and accompanying information if the City Engineer finds that the requirement is not applicable to the subdivision.

#### B. Phasing of final maps.

- 1. Multiple final maps relating to an approved tentative map may be filed if:
  - a. The subdivider states in the tentative map application the subdivider's intention to file multiple final maps; or
  - b. After filing of the tentative map, the Council and the subdivider agree to the filing of multiple final maps (Sections 66456.1, 66463.1).
- 2. Each final map which constitutes a part of the approved tentative map shall have a separate subdivision number.
- 3. The subdivision improvement agreement executed by the subdivider shall provide for the construction of improvements as required to ensure a logical and orderly development of the whole subdivision.

#### C. Survey required.

- 1. An accurate and complete survey of the land to be subdivided shall be made by a registered civil engineer that is licensed to practice land surveying, or licensed land surveyor.
- 2. All monuments, property lines, centerlines of streets, alleys, and easements adjoining or within the subdivision shall be tied into the survey.
- 3. At the time of making the survey for the final or parcel map, the engineer or surveyor shall set sufficient durable monuments, conforming to the standards specified in Business and Professions Code Section 8771, so that another engineer or surveyor may readily retrace the survey.
  - a. At least one exterior boundary line shall be monumented before recording the final map.



- b. Other monuments shall be set as required by the City Engineer.
- D. **Form.** The form of the final or parcel map shall conform to the Act and the following requirements (Section 66434).
  - 1. The final or parcel map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film.
    - a. Acknowledgments, affidavits, and certificates may be legibly stamped or printed upon the map with opaque ink.
    - b. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to ensure permanent legibility (Section 66434(a), 66445(a)).
  - 2. The size of each sheet shall be 18 inches by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch (Sections 66434(b), 66445(b)).
  - 3. The scale of the map shall be not less than one inch equals 100 feet or as may be necessary to show all details clearly, and enough sheets shall be used to accomplish this end.
  - 4. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. When two or more sheets including the certificate sheet are used, a key sheet shall be included (Sections 66434(b), 66445(b)).
  - 5. All printing or lettering on the map shall be of one-eighth inch minimum height and of a shape and weight as to be readily legible in prints and other reproductions made from the original drawings.
  - 6. The boundary of the subdivision shall be designated by a heavy black line one-sixteenth inch thick, in a manner so as not to obliterate figures or other data.
  - 7. All dimensions shown on the final map shall be in feet and decimals of a foot.
  - 8. All lines shown on the final map which do not constitute a part of the subdivision itself shall be clearly distinguishable and any area enclosed by the lines shall be labeled "not a part of this subdivision" (Sections 66434(e), 66445(d)).
  - 9. There shall appear on each map sheet the scale, the north point, and the basis of bearings and the equation of the bearing to true north. The basis of bearings shall be approved by the City Engineer.
  - 10. The final form of the final or parcel map shall be as approved by the City Engineer.
- E. **Contents.** The contents of the final or parcel map shall conform to the Act and the following requirements (Sections 66434, 66445):
  - 1. Title sheet. The title sheet shall include:
    - a. The subdivision number conspicuously placed at the top of the sheet;
    - b. Acceptances of dedication, acknowledgments, affidavits, certificates, endorsements, and notarial seals required by law (Sections 66435, 66435.2, 66445(e) through (i));
    - c. Where the size of a subdivision permits, in lieu of a title sheet, required information may be shown on the same sheet as the final map;
    - d. The date of preparation and the signed certificate of the subdivider's engineer or surveyor who prepared the map;
    - e. A certificate of dedication signed by those persons having any record title

- interest in the subdivided land, if any land is to be dedicated for public use;
- f. A certificate enacted by all parties having any record title interest in the subdivided land, consenting to the preparation and recordation of the map (Section 66430); and
  - g. Certificates for execution by the City Engineer and the City Clerk.
2. Title.
- a. Each sheet shall have a title showing the subdivision number and the location of the property being subdivided with reference to maps which have been previously recorded, or by reference to the plat of a United States Survey.
  - b. The following words shall appear in the title, "City of Livermore, Alameda County, California."
3. Angular, linear, and radial data.
- a. Sufficient angular, linear, and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision, the boundary lines on every parcel which is a part of the subdivision, and ties to existing monuments used to establish the boundary.
  - b. Arc length, radius, and total central angle and radial bearings of all curves shall be shown.
  - c. Ditto marks shall not be used in the dimensions and data shown on the map.
4. Monuments. The location and description of all existing and proposed monuments shall be shown. Standard City monuments shall be set at or on City Engineer approved offsets at the following locations:
- a. The intersection of street centerlines;
  - b. Beginning and end of curves or intersection of tangents on centerlines; and
  - c. Other locations as may be required by the City Engineer (Sections 66495, 66498).
5. Parcels.
- a. Parcel numbers shall begin with the number one in each subdivision and shall continue consecutively with no omissions or duplications except where contiguous lands, under the same ownership, are being subdivided in successive units, in which event, parcel numbers may begin with the next consecutive number following the last number in the preceding unit.
  - b. Each parcel shall be shown entirely on one sheet of the map, unless approved by the City Engineer.
  - c. The subdivider shall show the area of any parcel on the map, calculated excluding the area within any public street or alley (either existing or proposed) abutting the parcel, but including the area within any easements for other purposes (either existing or proposed).
6. Adjoining properties. The adjoining corners of all adjoining subdivisions shall be identified by subdivision number and reference to the book and page of the filed map showing the subdivision, and if no subdivision is adjacent, then by the name of the owner and reference to the recorded deed by book and page number for the last record owner.
7. City boundaries. City boundaries which cross or join the subdivision shall be clearly

designated as shall locations of boundary lines of the school district or other taxing districts adjacent to or intersecting the subdivision.

8. Street names. The names of all existing and proposed streets, alleys, or highways within or adjoining the subdivision shall be shown (Sections 66434(d), 66445(c)).
9. Easements and dedications.
  - a. Every easement and proposed dedication for road or street, path, sanitary sewer, stormwater drainage, utility, water main, or other public use as may be required shall be offered for dedication to the public for acceptance by the City or other public agency, and the use shall be specified on the map.
    - (1) If at the time the final map is approved, an alley, path, street, or storm drainage easement is not accepted by the Council, the offer of dedication shall remain open and the Council may, by resolution at any later date, accept and open the alley, path, street, or storm drainage easement for public use.
    - (2) The acceptance shall be recorded in the office of the County Recorder (Section 66477.2(a); Subsection 10.03.030 H. [Council Approval – Final and Parcel Maps]).
  - b. The City may accept or reject (subject to later acceptance) a dedication lying outside the subdivision boundary which requires a separate grant deed. The offer of dedication and the City's acceptance or rejection shall be recorded in the office of the County Recorder.
  - c. Every easement of record shall be shown on the map, together with the name of the grantee and sufficient recording data to identify the conveyance (e.g., recorder's serial number and date, or book and page of official records).
  - d. An easement not disclosed by the records in the office of the County Recorder and found by the surveyor or engineer to be existing, shall be specifically designated on the map, identifying the apparent dominant tenements for which the easement was created.
  - e. Each easement of record shall be shown by dashed lines on the final map with the widths, lengths, and bearings of record.
10. Open space areas.
  - a. Open space areas, including greenbelts and open space corridors, may be shown, subject to the approval of the City.
  - b. These areas shall be dedicated as open space easements unless otherwise specified in the approval of the tentative map, and the subdivider shall agree to allow the land to be included within an open space maintenance assessment district if proposed by the City.
11. Acknowledgments, certificates, and statements. Each acknowledgment, certificate, and statement required by the Act and this Part shall appear on the final or parcel map and may be combined where appropriate (Sections 66435, 66435.1 – 66443, 66445(e) – (i), 66447 – 66450, 66430).
12. Miscellaneous. The map shall also show:
  - a. The location and width of each drainage channel and utility and railroad right-of-way and easement;
  - b. The limitation, if any, on the right of access to and from a street; and

- c. The location and width of nonaccess strips and reserve strips.
- 13. Deferred improvements (parcel map only). In a subdivision of four or fewer parcels, if fulfillment of construction requirements is being deferred under Subsection 10.05.070 B. (Deferred Improvement Agreements), the parcel map shall contain a statement which reads substantially as follows (Section 66411.1(a)):
  - a. Notice: Certain off-site and/or on-site improvements are required in connection with these parcels. (City of Livermore File Number \_\_\_\_\_) No person may obtain a Building Permit for any parcel shown on this map until all of the required improvements are completed or financial security has been posted with the City to ensure completion prior to building occupancy.
- F. **Preliminary submittal for City approval.** The subdivider shall submit four sets of preliminary prints of the final or parcel map to the City Engineer for checking. The preliminary prints shall be accompanied by the following data, plans, reports, and documents in a form approved by the City Engineer, and where applicable, the City Attorney.
  - 1. Improvement plans. Improvement plans as required by Section 10.05.040 (Improvement Plans);
  - 2. Preliminary engineering geology report. A preliminary engineering geology report prepared in compliance with Subsection 10.02.030 D. (Preliminary Soil and Engineering Geology Reports);
  - 3. Preliminary soil report. A preliminary soil report prepared in compliance with Subsection 10.02.030 D. (Preliminary Soil and Engineering Geology Reports);
  - 4. Title report. A title report not more than 180 days old, showing the legal owner(s) at the time of submittal of the final map; (Section 66430);
  - 5. Guarantee of title.
    - a. A guarantee of title, in a form acceptable to the City Engineer and City Attorney, shall be issued by a title company to and for the benefit and protection of the City and shall be continued complete up to the instant of recording of the final map.
    - b. The guarantee of title shall serve to guarantee that the names of all persons whose consent is necessary to pass a clear title to the land being subdivided and all public easements being offered for dedication, and all acknowledgments thereto, appear on the proper certificates and are correctly shown on the map, both as to consents as to the making thereof and affidavits of dedication where necessary;
  - 6. Deeds for easements or rights-of-way. A signed deed for each required off-site easement or right-of-way which has not been offered for dedication on the final map and written evidence acceptable to the City in the form of right of entry or permanent easement across private property outside of the subdivision permitting or granting access to perform necessary construction work and permitting the maintenance of the facility;
  - 7. Traverse closures. Traverse closures for the boundary blocks, easements, monument lines, parcels, and street centerlines;
  - 8. Hydrology and hydraulic calculations. Complete hydrology and hydraulic calculations for all drainage facilities;

9. Governing documents.

- a. For a cooperative apartment project, condominium, stock cooperative, or conversion, the proposed declaration of covenants, conditions, and restrictions containing the provisions described in Civil Code Section 1353, and all other governing documents for the subdivision as are appropriate under Civil Code Section 1363; for all other subdivisions, any declaration of covenants, conditions, and restrictions proposed in connection therewith.
- b. All governing documents are subject to review and approval by the City Engineer and City Attorney;

10. Utilities. Evidence satisfactory to the City that the utility easements are appropriate;

11. Improvement agreement.

- a. If the required improvements are not completed before the presentation of the final map, the subdivider shall file an agreement in compliance with Subsection 10.05.070 A. (Subdivision Improvement Agreement).
- b. The subdivider shall secure the performance of the agreement in compliance with Subsection 10.05.080 A. (General).

12. Other information. Additional data, reports, or information required by the conditions of approval, the City Engineer, or the City Attorney (Section 66434.2).

**G. City Engineer review and approval – final and parcel maps.**

1. Final maps.

- a. The City Engineer, in consultation with the Director, shall review the final map to determine if it conforms to the approved tentative map conditions, the Act, and this Part.
- b. The subdivider shall make corrections and additions until the map is acceptable to the City Engineer.
- c. The subdivider shall submit to the City Engineer all of the required documents as specified in the City's Development Plan Check and Procedures Manual.
- d. Upon receipt of all required certificates and submittals and the subdivider's payment of required fees, the City Engineer shall, within 20 days, sign the appropriate certificate and present the corrected final map with accompanying documents to the Council for its consideration and review for approval (Sections 66442, 53077.5).

2. Parcel maps.

- a. The City Engineer, in consultation with the Director, shall review the parcel map to determine if it conforms to the approved tentative map conditions, the Act, and this Part.
- b. The subdivider shall make corrections and additions until the map is acceptable to the City Engineer.
- c. The subdivider shall submit to the City Engineer all of the required documents as specified in the City's Development Plan Check and Procedures Manual.
- d. Upon receipt of all required certificates and submittals and the subdivider's payment of required fees, the City Engineer shall, within 20 days, sign the appropriate certificate and present the corrected parcel map with accompanying documents to the Council for its consideration and review for approval (Sections 66463, 66450).

**H. Council approval – final and parcel maps.**

1. Date of filing.
  - a. The date the final or parcel map is deemed filed with the Council is the date of the Council meeting at which the Council receives the map.
  - b. The Council shall consider approval of the improvement agreement and security, and completeness of the tax certificate before approving the map (Sections 66457, 66492).
2. Conformance to tentative map required. Upon presentation of the final or parcel map, the Council shall approve the map if it conforms to the tentative map conditions of approval, the Act, and this Part.
  - a. If the map does not conform, the Council shall deny the map.
  - b. The Council shall make its decision at the meeting at which it receives the map or at its next regular meeting (Sections 66458, 66463(d), 66473).
3. Land lacking sufficient title.
  - a. The Council may not postpone or refuse approval of a final or parcel map because the subdivider has failed to meet a tentative map condition requiring construction or installation of off-site improvements on land which neither the subdivider nor the City has sufficient title or interest in to permit the improvements to be made.
  - b. In this case, the City shall follow the procedures specified in Government Code Section 66462.5 and Subparagraph 10.05.040 A.17 (Off-Site Improvements).
4. Offers of dedication.
  - a. At the time of its action on the final or parcel map, the Council shall accept, accept subject to improvement, or reject each offer of dedication.
  - b. A rejected offer remains open to future acceptance in compliance with Government Code Section 66477.2 and Code of Civil Procedure Section 771.010 (Sections 66463(a), 66477.1, 66477.3).
5. Tax certificate and security. Before the map is submitted to the Council for approval, the subdivider shall:
  - a. Submit a certificate from the County Tax Collector stating that all taxes and assessments due have been paid in compliance with Government Code Section 66492; and
  - b. Provide verification that the subdivider has executed and filed with the Clerk of the County Board of Supervisors security for taxes and assessments in compliance with Government Code Section 66493.

**I. Exception – judicial partitions.**

1. Property under a Williamson Act contract. When a final or parcel map is required to carry out a judicial partition of property which is under a Williamson Act contract, the City may not require the payment of exactions, the undertaking of improvements, or the posting of security for future performance, and may not accept any required offer of dedication until the contract terminates or is canceled as to that parcel.
2. Deferral of exactions and dedications. This deferral of exactions and dedications does not apply to fees and assessments for services which are provided to the parcel before termination or cancellation of the contract.

3. Deferred obligations. The original applicant for the final or parcel map remains personally liable for deferred obligations. (Section 66411.5)

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**10.03.040 Filing and Processing of Final Maps and Parcel Maps****A. Official and timely filing of map.**

1. The subdivider shall cause the map to be officially filed with the City Engineer at least 30 days before the expiration of the approved or conditionally approved tentative map or any approved extension of time granted in compliance with Section 10.02.110 (Tentative Map Expiration and Extensions).
2. The map shall not be considered officially filed until the engineer or surveyor has received notification from the City Engineer that all provisions of the tentative map approval, the Act, the LMC, this Development Code, and applicable City standards have been complied with.
3. The filing of the official copy of the map with the City Engineer shall constitute the timely filing of the map.

**B. Review of map.**

1. After the issuance of a receipt for the map, the City Engineer shall examine it as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations, and other matters which may require checking to ensure compliance with the provisions of the Act, this Chapter, and applicable City standards.
2. If the map is found to be in substantial compliance with the tentative map and is in correct form, the matters shown on the map are sufficient, and the City Engineer is satisfied that all of the conditions of approval have been met, the City Engineer shall endorse approval of the map.
3. The City Engineer shall combine with the map the agreements, easements, and securities as required by this Chapter.
4. The material shall be transmitted to the Council for its consideration of the map.

**C. Time limit for filing map.** If the subdivider fails to file the map with the City Engineer and the required accompanying data with the appropriate City departments within 24 months, or other period of time specified in Government Code Section 66452.6 and Section 10.02.110 (Tentative Map Expiration and Extensions), following the effective date of tentative map approval by the Review Authority, or within any authorized extension of time, the tentative map approval or conditional approval shall become void. In this case, a new filing fee shall be paid, in compliance with the Planning Fee Schedule, and an application for a new tentative map shall be filed.

1. If 120 days before the submittal of a map, the subdivider has failed to comply with the tentative map conditions which require the subdivider to construct or install off-site improvements on land in which neither the subdivider nor the City has sufficient title or interest, including an easement or license, then at the time the map is filed with the local agency, to allow the improvements to be made, the subdivider shall enter into an agreement with the City through the City Engineer to pay all costs of the City in acquiring the property.
2. The City shall have 120 days from the filing of the map, in compliance with Government Code Section 66457, to obtain interest in the land to allow the improvement(s) to be made by negotiation or proceedings in compliance with

Code of Civil Procedure Title 7 (commencing with Section 1230.010) of Part 3, including proceedings for immediate possession of the property under Code of Civil Procedure Title 7 Article 3 (commencing with Section 1255.410).

3. In the event the City fails to meet the 120-day time limitation, the condition for construction of off-site improvements shall be conclusively deemed to be waived.
4. Before approval of the map, the City may require the subdivider to enter into an agreement to complete the improvements, in compliance with Subsection D. (Improvement Agreements and Security Requirements), below, at the time the City acquires an interest in the land which will allow the improvements to be made.
5. "Off-site improvements," as used in this Subsection, do not include improvements which are necessary to ensure replacement or construction of housing for persons and families of low or moderate income, as defined in Health and Safety Code Section 50093.

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#### **10.03.050 Final Map or Parcel Map Approval and Recordation**

After determining that the map is in compliance with Section 10.03.030 (Final Map and Parcel Map Form and Content), above, and is technically correct, the City Engineer shall execute the City Engineer's certificate on the map in compliance with Government Code Section 66442, and forward the map to the City Clerk for Council action in the following manner.

##### **A. Applicable review authority.**

1. Final parcel maps.
  - a. Final parcel maps without dedications: The City Engineer is the Review Authority.
  - b. Final parcel maps with dedications: The Council is the Review Authority.
2. Final maps. The Council shall either approve or deny final maps.

##### **B. Review and approval by the review authority.**

1. Timing of Review Authority's Review. The Review Authority shall approve or deny the map at the meeting at which it receives the map from the City Engineer or at its regular meeting after the meeting at which it receives the map, unless that time limit is extended with the mutual consent of the City Engineer and the subdivider.
2. Criteria for approval.
  - a. The Review Authority shall approve the map if it conforms to all of the requirements of the Act, all provisions of this Development Code that were applicable at the time that the tentative map was approved, and is in substantial compliance with the approved tentative map.
  - b. If the map does not conform, the Review Authority shall not approve the map.
  - c. Where a map does not include any offers for dedication or improvement, the City Engineer shall review the map(s) and shall approve each map if the map conforms to the applicable requirements of the Act and this Chapter. If the map(s) does not conform, it shall not be approved.
3. Applicable ordinances, policies, and standards. In determining whether to approve or deny a map, the Review Authority shall apply only those ordinances, policies, and standards in effect on the date the proposal for the subdivision was accepted as complete, in compliance with Government Code Section 66474.2.



4. Action not to approve a final map or parcel map.
  - a. If a map is not approved due to its failure to meet any of the requirements imposed by the Act or this Chapter, the denial shall be accompanied by findings identifying the requirements which have not been met or performed.
  - b. Approval of a map shall not be withheld when the failure of the map to comply is the result of a technical and inadvertent error which, in the determination of the Council or, in the case of a map not involving any offers of dedication or improvement, the City Engineer, does not materially affect the validity of the map.

**C. Map with dedications.**

1. If a dedication or offer of dedication is required on the map, the Council shall accept, accept subject to improvement, or reject, on behalf of the public, of any real property offered for dedication to the public in compliance with the terms of the offer of dedication, at the same time as it takes action to approve the map.
2. If the Council rejects the offer of dedication, the offer shall remain open and may be accepted by the Council at a later date in compliance with Government Code Section 66477.2.
3. Any termination of an offer of dedication shall be processed in compliance with Government Code Section 66477.2 using the same procedures as specified by Streets and Highway Code Part 3 of Division 9.

**D. Map with incomplete improvements.** If improvements required by this Development Code, conditions of approval, or other applicable laws have not been completed at the time of approval of the map, the Review Authority shall require the subdivider to enter into an agreement with the City as specified in Government Code Section 66462, and Section 10.05.070 (Improvement Agreements), as a condition precedent to the approval of the map.

**E. Recording of final maps and parcel maps.**

1. After action by the Review Authority, as applicable, to approve the map, the City Clerk shall execute the appropriate certificate on the certificate sheet and shall, subject to the provisions of Government Code Section 66464, transmit the map back to the City Engineer.
2. The City Engineer shall establish an appointment with the County Recorder for filing.
3. The County Recorder shall oversee the recording of the map.
4. If the County Recorder rejects the map for filing under Government Code Section 66466, the City shall rescind its approval of the map (Sections 66429, 66464, 66466).
5. After the filing, the subdivider shall provide to the City a copy of the recorded final map or parcel map and a microfilm copy.

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**10.03.060 Supplemental Information Sheets**

In addition to the information required by this Chapter to be included in all final maps and parcel maps, additional information may be required to be submitted and recorded simultaneously with a final or parcel map as required by this Section.

**A. Preparation and form.**

1. The additional information required by this Section shall be presented in the form of an additional map sheet(s), unless the City Engineer determines that the type of information required would be more clearly and understandably presented in the form of a report or other document(s).
2. The additional map sheet(s) shall be prepared in the same manner and in substantially the same form as required for final maps and parcel maps by Section 10.03.030 (Final Map and Parcel Map Form and Content).

**B. Content of information sheets.** Supplemental information sheets shall contain the following statements and information:

1. Title. A title, including the number assigned to the accompanying final or parcel map by the City Engineer, the words "Supplemental Information Sheet";
2. Explanatory statement. A statement following the title that the supplemental information sheet is recorded along with the subject final or parcel map, and that the additional information being recorded with the final or parcel map is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest;
3. Location map. A location map, at a scale not to exceed one inch equals 1,200 feet. The map shall indicate the location of the subdivision within the City;
4. Areas subject to flooding. Identification of all lands within the subdivision subject to periodic inundation by water;
5. Soils or geologic hazards reports. When a soils report or geological hazard report has been prepared, the existence of the report shall be noted on the information sheet, together with the date of the report and the name of the engineer making the report; and
6. Information required by conditions of approval. Any information required by the review authority (e.g., areas subject to earthquakes and other similar environmental constraints) to be included on the supplemental information sheet(s) because of its importance to potential successor(s)-in-interest to the property, including any other easements or dedications.

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**10.03.070 Correction and Amendment of Recorded Maps**

A recorded final or parcel map (referred to as a map) may be amended to correct errors in the recorded map or to change characteristics of the approved subdivision in compliance with Government Code Chapter 3, Article 7 (Sections 66469 or 66472.1).

**A. Type of corrections allowed by the City Engineer in compliance with Government Code Section 66469.**

1. Filing of a certificate of correction or an amending map. In the event that errors in a map are discovered after recordation, or that other corrections are necessary, the corrections may be accomplished by either the filing of a certificate of correction or an amending map, in compliance with Government Code Chapter 3, Article 7.
2. Error defined. For the purposes of this Section, "errors" include errors in course or distance (but not changes in courses or distances from which an error is not ascertainable from the map), omission of any course or distance, errors in legal descriptions, or any other map error or omission as approved by the City Engineer

that does not affect any property right, including but not limited to acreage, parcel numbers, street names, and identification of adjacent record maps.

3. Other corrections. Other corrections may include indicating monuments set by engineers or surveyors other than the one that was responsible for setting monuments, or showing the proper character or location of any monument that was incorrectly shown, or that has been changed.
4. Application and review process. An application to amend a recorded map in compliance with Government Code Section 66469 shall be filed in the following manner:
  - a. The amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor.
  - b. The form and contents of an amending map or certificate shall conform to the requirements specified in Section 10.03.030 (Final Map and Parcel Map Form and Content).
  - c. The amending map or certificate of correction shall specify in detail the corrections made and show the names of the fee owners of the real property affected by the correction or omission on the date of the filing or recording of the original recorded map (Section 66470).
  - d. The City Engineer shall determine if the changes requested may be approved with a certificate of correction or an amending map.
  - e. The City Engineer may request additional information based upon that determination and shall approve the certificate of correction or the amending map if all of the required findings specified in Subparagraph 5 (Required Findings), below can be made.
5. Required findings. A map may be amended, if the City Engineer first finds all of the following to be true:
  - a. The change(s) requested only involves a minor map annotation correction(s);
  - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
  - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
  - d. The map, as amended, is still in compliance with Government Code Section 66474.

**B. Type of corrections allowed by the Council in compliance with Government Code Section 66472.1.** In the event that there are changes in circumstances which make any or all of the conditions of a recorded map no longer appropriate or necessary, the following procedures shall be followed to amend the map:

- I. Application and review process. An application to amend a recorded map in compliance with Government Code Section 66472.1 shall be filed in the following manner:
  - a. The amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor.
  - b. The form and contents of an amending map or certificate shall conform to the requirements specified in Section 10.03.030 (Final Map and Parcel Map Form and Content).

- c. The amending map or certificate of correction shall specify in detail the corrections made and show the names of the fee owners of the real property affected by the correction or omission on the date of the filing or recording of the original recorded map (Section 66470).
  - d. The City Engineer shall determine if the changes requested may be approved with a certificate of correction or an amending map.
  - e. Once approved by the City Engineer, the application shall be sent to the Council for approval of either a certificate of correction or an amending map.
  - f. The Council shall approve the application if all of the required findings specified in Subparagraph 2 (Required Findings), below can be made.
2. Required findings. A map may be amended, if the Council first finds all of the following to be true:
- a. There is a change(s) in circumstances that make any or all of the conditions of the map no longer appropriate or necessary;
  - b. The amendment(s) does not impose any additional burden on the fee owner(s) of the real property;
  - c. The amendment(s) does not alter any interest, right, or title in the real property reflected on the map; and
  - d. The map, as amended, is still in compliance with Government Code Section 66474.

**C. Filing with county recorder.**

- 1. Filing or recordation required. The certified amending map or certificate of correction shall be filed or recorded in the County Recorder's office in which the original map was filed.
- 2. County recorder's actions. Upon filing or recordation, the County Recorder shall index the names of the fee owners of the real property reflected on the original recorded map and the appropriate subdivision designation shown on the amending map or certificate of correction in the general index, and map indexes, respectively.
- 3. Map conclusively corrected. Upon completion of the County Recorder's actions specified in Subparagraph 2., above, the original map shall be deemed to have been conclusively corrected (Section 66472).

**D. Amendment of an approved subdivision.** In the event that a subdivider wishes to amend (e.g., change or modify) the characteristics of an approved subdivision (e.g., a recorded final map or parcel map), including but not limited to the number or configuration of parcels, location of streets or easements, or the nature of required improvements, the construction of which has been deferred through the approval of an agreement in compliance with Section 10.05.070 (Improvement Agreement Required), the subdivider shall file a new tentative, final, or parcel map in compliance with this Part or comply with the requirements of Government Code Section 66499.20½.

## Chapter 10.04 Additional Subdivision Procedures

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### Sections:

10.04.010	Purpose
10.04.020	Certificates of Compliance
10.04.030	Lot Line Adjustments
10.04.040	Parcel Mergers
10.04.050	Reversions to Acreage

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### 10.04.010 Purpose

This Chapter establishes requirements consistent with the Act for certificates of compliance, lot line adjustments, parcel mergers, and reversions to acreage.

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### 10.04.020 Certificates of Compliance

#### A. General provisions.

1. The City shall process and approve or deny applications for certificates of compliance in compliance with Government Code Sections 66499.34 and 66499.35, and this Section.
2. Filing criteria and applicability – when required.
  - a. A recorded certificate of compliance may be requested by any person owning real property to have the Director determine whether the property complies with the provisions of this Development Code.
  - b. A certificate of compliance may be required by the Department with the recordation of a Notice of Merger.
  - c. A recorded certificate of compliance shall be required for all lot line adjustments.
  - d. When contiguous deeds or surveys have ambiguities in which the property boundary can not be ascertained as determined by the City Engineer and an agreement is reached to establish the line by all parties, a boundary line agreement and a certificate of compliance shall be recorded.
  - e. When determined by the Director, a certificate of compliance may be required for the remainder parcel(s) on final or parcel maps.

B. **Application.** An application for the approval of a certificate of compliance or conditional certificate of compliance shall be filed with the Director and include the information required by the Director, together with the processing fee specified by the Planning Fee Schedule.

#### C. Review and action by the Director.

1. The Director shall review the completed application in light of public records and applicable law.
2. If the Director is able to determine from this review that the parcel is clearly in compliance with the provisions of this Part and the Act, a certificate of compliance

shall be issued by the Director and delivered to the County Recorder for recordation.

3. If the Director is unable to determine from this review that the parcel is clearly in compliance, the procedures specified in Government Code Section 66499.35 shall apply.

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#### **10.04.030 Lot Line Adjustments**

##### **A. Conditions for allowing lot line adjustments.**

1. Compliance with Government Code Section 66412(d). Lot line adjustments shall be allowed in compliance with Government Code Section 66412(d); provided, all of the following provisions are complied with.
2. Four or fewer parcels. A lot line adjustment is between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed are not created.
3. Who shall prepare the application. An application for a lot line adjustment shall be prepared by a licensed land surveyor or civil engineer authorized to practice land surveying by the State.
4. Application requirements. Any person desiring to obtain approval of a lot line adjustment shall file a plat map (8½ inches by 11 inches) with the Director, together with a filing and processing fee in compliance with the Planning Fee Schedule. The map shall contain, at a minimum, all of the following information:
  - a. Name and address of owner(s) whose properties are shown on the map;
  - b. North arrow;
  - c. Scale of map;
  - d. Date of preparation;
  - e. The location, name, and width of all streets and alleys abutting the property;
  - f. Tract and parcel identification, lot lines, bearings, and dimensions of each of the two parcels;
  - g. Approximate location of existing improvements and permanent structures;
  - h. Location and width of all easements upon or abutting the properties;
  - i. The location of the proposed parcel boundary line adjustment, together with all applicable bearings and dimensions;
  - j. The signatures of all owners of parcels involved in the boundary line adjustment, with an owner affidavit provided for each affected property; and
  - k. Any other information required by the City Engineer.
5. Survey may be required. The City Engineer may, at the City Engineer's sole discretion, require a survey of the properties involved, if the City Engineer finds the survey necessary in order to provide an adequate description of the subject properties.

##### **B. Processing of lot line adjustment application – findings required for approval.**

1. The Director, based on recommendations from the City Engineer, may approve a lot line adjustment only after first making all of the following findings:

- a. No street or alley dedication or improvements are necessary to properly service the properties involved in the proposed lot line adjustment;
  - b. The parcels, as proposed by the lot line adjustment, will conform, in all respects, to the provisions of this Part and those of this Development Code;
  - c. The new lot line(s) is located in a manner so as not to substantially alter the size and shape of the existing parcels, with “substantially alter” defined to be not reducing the parcel size by more than 10 percent;
  - d. All lien holders, record owners, and trust deed holders consent in writing to the lot line adjustment; and
  - e. A title report prepared by a title insurer, with the title report required to be dated no older than within 90 days of the filing date of the lot line adjustment application, is submitted.
2. Where the Director finds all of the above facts to be present, the Director shall approve the lot line adjustment; and thereafter, the owner(s) of the parcels involved shall cause a map, in a form approved by the City Engineer, to be recorded.
  3. If the Director finds any of the foregoing facts specified in Subparagraph 1., above, not present, the lot line adjustment shall be denied.
    - a. The applicant shall be advised of the Director’s action.
    - b. In case of denial, the applicant shall have the option of:
      - (1) Appealing the decision to the Commission in compliance with Chapter 9.16 (Appeals); or
      - (2) Filing a parcel or final map in compliance with this Part.

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**10.04.040 Parcel Mergers****A. Purpose.**

1. This Section is provided in compliance with Government Code Division 2, Chapter 3, Article 1.5 (Merger of Parcels), Sections 66451.10 through 66451.33, for the purpose of establishing the authority of the City to merge or unmerge two or more parcels or units of land held by the same owner.
2. Parcel mergers may be voluntary mergers initiated by the property owner(s) or mandatory mergers initiated by the City.
3. Parcels may also be merged in compliance with Government Code Sections 66499.20½, or 66499.20¾ pertaining to the reversion to acreage.

**B. Voluntary merger of contiguous parcels.**

1. Description and purpose. It is the purpose of this Section to allow property owners to request a voluntary merger of contiguous parcels that are under the same ownership.
2. Process.
  - a. The property owner shall file an application for a parcel merger.
  - b. The City Engineer shall be the Review Authority.
  - c. The merger of the subject parcels become effective when the City Engineer causes a notice of merger specifying the names of the record owners and

a description of the real property to be filed for record with the County Recorder.

3. Requirements. A parcel may be voluntarily merged with one or more contiguous parcels held by the same owner: if any one of the contiguous parcels held by the same owner does not conform to standards for minimum parcel size or dimension specified by the applicable zone; if the property owner wishes to construct a structure across the property line(s) of two or more contiguous parcels; or, if at least one of the parcels meet one or more of the requirements specified in the Government Code Section 66451.11(b).

**C. Where these provision do not apply.**

1. This Section shall not apply to the sale, lease, or financing of one or more contiguous parcels or units of land which have been created under the provisions of City ordinances regulating the division of real property and Government Code Sections 66410 et seq., applicable at the time of their creation, or to parcels or units which were not subject to the provisions at the time of their creation, even though the contiguous parcels or units are held by the same owner.
2. However, if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size to allow use or development in compliance with this Development Code, then those parcels or units shall be merged.

**D. Mandatory merger of nonconforming contiguous parcels under single ownership.** Contiguous parcels or units of land held by the same owner on the date that notice of intention to determine status is filed shall be involuntarily merged if one of the parcels or units does not conform to the minimum parcel size to allow use or development in compliance with this Development Code, and if all of the following requirements are satisfied in compliance with Government Code Section 66451.11(b):

1. At least one of the affected parcels is not developed with any structure for which a Building Permit was issued or for which a Building Permit was not required at the time of construction, or is developed only with an accessory structure(s), or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.
2. With respect to any affected parcel, one or more of the following conditions exists:
  - a. Comprises less than 5,000 square feet in area at the time of the determination of merger.
  - b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
  - c. Does not meet current standards for sewage disposal and domestic water supply.
  - d. Does not meet slope stability standards.
  - e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
  - f. Its development would create health or safety hazards.
  - g. Is not consistent with the applicable General Plan and any applicable specific plan, other than minimum parcel size or density standards.
3. Subparagraph C. 2., above, shall not apply if any of the conditions specified in Government Code Sections 66451.11(A), (B), (C), (D) or (E) exist.



**E. Proceedings for notice of intention to determine status.**

1. Whenever the City Engineer has knowledge that real property has merged in compliance with this Section, the City Engineer shall mail, by certified mail, to the current record owner(s) of the property a notice of intention to determine status.
  - a. The notice of intention shall state that the affected parcels may be merged in compliance with this Section; that the owner may request, within 30 days from the date the notice of intention was recorded, a hearing before the Commission to present evidence that the property does not meet the standards for merger; and that the notice of intention was recorded with the County Recorder on the date the notice of intention was mailed to the property owner(s).
  - b. Upon receipt of a request for a hearing, the City Engineer shall set the hearing for a date not less than 30 days but not more than 60 days from the date of receipt of the request.
  - c. The property owner shall be notified of the hearing by certified mail.
  - d. After the hearing, the Commission shall determine whether the affected property has merged in compliance with this Section.
  - e. A determination of non-merger may be made whether or not the affected property meets the standards for merger specified in Section D, above.
  - f. The determination shall be made and notification of the determination shall be mailed to the property owner(s) within five working days following the date of the hearing.
2. If the parcels have merged, the City Engineer shall file a notice of merger with the County Recorder within 30 days following the date of the hearing, unless the determination has been appealed in compliance with Subparagraph 3., below, and Chapter 9.16 (Appeals).
  - a. The notice of merger shall specify the name(s) of the record owner(s) and shall particularly describe the real property.
  - b. If the parcels have not merged, the City Engineer shall record a release of the notice of intention within 30 days following the date of the determination, and shall mail a copy of the release to the owner(s).
  - c. If no hearing is requested, the determination shall be made not later than 90 days after the mailing of the notice of the opportunity for a hearing.
3. If the owner(s) requested a hearing, the determination of the Commission may be appealed to the Council within 10 days following the date of mailing the notice of determination by filing a written appeal with the City Clerk, in compliance with Chapter 9.16 (Appeals).
  - a. A fee in compliance with the Planning Fee Schedule shall be paid at the time of filing the appeal.
  - b. Upon receipt of an appeal and payment of the fee, the City Clerk shall place the matter on the Council agenda not less than 30, but not more than 60, days following the date the appeal was filed.
  - c. If, after a hearing, the Council grants the appeal, the City Clerk shall, within 30 days, record a release of the notice of intention with the County Recorder.
  - d. If the appeal is denied, the City Clerk shall, within 30 days, record a notice of merger with the County Recorder.

- e. A copy of either the release or the notice of merger shall be sent to the property owner(s).

**F. Unmerger.**

- 1. Deemed Unmerged. In compliance with Government Code Article 1.7 (Unmerger of Parcels), any parcel or unit of land which merged in compliance with the provisions of any law before January 1, 1984, but for which a notice of merger was not recorded on or before that date are deemed unmerged, if on January 1, 1984, all of the criteria established by Government Code Section 66451.30(a) are met, and if none of the conditions specified in Government Code Section 66451.30(b) exist.
- 2. Filing of a Certificate of Compliance. Upon request of an owner, the City Engineer shall file a certificate of compliance whenever the City Engineer determines that a parcel is unmerged in compliance with this Section.

**G. Request for determination of merger.**

- 1. City Engineer's determination of merged or unmerged.
  - a. A property owner may request that the City Engineer determine whether property has merged in compliance with Subsection D. (Merger of Nonconforming Contiguous Parcels under Single Ownership), above, or is deemed unmerged in compliance with Subsection F. (Unmergers), above.
  - b. A request for determination shall be made in writing and shall be accompanied by a fee in compliance with the Planning Fee Schedule.
- 2. Determination of merged. Upon determination that property has merged, the City Engineer shall issue to the owner(s) and record with the County Recorder a notice of merger.
- 3. Determination of unmerged. Upon determination that property is deemed unmerged, the City Engineer shall issue to the owner(s) and record with the County Recorder a certificate of compliance showing each parcel as a separate parcel.

- H. Effect of nonprejudicial error.** The failure, informality, neglect, or omission as to a matter pertaining to findings, notices, recommendations, reports, or any other matter of procedure does not affect the validity of the action taken, unless after the examination of the entire process, it is found the complaining party suffered substantial prejudice.

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**10.04.050 Reversions to Acreage**

**A. Filing provisions.**

- 1. A reversion to acreage shall be initiated, processed, reviewed, and approved or denied in compliance with Government Code Chapter 6, Article 1.
- 2. An application for reversion submitted by a property owner(s) shall include all information required by the Department, and shall include the fee required by the Planning Fee Schedule.
- 3. A parcel map may be filed to revert to acreage land previously subdivided that consists of four or less contiguous parcels, in compliance with Government Code Section 66499.20¼.

**B. Procedures.**

- 1. Public hearing required.

- a. The Commission shall hold a public hearing on all petitions for, and Council initiations of, reversions to acreage.
    - b. The notice of the hearing shall be provided and the hearing shall be conducted in compliance with Chapter 9.17 (Public Hearings).
  2. Reversion by parcel map. In the case of a reversion to acreage by parcel map, the Commission may approve the reversion to acreage only if it first makes all of the findings required by Subsection C. (Required Findings), below.
  3. Reversion by final map.
    - a. For a reversion to acreage by final map, the Commission shall render its decision in the form of a written recommendation to the Council.
    - b. The recommendation shall include the reasons for the recommendation and shall be transmitted to the Council.
    - c. Upon receipt of the recommendation of the Commission, the Council shall hold a public hearing.
    - d. The notice of the hearing shall be provided and the hearing shall be conducted in compliance with Chapter 9.17 (Public Hearings).
    - e. The Council may approve a reversion to acreage only if it first makes all of the findings required by Subsection C. (Required Findings), below.
- C. **Required findings.** The Review Authority shall approve a reversion to acreage only after first making all of the following findings, as required by Government Code Sections 66499.16:
  1. Dedications or offers of dedication to be abandoned or vacated by the reversion to acreage are unnecessary for present or prospective public purposes; and
  2. Either:
    - a. All owners of an interest in the real property within the subdivision have consented to the reversion;
    - b. None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or
    - c. No parcels shown on the final or parcel map have been sold within five years from the date the map was filed for record.
- D. **Post approval procedures.**
  1. After the hearing before the Commission and/or the Council and approval of the reversion to acreage, the final or parcel map, as applicable, shall be delivered to the City Engineer.
  2. The reversion to acreage shall be effective upon the final or parcel map being filed for recordation by the County Recorder.
  3. Upon filing, all dedications and offers of dedication not shown on the final or parcel map for reversion shall be of no further force or effect.
- E. **Effect of reversion.** The filing of a final or parcel map, as applicable, to complete a reversion to acreage shall also constitute the merger of the separate parcels into one parcel, in compliance with Government Code Section 66499.20½.



# Chapter 10.05 Subdivision Design And Improvement Requirements

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## Sections:

10.05.010	Purpose
10.05.020	Applicability of Design and Improvement Standards
10.05.030	Subdivision Design Standards for All Zones
10.05.040	Subdivision Improvement Requirements
10.05.050	Site Preparation and Grading for Subdivision Construction
10.05.060	Improvement Plans
10.05.070	Improvement Agreement Required
10.05.080	Improvement Security
10.05.090	Installation of Improvements
10.05.100	Monuments
10.05.110	Soils Reports

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### 10.05.010 Purpose

- A. **Requirements for the design and layout.** This Chapter establishes standards for the design and layout of subdivisions, and the design, construction, and installation of public improvements located within subdivisions.
- B. **Creation of new usable parcels.** The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan, any applicable specific plan, and this Development Code.

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### 10.05.020 Applicability of Design and Improvement Standards

The requirements of this Chapter apply as follows.

- A. **Extent of required improvements.** Each subdivision of four or fewer parcels, and each subdivision of five or more parcels, shall provide the improvements required by this Chapter, and any additional improvements required by conditions of approval.
- B. **Applicable design standards, timing of installation.**
  - 1. The subdivider shall design and construct all on- and off-site improvements according to standards approved by the City Engineer.
  - 2. No parcel or final map shall be presented to the Council for approval and no parcel map shall be presented to the City Engineer for approval until the subdivider either completes the required improvements, or enters into a subdivision improvement agreement with the City for the work in compliance with Section 10.05.040 (Subdivision Improvement Requirements), below.
- C. **Subdivision improvement standards – conditions of approval.**
  - 1. The applicable subdivision improvement and dedication requirements of this Chapter and any other improvements and dedications required by the Review Authority shall be described in conditions of approval adopted for each approved tentative map in compliance with Section 10.02.070 (Conditions of Approval).

2. The design, construction, or installation of all subdivision improvements shall comply with the requirements of the City Engineer.

**D. Oversizing of improvements.**

1. At the discretion of the review authority, improvements required to be installed by the subdivider for the benefit of the subdivision may also be required to provide supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and may be required to be dedicated to the City, in compliance with Government Code Chapter 4, Article 6.
2. In the event that oversizing is required, the City shall comply with all applicable provisions of Government Code Sections 66485 et seq., including the reimbursement provisions of Government Code Section 66486.
3. If a parcel proposed for subdivision is subject to an existing reimbursement agreement, the subdivider shall pay the required reimbursement before the recordation of the parcel or final map, or the issuance of a Building Permit for construction on the parcel, whichever occurs first.

- E. Exceptions.** Exceptions to the requirements of this Chapter may be requested and considered in compliance with Subsection B. (Exceptions – Rural Residential Subdivisions with Parcels Over 10 Acres in Area), below.

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**10.05.030 Subdivision Design Standards for All Zones**

All subdivisions shall be designed to comply with the provisions and requirements specified in Part 2 (General to All).

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**10.05.040 Subdivision Improvement Requirements**

**A. Improvements required.**

1. General.
  - a. Required of all subdivisions. All improvements specified in this Section and required as tentative map conditions of approval or by City ordinance or resolution, together with the required improvements specified in this Part, are required of all subdivisions.
  - b. Exceptions for subdivisions with parcels over 10 acres in area. Exceptions for the improvements specified in this Section shall be made for only those regarding frontage improvements, sanitary sewer, water supply, and public utility design and improvements provided for in Subsection B. (Exceptions – Rural Residential subdivisions with parcels over 10 acres in area), below.
2. Access. Every parcel or parcel created shall have access to a public or private street.
  - a. Parcels located on public streets in zones other than residential shall have a minimum frontage of 25 feet on a dedicated street, unless specified otherwise by this Development Code.
  - b. Parcels located on public streets in residential zones shall have a minimum frontage of 42 feet, unless specified otherwise by this Development Code.
  - c. Parcels located on private streets are subject to the frontage requirements of this Development Code, Part 2 (General to All). The subdivider shall

- submit a development plan showing the alignment, grade, width, and material specifications of a proposed private street, the topography and means of access to each parcel, and the drainage, sewerage, water supply, and the utilities of the parcels served by the private street.
- d. Reserve strips, or nonaccess at the end of streets or at the boundaries of the subdivision, shall be dedicated unconditionally to the City when required by the City.
  3. Bicycle/walking paths and multi-use trails. The subdivider shall construct bicycle paths, multiple use trails, and/or access to multiple use trails within an approved subdivision in compliance with the Circulation, Open Space and Conservation Elements of the General Plan and any applicable specific plan.
  4. Bridges and major thoroughfares. The City may assess and collect fees as a condition of issuing a building permit for the purpose of defraying the actual or estimated costs of constructing bridges or major thoroughfares in compliance with Government Code Section 66484, after the City has established a master plan for bridge crossings and major thoroughfares by ordinance.
  5. Fire hydrants. The subdivider shall install fire hydrants, with their associated underground water pipes, of sizes and locations as required and approved by the Livermore Pleasanton Fire Department.
  6. Frontage improvements.
    - a. The frontage of each parcel shall be improved to its ultimate adopted geometric section, including, but not limited to, street structural sections, curbs, sidewalks, driveway approaches, and transitions.
    - b. Transit facilities (i.e., bus pads bus shelters, and bus turnouts) shall be provided on a collector street or major street when requested by Livermore Amador Valley Transit Authority.
  7. Monuments.
    - a. At the time of making the survey for the final or parcel map, the engineer or surveyor shall set sufficient durable monuments to conform with (a) the standards described in Business and Professions Code Section 8771, (b) Government Code Chapter 4, Article 9, (c) Section 10.05.100 (Monuments), below, and (c) the City standards, so that another engineer or surveyor may easily retrace the survey.
    - b. Interior monuments need not be set at the time the map is recorded if the engineer or surveyor certifies on the map that the monuments will be set by a specified date and if the subdivider provides security to guarantee the cost for the monuments.
    - c. Within five days after the final setting of all monuments, the engineer or surveyor shall give written notice to the subdivider and to the City Engineer.
  8. Private facilities – maintenance. A subdivision with common area or private streets shall have conditions, covenants, and restrictions (CC&R's) reviewed by the City to ensure the proper maintenance of the common areas and/or private streets, and establish standards for maintenance.
  9. Public utilities. Each parcel within an approved subdivision shall be served by public utilities, including cable television, electricity, gas, and telecommunications facilities.

- a. Underground utilities required.
    - (1) All existing and proposed utilities, including those identified in Subparagraph 9., above, located within or directly serving the subdivision and along street frontages adjacent to the subdivision shall be placed underground, except for those facilities exempted by Council adopted ordinance or resolution.
    - (2) The subdivider is responsible for complying with the requirements of this Subsection without expense to the City, and shall make necessary arrangements with the appropriate utility company for the installation of the facilities. Appurtenances and associated equipment (e.g., boxes and meter cabinets) and concealed ducts in an underground system may be placed above ground, but only upon prior approval by City.
    - (3) This Subsection shall not apply to existing utility or common carrier routes in use at the time the subdivision is completed which do not provide service to the area being subdivided.
    - (4) The Council may grant an exception to the undergrounding requirements if topographical soil or other conditions make underground installation of the facilities not feasible.
  - b. Reimbursement for relocation or replacement.
    - (1) Whenever the City imposes as a condition of its approval of a tentative or a parcel map a requirement that necessitates replacing, undergrounding, or permanently or temporarily relocating existing facilities of a cable television system or telephone corporation, common carrier, or other public utility, the subdivider shall reimburse the appropriate facility provider for all costs for the relocation, replacement, or undergrounding.
10. Sanitary sewers. Each parcel within an approved subdivision shall be provided a connection to the City's sewage collection, treatment, and disposal system, in compliance with the City's adopted improvement standards and specifications.
- a. The subdivider shall also pay the City's required connection fee.
  - b. All sanitary sewer mains, appurtenances, and service connections shall be constructed or laid to the line and grade established by the City Engineer and shall be of a design and size as designated.
  - c. Sewers shall not be installed in utility easements, except in special cases and circumstances, subject to the approval of the City Engineer.
11. Storm drainage.
- a. Stormwater runoff from the subdivision shall be collected and conveyed by an approved storm drain system.
  - b. The storm drain system shall be designed for ultimate development of the watershed.
  - c. The storm drain system shall provide for the protection of abutting and off-site properties that would be adversely affected by any increase in run-off attributed to the development.
  - d. Off-site storm drain improvements may be required to satisfy this requirement.
  - e. A subdivision that lies in the path of existing watercourses or overflows from existing watercourses, or natural drainage from upstream properties, shall not be approved unless adequate dedicated right(s)-of-way and improvements are provided as deemed satisfactory by the City Engineer.



- f. The location, size, and type of watercourses or drainage works, and all drainage of streets and other drainage works between streets, shall comply with City standards or as required by the City Engineer.
  - g. When the City Engineer determines that drainage right(s)-of-way are necessary, the subdivider shall offer to dedicate upon the tentative, parcel, or final map of the subdivision the necessary right(s)-of-way for the drainage facilities.
  - h. Where dedication is offered or granted for Alameda County Flood Control and Water Conservation District Zone 7 right(s)-of-way, the right(s)-of-way shall be shown as parcels lettered alphabetically on the tentative, parcel, or final map. The offer of dedication or grant shall be made by an appropriate statement on the title sheet of the final map.
- 12. Special facilities. Special facilities as required by the General Plan, any applicable specific plan, or as a special condition of the subject zone shall be provided.
- 13. Street lighting.
  - a. All proposed subdivisions shall provide street lighting facilities designed and constructed in compliance with the City's adopted improvement standards and specifications.
  - b. The subdivider shall pay for street light maintenance on decorative fixture lighting as required by the City.
- 14. Street signs and street names.
  - a. Street names.
    - (1) All public and private streets located within a proposed subdivision shall have names in compliance with the procedures established by the City Engineer.
    - (2) The duplication of an existing street name within the same area shall not be allowed in a new subdivision unless the street is an obvious extension of an existing street.
  - b. Street name signs. One set of signs shall be installed at each intersecting street identifying each street name at a location(s) determined by the City Engineer.
- 15. Water supply. Each parcel within an approved subdivision shall be served by an approved domestic water system.
  - a. Supply. Each approved parcel shall be served by either the City's water distribution system or California Water Service Company, which shall be designed and constructed to accommodate both domestic and fire flows, together with necessary fire hydrants to serve each parcel proposed to be created.
- 16. Other improvements. Other improvements (e.g., landscaping, signs, street lights, and street trees) or fees in lieu of any of the foregoing, are required as determined by the City Engineer in compliance with this Part and City standards and specifications.
- 17. Off-Site improvements.
  - a. If the subdivider is required to construct off-site improvements on land in which neither the subdivider nor the City has sufficient title or interest to allow construction, the dedication of the right-of-way shall be ensured, as required by Subsection 10.06.020 D. (Off-Site Rights-of-Way or Easements).
  - b. The City shall, before approving the final or parcel map, require the subdivider to

enter into an agreement to complete the off-site improvements at the time the City acquires title to an interest in the land.

- c. The City shall, within 120 days of recording the final map, acquire by negotiation or commence condemnation of the land.
- d. If the City fails to meet the 120-day time limit, the condition for the construction is waived.

**B. Exceptions – Rural Residential subdivisions with parcels over 10 acres in area.**

1. Not applicable to parcels zoned residential over 10 acres in area. In order to meet the intent of the South Livermore Valley Plan and at the same time maintain the rural character of the South Livermore Valley, LMC regulations relating to frontage improvements, sanitary sewer, water supply, and public utility design and improvements of subdivisions shall not apply to parcels zoned residential which are over 10 acres in area.
2. Council shall establish conditions. In lieu of LMC Chapter 12.04, the Council shall establish regulations regarding frontage improvements, sanitary sewer, water supply, and public utility design and improvements in specific conditions of approval in conjunction with its approval of each parcel map or tentative map.
3. Council considerations. In imposing any alternative condition of approval regarding frontage improvements, sanitary sewer, water supply, and public utility design and improvements of subdivisions the Council shall consider whether:
  - a. The alternative condition of approval will aid in maintaining the rural character of the South Livermore Valley;
  - b. The alternative condition of approval is consistent with policies intended to protect the health, safety, and general welfare of the City;
  - c. The alternative condition of approval is appropriate for parcels of 10 acres or more in area; and
  - d. The alternative condition of approval is at least the equivalent of the regulations specified in this Chapter.

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**10.05.050**

**Site Preparation and Grading for Subdivision Construction**

- A. **Grading.** Before the issuance of a Building Permit, a grading plan prepared and signed by a registered civil engineer shall be submitted to and approved by the City Engineer. Grading plans shall show the elevations of the natural ground at all parcel corners, the finished grade at corners, the finished pad elevation, finished floor elevations, rates and directions of all drainage swales, elevation height of all retaining or perimeter walls and finished sidewalk elevations at all front lot lines, and existing topographic elevations and drainage direction 100 feet outside the boundary of proposed project area and/or map.
  1. Minimum slopes. The minimum grade of all drainage swales on parcels shall be one-half of one percent unless approved differently by the City Engineer.
  2. Pad elevation, residential.
    - a. The building pad elevation of residential parcels shall be established at a minimum of 10 inches above the design sidewalk elevation at the lowest point of the parcel.
    - b. The finished floor elevation of slab floor houses shall be a minimum of 16 inches

above the sidewalk elevation.

- c. The pad elevation of all residential parcels shall be established at least one foot above the maximum water surface in an adjacent storm drain channel or the ponded surface in an adjacent sump for collection of storm drain waters.
  - d. An exception may be allowed in the case of a proposed subdivision served by a storm drain pump station.
  - e. The standards of this Subsection shall apply to any building pad elevation, except where the requirements of the International Building Code (IBC) exceed these standards, in which case the requirements of the IBC shall apply.
3. Drainage plan.
- a. No inter-parcel or “cross drainage” shall be allowed.
  - b. Each parcel shall drain its own water to a public street, approved public or private drainage facility, or natural drainage course without passing through or across an adjacent parcel, except where a legal right exists (e.g., a drainage easement), and is authorized by the City Engineer.
  - c. No parcel shall drain water over the bank of a flood control channel.
4. Grading practices.
- a. All grading within the City shall employ the best available management practices, as determined by the City Engineer, to minimize airborne dust, erosion, sedimentation, and unnecessary grading.
  - b. Each building site on sloping parcels shall be individually prepared.
5. Grading exceptions. Specific exceptions to the above grading requirements may be authorized at the discretion of the City Engineer.
6. Bonding.
- a. The City may require, as a condition of approval, that a bond be secured before any grading when the grading is proposed before recordation of the parcel or final map.
  - b. This bond would be used to install landscaping and appropriate erosion control measures as needed if the subdivider abandons the project after grading occurs.
  - c. All bonding shall be in compliance with Sections 10.05.070 (Improvement Agreement Requirements) and 10.05.080 (Improvement Security).
7. As-built grading plan. Upon completion of grading operations the subdivider or individual parcel owner shall furnish to the City Engineer two prints of an as-built grading plan prepared by the subdivider’s or owner’s engineer.
8. Compliance with International Building Code required. Every map approved in compliance with the provisions of this Part shall be conditioned on compliance with the requirements for grading and erosion control, including the prevention of sedimentation or damages to off-site property, in compliance with the International Building Code, as adopted and amended from time to time by the City.
9. Retaining Walls.
- a. Retaining walls shall be required at grade differences of one foot or more, unless a recorded slope easement is obtained.
  - b. Retaining walls shall be constructed in compliance with adopted City standards.

- c. Retaining walls one foot or more in height shall be constructed of masonry or concrete, and shall be engineered to City standards.
- B. **Erosion and sediment control.** A proposed subdivision shall be designed so that all grading incorporates appropriate erosion and sediment control measures.

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**10.05.060 Improvement Plans****A. General.**

- 1. Improvement plans shall be prepared under the direction of and signed by a registered civil engineer and shall conform to the conditions of approval and to the standard engineering specifications and standard details of the City.
- 2. Improvement plans shall include those improvements specified in Section 10.05.040 (Subdivision Improvement Requirements) (Section 66456.2).

**B. Form and contents.** The form and contents of the improvement plans shall conform to the Engineering Division Plan Check Manual.**C. Supplementary plans and calculations.**

- 1. Hydrology, hydraulic plans and calculations, bond or other security estimates and any structural calculations as may be required shall be submitted with the improvement plans.
- 2. All calculations shall be legible, systematic, signed and dated by a registered civil engineer and in a form approved by the City Engineer.

**D. Filing – review by the City Engineer.**

- 1. The subdivider shall submit copies of the preliminary improvement plans and all computations to the City Engineer for review.
- 2. Upon completion of the review, one set of the preliminary plans, with any required revisions indicated, will be returned to the subdivider.
- 3. If any revisions are necessary, the subdivider shall submit the corrected improvement plans and computations to the City Engineer.
- 4. The City Engineer shall act on the improvement plans within 60 working days of its submittal, plus extensions agreed to or necessitated by corrections, in compliance with Government Code Section 66456.2. (Section 66456.2)

**E. Approval by the City Engineer.**

- 1. After the subdivider has completed all required revisions, the subdivider shall transmit the corrected originals of the improvement plans to the City Engineer for signature.
- 2. Upon finding that the required revisions have been made and that the plans conform to all applicable City ordinances and plans, design requirements, and conditions of approval of the tentative map, the City Engineer shall sign and date the plans.
  - a. The originals shall be returned to the subdivider.
  - b. Approval of the improvement plans shall not be construed as approval of the cable television, electric, gas, or telephone service construction plans.
- 3. Approval by the City Engineer in no way relieves the subdivider or the subdivider's engineer from responsibility for the design of the improvements or for deficiencies

resulting from the design or from any required conditions of approval of the tentative map.

4. The approval of the improvement plans by the City Engineer, or the City Engineer's certification that no improvements are required, is a condition precedent to the approval of the final or parcel map of the subdivision.

**F. Revision to approved plans.**

1. By the subdivider.
  - a. A request by the subdivider for a revision to the approved plans appearing necessary or desirable during construction shall be submitted in writing to the City Engineer and shall be accompanied by revised drawings showing the proposed revision.
  - b. If the revision is acceptable to the City Engineer and is consistent with the tentative map, the original shall be submitted to the City Engineer's office for initialing.
  - c. The original shall be returned to the subdivider, and the revised plans shall be immediately transmitted to the City Engineer.
  - d. Construction of any proposed revision may not begin until the City Engineer receives and approves revised plans.
2. Plan checking and insertion costs for revisions.
  - a. Costs incurred by the City for the checking of plans or calculations or inspection as a result of revisions to the approved plans shall be borne by the subdivider in compliance with the Community Development Department Fee Sheet.
  - b. A deposit, when required, shall be submitted with the revised plans and applied toward the costs. (Section 66456.2)

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**10.05.070 Improvement Agreement Required**

**A. Subdivision improvement agreement.**

1. Subdivision improvement agreement required. Before a final map or parcel map is approved by the Council, the subdivider shall submit a signed subdivision improvement agreement ensuring the completion of improvements within a specified time and payment for them.
2. Contents of agreement. The agreement shall be based on the City's standard form of subdivision improvement agreement and shall include (but not be limited to): the subdivider's promise to complete certain improvements and to perform repairs or corrective work for 12 months following acceptance by the City; the time of completion; special conditions; insurance requirements and improvement security requirements for faithful performance, labor and materials and warranty period; and a promise to pay the City's legal fees if the subdivision approval is challenged (Sections 66462, 66474.9).
3. Approval by City Engineer required. The agreement shall be subject to the approval as to form by the City Attorney and approval by the City Engineer.
4. Recordation required. The executed improvement agreement shall be recorded in the office of the County Recorder and shall bind the subdivider's successor(s)-in-

interest.

**B. Deferred improvement agreements.**

**1. Minor or major subdivisions.**

- a. When improvements are deferred, the owner of the real property shall enter into an agreement with the City in a form acceptable to the City Attorney and approved by the City Engineer for the installation of all frontage improvements at a time in the future as specified by the City. The agreement shall provide for all of the following (Section 66411.1):
  - (1) The owner shall begin construction of improvements within 90 days of the receipt of the notice to proceed from the City, or as mutually agreed upon in writing;
  - (2) In the event of a default by the owner, the City is authorized to cause construction to be done and charge the entire cost and expense to the owner, including interest from the date of notice of the cost and expense until paid. The interest rate shall be consistent with the requirements of Article 15, Section 1 of the California State Constitution;
  - (3) The agreement shall be recorded with the County Recorder at the expense of the owner and shall constitute notice to all successors and assigns of title to the real property of the obligations specified in the agreement, and shall also constitute a lien in a sufficient amount necessary to fully reimburse the City, including interest as provided above, subject to foreclosure in the event of a default in payment. The obligations under the agreement shall run with the property and constitute a lien against it; and
  - (4) In the event of litigation occasioned by default of the owner, the owner agrees to pay all costs involved, including reasonable attorneys' fees. Those costs shall become a part of the lien against the real property.
- b. The construction of deferred improvements shall conform to this Part and all applicable provisions of this Development Code in effect at the time of construction.

**2. Remainder parcels.**

- a. For a designated remainder parcel, the fulfillment of construction requirements for improvements is not required until the City is ready to issue a permit or other grant of approval for development of the remainder parcel or until the construction of the improvements is required under an agreement between the subdivider and the City.
- b. In the absence of an agreement, the City may require fulfillment of the construction requirements within a reasonable time following approval of the final map and before the issuance of a permit or other grant of approval for the development of a remainder parcel upon a finding by the City that fulfillment of the construction requirements is necessary for reasons of (Section 66424.6):
  - (1) The public health and safety; or
  - (2) The required construction is a necessary prerequisite to the orderly development of the surrounding area.
- c. If a designated remainder is subsequently sold, the owner shall obtain a certificate of compliance or conditional certificate of compliance from the Director before development occurs.

**C. Reimbursement agreements.**

1. Applicant may request reimbursement agreement. If the improvements required to be installed by the subdivider under Subsection B. (Improvements Required), above, are greater than the minimum size required by the City and contain supplemental capacity, length, number or size for the benefit of property not within the subdivision and are to be dedicated to the public, the subdivider may request that the City enter into a reimbursement agreement under either:
  - a. LMC Section 12.30.085 for improvements eligible under the traffic impact fee fund;
  - b. LMC Section 13.44.090, for storm drainage facilities; or
  - c. Government Code Sections 66485 through 66487 for other improvements.
2. Not available once construction begins. For improvements not covered by the traffic impact fee fund or the storm drainage fund, the City may not approve a reimbursement agreement after the date construction begins on the improvements (Sections 66485 – 66487, 66475.4).

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**10.05.080 Improvement Security**

- A. **General.** An improvement agreement, contract, or act required or authorized by the Act or this Part for which security is required shall be secured in compliance with Government Code Section 66499 et seq. and as provided in this Section, and subject to the approval of the City Attorney.
- B. **Amount of security.**
  1. The subdivider shall provide a bond or other security in the amount of:
    - a. One hundred percent of the total estimated construction costs to guarantee the construction or installation of all improvements;
    - b. Fifty percent of the estimated construction cost to guarantee payment to subdivider's contractor, and to subcontractors and to persons furnishing labor, materials, or equipment for the construction or installation of all improvements; and
    - c. Fifteen percent of the cost of the improvements to guarantee the improvements against any defective work or labor done, or defective materials used in the performance of the improvements for the warranty period of 12 months following completion and acceptance of the improvements warranty security. The security for this warranty period may be provided either (a) at the time of signing the subdivision improvement agreement or (b) when the construction is completed, before the City accepts the improvements or releases the performance security, at the subdivider's option (Section 66499.3(d)).
  2. As a part of the obligation guaranteed by the security, and in addition to the full amount of the security, there shall be included costs and reasonable expenses and fees, including attorneys' fees, incurred by the City in enforcing the obligations secured (Sections 66499.3, 66499.4).
  3. The estimate of improvement costs shall be as approved by the City Engineer and shall provide for all of the following:
    - a. Total construction costs;

- b. Ten percent of the total construction cost for contingencies;
- c. Increase for projected inflation computed to the estimated end of construction;
- d. All utility installation costs or a certification acceptable to the City Engineer from the utility company that adequate security has been deposited to ensure installation; and
- e. Enforcement costs calculated as \$25,000 or five percent of the estimated construction cost, whichever is greater. These enforcement costs are not added if the bond language includes enforcement costs in addition to the face amount of the bond.

**C. Acceptable forms of security.** The form of security shall be one or a combination of the following at the option of and subject to the approval of the City Attorney:

- 1. A bond by an insurer admitted to transact surety insurance in California. The form of the bond(s) shall be in compliance with Government Code Sections 66499.1, 66499.2, 66499.3, and 66499.4;
- 2. A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, of money or negotiable bonds of the kind approved for securing deposits of public moneys;
- 3. An irrevocable letter of credit from one or more financial institutions regulated by the State or Federal government pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment and will be released only upon receipt of written instructions from the City. The form of the letter shall be subject to the approval of the City Attorney;
- 4. An instrument of credit from an agency of the State, Federal, or local government when any agency of the State, Federal, or local government provides at least 20 percent of the financing of the portion of the project requiring security (Section 66499(a));
- 5. A lien upon the property to be divided, created by contract between the owner and the City, if the City finds that it would not be in the public interest to require the installation of the required improvement(s) sooner than two years after the recordation of the map; the lien shall be in compliance with Government Code Section 66499(b);
- 6. A deed of trust which shall be recorded in the Alameda County Recorder's office and which shall be in compliance with Government Code Section 66499(b) or (Section 66449(a)(5));
- 7. Any other comparable form of security, acceptable to the City, as provided in Government Code Section 66499.

**D. Release of improvement security.**

- 1. Performance security. The City shall release the faithful performance security upon final acceptance of all improvements by the City.
  - a. Consistent with the provisions of Government Code Sections 66499.7 and 66499.8, a subdivider may apply to the City for a partial release of the faithful performance security upon completion of at least 50 percent of the required work in compliance with the plans and specifications for the improvement(s).
  - b. All applications for partial release of faithful performance security shall include a list of work completed, state the amount of the security requested for release, list all remaining work to be completed, include a cost estimate to complete



- all remaining work, and obligate the subdivider to continue providing the unreleased amount of the faithful performance security.
- c. A partial release of the faithful performance security is subject to the City Engineer's approval, issued upon the City Engineer's investigation and determination that the subdivider has satisfied all of the following conditions:
    - (1) At least 50 percent of the required work has been completed in compliance with the plans and specifications for the improvement(s);
    - (2) All of the work requested for release has been completed in compliance with the plans and specifications for the improvement(s);
    - (3) The amount of faithful performance security requested for release is commensurate with the amount of work completed;
    - (4) The cost estimated for all remaining work is acceptable; and
    - (5) The subdivider has continued to provide for the unreleased amount of the faithful performance security.
  - d. Following the City Engineer's determination that the subdivider has satisfied the conditions above, the City Engineer is authorized to partially release the faithful performance security in an amount commensurate with the work completed, except that if less than all the work has been completed, the City Engineer shall not release or otherwise reduce the amount of the faithful performance security to an amount less than 10 percent of the total original faithful performance security, or 200 percent of the cost estimate for completion of all remaining work, whichever is less.
  - e. The City Engineer is not authorized to accept the public improvements. A partial release of the faithful performance security is not, and shall not be deemed, an acceptance by the City of the completed improvements, and the risk of loss or damage to the improvements and the obligation to maintain the improvements shall remain the sole responsibility of the subdivider until all of the improvements are accepted by the City.
2. Material and labor security.
- a. The City shall reduce security given to secure payment to the contractor, subcontractors, and to persons furnishing labor, materials or equipment, 180 days after the completion and acceptance of improvements by the City, to an amount equal to the amount of all claims filed and of which notice has been given to the City.
  - b. The City shall release the balance of the security upon the settlement of all claims and obligations for which the security was given (Section 66499.7(b)).
3. Warranty security. The City shall release the warranty security upon satisfactory completion of the warranty period; provided:
- a. All deficiencies appearing on the warranty deficiency list for the subdivision have been corrected to the satisfaction of the City Engineer; and
  - b. Not less than 12 months has elapsed since the acceptance of the improvements by the City (Sections 66499.3(d), 66499.7, 66499.9).

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**10.05.090 Installation of Improvements****A. Time of completion.**

1. Major subdivisions.
  - a. The subdivider shall complete the improvements for a subdivision of five or more parcels within 12 months from the recording of the final map, unless an extension is granted by the Council.
  - b. If the subdivider fails to complete the improvements within the specified time, the City may, by Council resolution, cause the uncompleted improvements to be completed, and the parties executing the performance security shall be firmly bound for the payment of all costs.
2. Minor subdivisions.
  - a. The completion of improvements for subdivisions of four or fewer parcels is not required until a permit or other grant of approval for the development of a parcel within the subdivision is applied for.
  - b. The City may require completion of the improvements within 12 months from the recording of the parcel map when it finds that the completion of the improvements is necessary for public health or safety or for the orderly development of the surrounding area.
  - c. The Commission or Council may make this finding at the time of tentative map approval.
  - d. The specified date, when required, shall be stated in the subdivision improvement agreement. (Sections 66411.1; Section 10.05.070 (Improvement Agreement Requirements)).
3. Subdivision improvement agreement extensions.
  - a. The Council may extend the completion date upon written request by the subdivider and the submittal of adequate evidence to justify the extension.
    - (1) The request shall be made at least 30 days before expiration of the subdivision improvement agreement.
    - (2) No extension shall be granted if any parcel within the subdivision has been sold.
  - b. The subdivider shall enter into a subdivision improvement agreement extension with the City. The agreement shall be prepared by the City Engineer, approved as to form by the City Attorney, executed by the subdivider and surety.
  - c. In passing upon a request for a subdivision improvement agreement extension, the City may require the following:
    - (1) Revision of improvement plans to provide for current design and construction standards when required by the City Engineer;
    - (2) Revised improvement construction estimates to reflect current improvement costs as approved by the City Engineer;
    - (3) Increase of improvement securities in compliance with revised construction estimates;
    - (4) Increase of inspection fees to reflect current construction costs; however, inspection fees are not subject to decrease or refund; and

- (5) The Council, as a condition to approving a time extension for the completion of improvements, may impose additional requirements relating to the physical improvements, considered necessary to bring the project into compliance with current ordinances, policies, and standards.
- d. The subdivider shall pay the costs incurred by the City in processing the extension request and extension agreement.

**B. Construction and inspection.**

- 1. Conformance required. The construction methods and materials for all improvements shall conform to the conditions of approval, standard engineering specifications and standard details and all other standard plans and specifications of the City and are subject to inspection and approval by the City Engineer.
- 2. Final report required.
  - a. Except for grading, construction shall not begin until all required improvement plans are approved by the City Engineer. Grading plans shall conform to submitted improvement plans.
  - b. A final report acceptable to the City Engineer shall be prepared for each preliminary soil engineering report and for each preliminary engineering geology report.
    - (1) Each final report shall be submitted at the completion of the grading work, before the release of grading bonds, and before issuance of Building Permits.
    - (2) Each final report shall contain complete field data to indicate full compliance with the preliminary report and subsequent recommendations based on new information acquired during construction.
    - (3) The soil engineer shall provide written approval as to the adequacy of the site for the intended use based on soil engineering factors.
    - (4) The engineering geologist shall provide written approval as to the adequacy of the site for the intended use as affected by geologic factors (Sections 66490, 66491).
- 3. Inspection of work by City Engineer.
  - a. The subdivider shall notify the City Engineer at least 10 working days before beginning any work.
  - b. All work done in constructing the improvements and all materials furnished shall be subject to the inspection of the City Engineer.
  - c. The City Engineer and the flood control district shall have access to the work at all times during its construction and shall be furnished with every reasonable facility for ascertaining that the materials used and the workmanship are in compliance with the requirements of this Part.
  - d. If any of the work on improvements is done by the subdivider before the inspection of the improvements as required by the City Engineer, the City Engineer may reject that work, and it is deemed to have been done at the risk of the subdivider.
- 4. Completion without undue delay.
  - a. The subdivider shall prosecute the work to completion without undue delay except for inclement weather or other reasonable cause.
  - b. If there is a delay in completion of the work beyond the period stated in the

subdivision agreement, unless an extension is approved by the Council and the surety company, the Council may take appropriate steps to use the security to complete the work.

5. Inspection of private streets and utility systems improvements. The City Engineer shall also inspect private streets and the utility systems improvements for conformance with this Development Code and the City's standard details and specifications.

C. **Issuance of certificate of occupancy.** The City may not issue a certificate of occupancy until all of the public improvements have been completed, unless one of the following exceptions applies. In this Section, "completion of public improvements" shall mean all subdivision improvements have been completed and are in a condition to be accepted for maintenance by the Council.

1. Phased final maps. A certificate of occupancy for a particular phase of a final map may be issued when the subdivider has completed all of the public improvements for that phase.
2. Subdivision improvement agreement. The subdivision improvement agreement may provide for a public improvement to be completed later than the certificate of occupancy. To do this, the City Engineer may approve or amend the agreement and shall first make all of the following findings that:
  - a. The incomplete improvement will not affect the public health or safety;
  - b. There is a legitimate reason for the particular improvement to be completed after the certificate of occupancy;
  - c. There is a specific date or defined time period within which the improvement will be completed; and
  - d. Adequate security is posted with the City for completion of the improvement.
3. Minor improvements. If neither Subparagraphs 1. nor 2., above applies, the Director, in the Director's sole discretion, may authorize the release of a certificate of occupancy if the incomplete items are minor in nature, having an estimated completion cost of less than \$10,000.00 and all of the following conditions are met. (Examples of minor items include minor landscaping and repairing minor defects in otherwise completed improvements when there is no immediate, serious risk to the public.)
  - a. The Director makes a finding that the incomplete improvement will not affect the public health or safety;
  - b. The subdivider enters into a written agreement with the City, agreeing to complete the improvement by a date certain. The City Engineer is authorized to sign this agreement; and
  - c. The subdivider posts a cash deposit which the City may use to complete the improvement if the subdivider fails to do so. The deposit shall be in an amount sufficient to pay for the design and installation or construction of the improvement.
4. Off-site improvements. If Subparagraphs 1., 2., and 3., above do not apply, the Council may authorize the release of a certificate of occupancy before completion of an off-site improvement if all of the following conditions are met:
  - a. The Council makes a finding that the incomplete item will not affect the public health or safety;

- b. The subdivider enters into a written agreement with the City, agreeing to complete the improvement by a date certain or defined time period;
- c. The subdivider provides evidence that the subdivider has all necessary legal rights to the property on which the off-site improvements will be constructed;
- d. The subdivider posts a cash deposit which the City may use to complete the improvement if the subdivider fails to do so. The deposit shall be in an amount sufficient to pay for the design and installation or construction of the improvement; and
- e. The Council approves the new agreement and the certificate of occupancy by resolution, and findings in the resolution show that these conditions have been met.

**D. Acceptance of improvements.**

- 1. Action to accept improvements.
  - a. When the subdivider has completed all improvements, corrected all deficiencies, and submitted record drawings of the improvements, the City shall consider the subdivision improvements for acceptance.
  - b. The Council shall act by resolution accepting the improvements for maintenance and also accepting the public streets and easements (which were previously rejected) for these improvements.
- 2. Filing of notice. When dedications of rights-of-way, dedications of easements, or improvements are accepted for public purposes, the City Clerk shall file a notice with the County Recorder.

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**10.05.100 Monuments**

- A. **Setting of durable monuments.** At the time of making the survey for the final or parcel map, the engineer or surveyor shall set sufficient durable monuments to conform with (a) the standards described in Business and Professions Code Section 8771 and (b) the City standards, so that another engineer or surveyor may easily retrace the survey.
- B. **Interior monuments.** Interior monuments need not be set at the time the map is recorded if the engineer or surveyor certifies on the map that the monuments will be set by a specified date and if the subdivider provides security to guarantee the cost for the monuments.
- C. **Final setting of monuments.** Within five days after the final setting of all monuments, the engineer or surveyor shall give written notice to the subdivider and to the City Engineer.

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**10.05.110 Soils Reports**

- A. **Purpose.** This Section provides standards for the preparation and review of preliminary and final soils reports, in compliance with Government Code Chapter 4, Article 7.
- B. **Preliminary soils report.** A preliminary soils report based upon adequate test borings and prepared by a registered civil engineer shall be required for every subdivision for which a final map is required or when required as a condition of

development when soils conditions warrant the investigation and report. The preliminary soils report shall be submitted with the tentative map application in compliance with Section 10.02.030 D. (Preliminary Soil and Engineering Geology Reports).

- I. Form of preliminary soils report. A preliminary soils report may be divided into two parts (i.e., soils reconnaissance and soils investigation and report) in the following manner:
    - a. Soils reconnaissance.
      - (1) The soil reconnaissance shall include a complete description of the site based on a field investigation of soils matters.
      - (2) The soils matters reviewed shall include erosion, settlement, stability, feasibility of construction of the proposed improvements, description of soils related hazards and problems, and proposed methods of eliminating or reducing these hazards and problems.
    - b. Soils investigation and report. This investigation and report shall include field investigation and laboratory tests with detailed information and recommendations relative to all aspects of grading, filling, and other earthwork, foundation design, pavement design, and subsurface drainage.
      - (1) The report shall also recommend any required corrective action for the purpose of preventing structural damage to subdivision improvements and the structures to be constructed on the parcels.
      - (2) The report shall also recommend any special precautions required for erosion control, and the prevention of sedimentation or damage to off-site property.
      - (3) If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects or environmental impacts, a subsequent soils investigation of each parcel in the subdivision may be required and shall be submitted to and approved by the Building Inspection Department and the City Engineer before approval of a parcel or final map.
  2. Preliminary soils report waiver. The preliminary soils report may be waived if the City Engineer determines that existing available information on the qualities of the soils of the subdivision makes no preliminary analysis necessary.
- C. **Final soils report.** A final soils report prepared by a registered civil engineer shall be required where a preliminary soils report was required, unless the final report is waived by the City Engineer.
1. Filing of report. The final soils investigation and report shall be filed with the improvement plans.
  2. Content of report.
    - a. The report shall contain sufficient information to ensure compliance with all recommendations of the preliminary soils report and the specifications for the project.
    - b. The report shall also contain information relative to soils conditions encountered which differed from that described in the preliminary soils reports, along with any corrections, additions, or modifications not shown on the approved plans.
- D. **Geologic investigation and report.** If the City Engineer determines that conditions

warrant, a geologic investigation and report may also be required.





# Chapter 10.06 Dedications, Reservations, and Exactions

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## Sections:

10.06.010	Purpose
10.06.020	Dedication of Rights-of-Way and Easements
10.06.030	Reservations
10.06.040	Access to Public Resources
10.06.050	Affordable Housing
10.06.060	Bicycle Paths – Transit Facilities
10.06.070	Dedication of Land for Park and Recreational Purposes
10.06.080	School Facilities
10.06.090	Other Public Facilities

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### 10.06.010 Purpose

This chapter establishes requirements for subdivider dedications of land or payment of fees, in conjunction with subdivision approval.

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### 10.06.020 Dedication of Rights-of-Way and Easements

- A. **Offered for dedication.** Every alley, drainage channel, easement, reserve strip (or waiver of access rights), street, walkway, and other right-of-way shown on the final or parcel map intended for public use shall be offered for dedication at the time the final or parcel map is filed (Sections 66475, 66476, 66477.1, 66477.2, 66477.3).
- B. **Property dedicated in fee for public purposes.** When property is dedicated in fee for public purposes, other than for open space, parks, or schools, the City shall record with the County Recorder a certificate, attached to the map, which contains all of the following:
  1. The name and address of the subdivider;
  2. A legal description of the dedicated property; and
  3. A statement that the City shall reconvey the property if the City later determines that the public purpose or the need for the property no longer exists (Section 66477.5).
- C. **Provision of rights-of-way and easements.** The subdivider shall provide rights-of-way and easements for all on-site and off-site sidewalks, streets, utilities, and appurtenant landscaping. The subdivider shall pay all acquisition costs.
- D. **Off-site rights-of-way or easements.** If any off-site rights-of-way or easements are required:
  1. The subdivider shall enter into the City's standard right-of-way agreement which specifies how and when the necessary title to an interest in the land shall be acquired. The subdivider shall enter into this agreement before the first plan check of the map and improvement plans are submitted to the City.
  2. Before Council approval of the final map, one of the following shall have occurred:
    - a. The City has received signed deeds for all off-site rights-of-way and easements;
    - or

- b. The subdivider has executed the standard City contract for real property acquisition and deposited the estimated acquisition costs into a City trust account, and the subdivider has formally requested and the Council has approved a resolution of intent to use its powers of condemnation to acquire the rights-of-way and/or easements.

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#### 10.06.030 Reservations

- A. **General.** Where a fire station, library, park, recreational facility, or other public use is shown on the General Plan or applicable specific plan, and the plan contains policies and standards for those uses, the City may require a subdivider to reserve sites for those uses as a condition of approval of a tentative map. (Section 66479)
- B. **Limitations.**
  - 1. The reserved area shall be of a size and shape as to permit:
    - a. The balance of the property to develop in an orderly and efficient manner; and
    - b. The reserved area to be efficiently used or divided if it is not acquired by a public agency.
  - 2. The amount of land reserved may not render development of the remaining land economically unfeasible.
- C. **Acquisition.** The public agency for whose benefit an area has been reserved shall at the time of final or parcel map approval enter into an agreement to acquire the area within two years, or longer by mutual agreement (Sections 66480, 66481).

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#### 10.06.040 Access to Public Resources

The City may not approve a tentative or final map if the proposed subdivision fronts upon a public bay, lake, reservoir, river, shoreline, stream, or waterway, unless the subdivision provides reasonable public areas from a public street to that portion of the bank or shoreline bordering or lying within the subdivision (Sections 66478.4, 66478.11, 66478.12).

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#### 10.06.050 Affordable Housing

- A. **Requirement – Residential Subdivisions.** As a condition of approval for each tentative or vesting tentative map having residential parcels, the subdivider is required to either provide a percentage of the units as affordable housing or satisfy this requirement by an alternative means, all as specified below. Under either option, the subdivider shall comply with the applicable implementation measures specified in subsections D through F of this section. The affordable housing costs for very-low-, low-, and moderate-income households shall be determined annually by Council resolution. The housing costs shall be adjusted for family size and not exceed 30 percent of the household's gross income.
  - 1. Provide Affordable Housing.
    - a. **General Plan Area.** In the General Plan area, provide that at least 15 percent of the total dwelling units shall be affordable housing as follows (in this section, "General Plan area" means everywhere in the City, except the redevelopment project area, defined below):

- (1) For-Sale Units. The affordable housing units for for-sale residential subdivisions must be sold to low- and moderate-income households. Of the total number of dwelling units (15 percent) set aside, at least seven and one-half percent shall be reserved for sale to low-income households with the balance set aside for moderate-income households. Whenever the inclusionary requirement results in an odd number of units, the majority of units shall be provided as low-income.
    - (2) Rental Units. The affordable housing units for rental residential subdivisions must be dedicated to the City or an approved nonprofit housing group, which must then rent the units to very-low- and low-income households. Of the total number of dwelling units (15 percent) set aside, at least seven and one-half percent shall be reserved for rental to very-low-income households with the balance set aside for low-income households. Whenever the inclusionary requirement results in an odd number of units, the majority of units shall be provided as very-low-income.
  - b. Redevelopment Project Area. In the redevelopment project area, provide that at least 10 percent of the dwelling units in each project shall be affordable housing that is either reserved for sale to low-income households or dedicated to the City or an approved nonprofit housing group for rental to low-income households. In this section, "redevelopment project area" means that area designated in the Redevelopment Plan for Livermore Redevelopment Project, as amended.
2. Alternatives.
- a. Satisfying the Requirement. With Council approval, the subdivider may satisfy this requirement by one of the alternative means of compliance specified in subsection E of this section.
  - b. Temporary Suspension. In response to an unprecedented collapse in the housing market and a request by the California Department of Housing and Community Development Department, the prerequisite in subsection A.2.a of this section, subsection E.2 of this section, and LMC 3.26.040(A)(1) that a subdivider obtain City Council approval prior to satisfying the requirement through an alternative means is temporarily suspended as follows:
    - (1) During the temporary suspension, a subdivider may satisfy the requirement by either constructing the affordable housing units in the project or through one of the alternative means in subsection E of this section; provided, that the means provides an equivalent amount of affordable housing.
    - (2) If a subdivider intends to satisfy the inclusionary requirement through an alternative means, it shall prepare a report explaining the alternative and how the means further affordable housing opportunities in the City equivalent to the affordable housing requirement.
    - (3) This temporary suspension will expire upon the earlier of:
      - (a) The City's adoption of a feasibility analysis demonstrating the housing market in the Tri-Valley area has readjusted to an expanding rather than contracting market; or
      - (b) December 31, 2012.

- B. **Requirement – Commercial Subdivision.** As a condition of approval for each tentative or vesting tentative map having commercial parcels, the subdivider is required to pay the affordable housing fee established in compliance with Chapter 3.26 LMC.

- C. **Implementation – Security.** The subdivider shall provide security to satisfy this affordable housing requirement before approval of a final map. The security shall be one or a combination of the following and appropriate to the intended method of compliance:
1. A deed restriction on specific parcels totaling 15 percent (or 10 percent in the redevelopment project area) of the residential parcels on the map, and a bond to cover the cost of constructing homes on those parcels which are affordable;
  2. A bond to cover the housing in-lieu fee;
  3. A grant deed to the City dedicating land;
  4. A written agreement, with financial security, to provide secondary units or off-site construction; or
  5. Other appropriate security approved in writing by the City Attorney.
- D. **Implementation – Constructing Affordable Units.** When the subdivider intends to construct the affordable housing units within the proposed development project, the subdivider shall comply with all of the following requirements:
1. **Security.** The subdivider shall provide security for the reserved units before a final map is approved, as specified in subsection C of this section. The reserved units shall be identified on a tentative map or other development plan approved by the City.
  2. **Reserved Units.**
    - a. **General Plan Areas.**
      - (1) **For-Sale Units.** The subdivider shall reserve 15 percent or more of the for-sale units as affordable units to be sold to low- and moderate-income households at a price that does not exceed the maximum affordable purchase price for a unit for those households. The maximum purchase price for low- and moderate-income households shall be as adopted annually by Council resolution.
        - (a) At least seven and one-half percent of the reserved units shall be set aside for low-income households, with the balance set aside for moderate-income households.
        - (b) Whenever the inclusionary requirement results in an odd number of units, the majority of units shall be provided as low-income.
        - (c) The for-sale units shall be encumbered in a manner acceptable to the City, so that if a buyer resells the reserved unit within the restricted time period for a price in excess of the inflation-adjusted purchase price, then the excess profit will be returned to the City for use in affordable housing programs.
      - (2) **Rental Units.** The subdivider shall dedicate 15 percent or more of the rental units to the City or an approved nonprofit housing group as affordable units and at a cost not to exceed the maximum affordable price for the units. The City or the approved nonprofit housing group must then rent the affordable units to very-low- and low-income households at a cost that does not exceed maximum monthly rental rates for those households. The maximum affordable price for the units and the maximum monthly rental rates for very-low- and low-income households shall be adopted annually by Council resolution.

- (a) At least seven and one-half percent of the reserved units shall be set aside for very-low-income households, with the balance set aside for low-income households.
    - (b) Whenever the inclusionary requirement results in an odd number of units, the majority of units shall be provided as very-low-income.
    - (c) The rental units shall be managed by an experienced management company acceptable to the City.
  - b. Redevelopment Project Area. The subdivider shall reserve 10 percent or more of the for-sale units to be sold to low-income households at a price that does not exceed the maximum affordable purchase price for the units. The subdivider shall dedicate 10 percent or more of the rental units to the City or an approved nonprofit housing group as affordable housing and at a cost not to exceed the maximum affordable price for the units. The City or the approved nonprofit housing group must then rent the affordable units to low-income households at a cost that does not exceed maximum monthly rental rates for the units. The maximum purchase price for the for-sale units, the maximum affordable price for the rental units, and the maximum monthly rental rates for low-income households shall be adopted annually by Council resolution. For-sale units shall be encumbered in a manner acceptable to the City, so that if a buyer resells the reserved unit within the restricted time period for a price in excess of the inflation-adjusted purchase price, then the excess profit will be returned to the City for use in affordable housing programs.
3. Fifty-Five-Year Restriction.
- a. The subdivider shall ensure the affordability of the reserved units by a 55-year or more deed restriction, for either rental or for-sale housing.
  - b. The City may negotiate a reduction in the reservation period specified in subsection D.3.a of this section, if some of the for-sale units are reserved for very-low-income households.
4. Timing of Construction. The subdivider shall construct the reserved units concurrently with other units, unless the conditions of approval provide otherwise, or unless both the City and subdivider agree in writing to an alternative schedule for development.
5. Comparability of Units.
- a. The subdivider shall construct reserved units which are representative of the project as a whole, with comparable types of units, bedroom mix, and exterior appearance.
  - b. From the street, the reserved units shall not be distinguishable from other units in the project.
  - c. The average number of bedrooms for all affordable units in a project shall equal the average number of bedrooms for all other units in the project, up to a limit of three bedrooms per unit.
  - d. The number of bathrooms per bedroom shall equal the proportion of bathrooms in the market-priced units.
  - e. Affordable units shall have air-conditioning, enclosed garages, and laundry facilities to the extent market-priced units have those amenities.

- f. Notwithstanding these requirements for comparability of units, the affordable units shall meet or exceed the gross floor areas specified in Table 10.2 (Minimum Gross Floor Areas), below:

<b>Table 10.2 Minimum Gross Floor Areas</b>		
<b>Number of Bedrooms</b>	<b>Units Reserved for Sale</b>	<b>Units Reserved for Rent</b>
Studio unit	600 square feet	600 square feet
One bedroom unit	750 square feet	750 square feet
Two bedroom unit	1,000 square feet	900 square feet
Three bedroom unit	1,250 square feet	1,000 square feet
Four bedroom unit	1,500 square feet	1,250 square feet

6. **Mix of Product Types.** The mix of product types of reserved units shall reflect the overall mix of market-rate product types provided in the project (i.e., if the project provides a mix of single-family detached homes, townhomes, and/or multifamily units, the reserved units should reflect a comparable mix).
7. **Location.** The subdivider shall construct reserved units in locations dispersed throughout the project rather than concentrated in one portion or area of the project.

**E. Implementation – Alternative Means of Compliance.**

1. **Satisfy Housing Requirement.** The following alternatives may satisfy part or all of the affordable housing requirement.
2. **Council Approval Required.** Alternatives specified in subsections E. 4. a through E.4.d of this section require prior Council approval.
3. **Before Application Submittal.** A request to use one of these alternatives shall be presented to the Council before a tentative subdivision map application is submitted to the City.
4. **Report Required.** The request shall be accompanied by a report proposing the particular alternative requested, how the alternative will further affordable housing opportunities in the City, and demonstrating why it is not feasible for the applicant to construct affordable units within the development project (through independent data, including financial information).
  - a. **Secondary Dwelling Units.**
    - (1) In a project of more than 50 dwelling units, up to 20 percent of the requirement for reserved units may be satisfied by including secondary dwelling units accessory to the market-priced units.
    - (2) Each secondary dwelling unit provides a credit of 20 percent of a required affordable unit, without regard to unit size or other minimum standards specified in subsection D.5 of this section (Comparability of Units).
    - (3) The secondary dwelling unit shall comply with the standards specified in Section 6.03.120 (Secondary Dwelling Units).
  - b. **Off-Site Construction.**
    - (1) A subdivider may satisfy the affordable housing requirement by constructing, or making provisions to construct, reserved housing units on a site other than the primary project site.

- (2) The off-site units are subject to the standards specified in subsections D.1 through D.5 of this section.
- c. In-Lieu Fee.
  - (1) A subdivider may satisfy the affordable housing requirement by paying an in-lieu fee for each market-priced unit.
  - (2) The method of calculating the in-lieu fee is specified in LMC 3.26.050.
  - (3) Whenever the number of affordable units required to be constructed includes a fraction of a unit, the payment of a proportional in-lieu fee shall satisfy that partial unit requirement.
  - (4) For residential subdivisions with 10 or fewer units, a subdivider may satisfy the affordable housing requirement by paying an in-lieu fee for each market-priced unit.
- d. Dedication of Land.
  - (1) A subdivider may satisfy the affordable housing requirement by dedicating to the City a parcel of land suitable for development of housing units equal to or exceeding the number of affordable units required to be provided in compliance with this section.
  - (2) The General Plan designation and zoning designation on the land proposed for dedication shall be consistent with the intended use of the property, and there shall be direct access to improved streets and utilities.
- e. Residential Rental Projects. Instead of dedicating an affordable rental unit to the City or an approved nonprofit housing group, a subdivider may satisfy the affordable housing requirement by:
  - (1) Entering into a written agreement with the City to assume the responsibility to rent the units to very-low-, low-, or moderate-income households (depending on the status of the reserved unit) consistent with this section; or
  - (2) Implementing one of the alternative means of compliance in this subsection E.
- F. **Enforcement.** Enforcement provisions regarding this section are specified in Chapter 9.20 (Enforcement) and Section 9.20.070 (Violations). (Ord. 1902 § 1 (Exh.A), 2010)

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#### 10.06.060 Bicycle Paths – Transit Facilities

- A. **Bicycle paths.** If a subdivision contains 200 or more parcels, the subdivider may be required to dedicate land to provide bicycle paths for the use and safety of the residents of the subdivision (Section 66475.1).
- B. **Transit facilities.**
  - 1. The City may require a subdivider to dedicate land within the subdivision for local transit facilities (e.g., bus benches, shelters, turnouts, landing pads, and similar items) that directly benefit the residents of the subdivision.
  - 2. Only the payment of fees in lieu of the land dedication may be required in the subdivision of airspace in existing structures converted into community apartment projects, condominium projects, or stock cooperatives (Section 66475.2).

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**10.06.070 Dedication of Land for Park and Recreational Purposes**

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**A. Purpose and recitals.**

1. Purpose. This Section establishes requirements for the dedication of land for parks and related recreational purposes to serve the residents of newly created subdivisions.
2. Council recitals. The Council finds, determines, and declares as follows:
  - a. In 1975, the State Legislature amended the Act (Government Code Section 66477, also known as the Quimby Act) to enable the City to require either the dedication of land, the payment of fees, or a combination of both, for park or recreational purposes as a condition of approval of a subdivision;
  - b. Before the City may avail itself of Government Code Section 66477, it shall have policies and standards for parks and recreation facilities in the General Plan with definite principles and standards for the park and recreation facilities to serve the residents of the City; and
  - c. The Council has adopted policies and standards for parks and recreation facilities in the General Plan.

**B. Applicability.**

1. Subdividers shall provide park and recreation facilities. Every subdivider who subdivides land shall dedicate a portion of the land, pay a fee, or do both, as specified in this Section and LMC Chapter 12.60 (Parks Facilities Fee) for the purpose of providing park and recreation facilities to serve future residents of the subdivision.
2. Application – exceptions. The provisions of this Section shall apply to all subdivisions, as that phrase is defined in Government Code Section 66477, except for the following:
  - a. Condominium projects which consist of the subdivision of air space in an existing apartment structure which is more than five years old when no new dwelling units are added;
  - b. Commercial and industrial subdivisions; and
  - c. Parcel maps containing less than five parcels and not used for residential purposes.
3. Applicability to parcel maps and multi-dwelling developments. The requirements of this Section shall also apply to persons filing parcel maps for approval by the City and to persons constructing new multi-unit residential developments within the City, except as provided in this Subparagraph.
  - a. Definitions. For the purposes of this Subparagraph, the following terms, as used in this Section, shall have the following meanings.
    - (1) Subdivide. The act of dividing land in compliance with Government Code Sections 66410 et seq. and shall also mean the act of constructing multi-unit residential developments within the City.
    - (2) Subdivider. A person filing a parcel map for approval by the City and shall also mean a person wishing to construct new multi-unit residential developments within the City.
    - (3) Subdivision. The parcel map so filed for approval or the proposed multi-unit residential development.



- b. Payment of fee only. Notwithstanding the provisions of this Section, persons subject to the provisions of this Subparagraph shall pay the fee required by this Section and shall not have the alternative of dedicating land.

**C. Dedication requirements.**

1. Designated as a park facility. As a condition of approval of a subdivision map, the subdivider shall dedicate land for park or recreational improvements if any part of the proposed development site is designated by the City or the Livermore Area Recreation and Park District (referred to in this Section as LARPD) for a park facility.
2. Dedicated to LARPD or City. A site shown in the LARPD Master Plan, as it may be amended from time to time, and meeting current standards and policies adopted by the LARPD board, shall be dedicated to LARPD, unless LARPD is unwilling to accept the dedication, in which case the dedication shall be made to the City.
3. Five acres per 1,000 persons. The dedication of land shall be the proportionate amount necessary to provide five acres of park area for each 1,000 persons residing within the subdivision.
4. Amount of fee required. Where a fee is required to be paid in lieu of land dedication, the amount of the fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated in compliance with Subparagraph 5. (Fair Market Value), below and LMC Chapter 12.60 (Parks Facilities Fee).
5. Fair market value. The fair market value shall be determined as of the time of filing of the final map in compliance with the following:
  - a. The subdivider may, at the subdivider's own expense, obtain an appraisal of the property by a qualified real estate appraiser approved by the City, which appraisal may be accepted by the Council if found reasonable; or
  - b. The City and subdivider may agree to the fair market value.
6. Credit for private open space. Where private open space for park and recreational purposes is provided in a proposed subdivision and the space is to be privately owned and maintained by the future residents of the subdivision, the areas shall be credited against the requirement of dedication for park and recreation purposes, or the payment of fees in lieu thereof; provided, the Council first finds it is in the public interest to do so, and that all of the following standards are met:
  - a. The court areas, setbacks, yards, and other open areas required to be maintained by this Development Code or applicable building regulations shall not be included in the computation of the private open space;
  - b. The private ownership and maintenance of the open space is adequately provided for by written agreement;
  - c. The use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the subdivision and which cannot be defeated or eliminated without the consent of the Council;
  - d. The proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration factors as access, geology, shape, size, topography, and location of the private open space land(s); and
  - e. The facilities proposed for the open space are in substantial compliance with the provisions of the General Plan, and are approved by the Council.

7. Time of commencement shall be designated. At the time the final map is approved, the Council shall designate the time when development of the park and recreational facilities shall be commenced.

**D. Determination of dedication of land or payment of fee.**

- I. Procedure. The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:
  - a. Subdivider.
    - (1) At the time of filing a tentative map for approval, the owner of the property shall, as a part of the filing, indicate whether the owner desires to dedicate property for park and recreational purposes or desires to pay a fee in lieu of dedication.
    - (2) If the owner desires to dedicate land for this purpose, the owner shall designate the area on the tentative map as submitted.
  - b. Action of City. At the time of the tentative map approval, the Council shall determine as a part of the approval, whether to require a dedication of land within the subdivision, payment of a fee in lieu of dedication, or a combination of both.
  - c. Prerequisites for approval of final map.
    - (1) Where dedication is required, it shall be accomplished in compliance with Government Code Section 66477.
    - (2) Where fees are required, the same shall be deposited with the City before the approval of the final map.
    - (3) Open space covenants for private park or recreational facilities shall be submitted to the City before approval of the final map and shall be recorded concurrently with the final map.
2. Determination.
  - a. Whether the Council accepts land dedication or elects to require payment of a fee in lieu of dedication, or a combination of both, shall be determined by consideration of all of the following:
    - (1) The policies and standards for parks and recreation facilities in the General Plan;
    - (2) The access, geology, location, and topography of the land in the subdivision available for dedication; and
    - (3) The shape and size of the subdivision and the land available for dedication.
  - b. The determination of the Council as to whether land shall be dedicated or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.
  - c. On subdivisions involving 50 parcels or less, only the payment of fees shall be required; however, land may be accepted upon agreement of the subdivider and the Council.

- E. Limitations on the use of land and fees.** The land and fees received in compliance with this Section shall be used only for the purpose of providing park and recreational facilities to serve the subdivision for which received, and the location of the land and amount of fees shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

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**10.06.080 School Facilities**

- A. **Fee or dedication.** If the Livermore Valley Joint Unified School District has levied a fee or other requirement on development, the subdivider shall present to the City a certificate of compliance from the School District before a Building Permit is issued (Sections 53080, 65995).
- B. **Elementary school site.**
1. The City may require a subdivider to dedicate to the Livermore Valley Joint Unified School District land sufficient to construct elementary schools as are necessary to ensure adequate public school service to the residents of the subdivision.
  2. The requirement is terminated if the Livermore Valley Joint Unified School District does not offer to enter into an agreement to accept the dedication and to repay the subdivider for the land, in compliance with Government Code Section 66478 (Section 66413.7).
- C. **Classroom facilities.** The City may require a subdivider to dedicate land or pay fees, or a combination of both, for classroom and related facilities for elementary or high schools to alleviate conditions of overcrowding caused by new residential development, in compliance with Section and Government Code Sections 65970 through 65980 (Formerly LMC 3.24 [School Facilities Financing]).
1. Purpose. Because fees authorized in compliance with State law may be inadequate to completely mitigate the effects of new development on the Livermore Valley Joint Unified School District, the Council intends, by this Section, to require all future residential development projects located within the boundaries of the School District to fully mitigate any impacts on school facilities.
  2. Mitigation agreement.
    - a. No annexation, development agreement, Development Code amendment, or General Plan amendment allowing residential development on sites located within the boundaries of the Livermore Valley Joint Unified School District shall be approved unless the applicant first enters into an agreement with the School District to fully mitigate the proposed project's impacts on classroom facilities.
    - b. The agreement shall be in substantial conformance with a form agreement approved by resolution of both the Council and the School Board.
- D. **Mello-Roos mitigation.** No tentative subdivision map, parcel map, or site plan for residential development on sites located within the boundaries of the Livermore Valley Joint Unified School District, not subject to the provisions of Subsection C. (Classroom Facilities), above, shall be approved unless the applicant first agrees to participate in a Mello-Roos Community Facilities District, or in lieu of participation in the district, one of the following measures has first been taken (Formerly LMC 3.24 [School Facilities Financing]):
1. An agreement has been reached with the School District to acquire and/or construct school facilities through alternative methods; or
  2. Funds have been paid directly to the School District in an amount which will provide full mitigation of the proposed project's impacts on school facilities.

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**10.06.090 Other Public Facilities**

As a condition of approval of a tentative map, the subdivider may be required to dedicate land, pay fees, or both, for child day care, fire stations, library sites, public art, or any other public facilities in order to implement the provisions of the General Plan regarding these facilities when and if the dedications and fees are adopted by the City.

## Chapter 10.07 Non-Residential Condominiums

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### Sections:

10.07.010	Purpose
10.07.020	Submittal Requirements
10.07.030	Site Requirements
10.07.040	Structural and Electrical Requirements
10.07.050	Inspection and Fees

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### 10.07.010 Purpose

- A. Commercial and industrial condominium projects differ from other commercial and industrial subdivisions in numerous respects, particularly as to development standards and ownership of individual units and jointly held common areas.
- B. The purpose of this Chapter is to address the special attributes of condominium subdivisions and to adopt development standards which will protect both the community and the purchasers of condominium units.
- C. This Chapter applies to commercial and industrial condominiums (Section 66427).
- D. If a commercial or industrial condominium is proposed in combination with a residential condominium, the requirements of this Chapter and Chapter 10.08 (Residential Condominiums) shall be read together, with the relevant requirements applying to the portions of the project.

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### 10.07.020 Submittal Requirements

In addition to standards applicable to regular subdivisions, no new condominium project or portion of a project shall be approved unless the following items have been submitted with the tentative map and approved by the City:

- A. **Development plan.** A development plan of the project including location and sizes of structures, parking layout, access areas, and exterior elevations;
- B. **Preliminary landscape plan.** A preliminary landscaping plan of the project indicating types and sizes of landscaping materials and permanent irrigation facilities, prepared by a person licensed to prepare plans by the State;
- C. **Preliminary lighting plan.** A preliminary lighting plan of the project indicating location and nature of lighting and lighting fixtures in common areas;
- D. **Proposed condominium documents.** The proposed condominium documents, including those portions of the covenants, conditions, and restrictions that apply to the conveyance of units, the assignment of parking and proposed mechanism for resolving parking issues, and the management and maintenance of common areas and improvements;
- E. **Other information.** Other information which the Director determines is necessary to evaluate the proposed project to ensure consistency with the General Plan, any applicable specific plan, this Development Code, and any other applicable City regulations.

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**10.07.030 Site Requirements**

A condominium subdivision map may be approved, conditionally approved, or denied, based upon an evaluation of the proposed condominium plan in relation to all of the following criteria:

- A. **Architectural and site design.** Architectural evaluation shall include, but not be limited to, the following:
  - 1. The general appearance of the proposed development shall contribute to the orderly and harmonious development of the community as a whole;
  - 2. The design of all exterior surfaces of the structures shall create an aesthetically pleasing project; and
  - 3. General architectural and site considerations, including site layout and topography, the location of structures, access, building materials, circulation, colors, lighting, open space, screening, signing, and similar elements have been designed to provide a desirable environment. The design should minimize visibility of all service areas (e.g., delivery, outdoor storage, and solid waste), backflow prevention devices, and other utilities from public areas.
- B. **Environmental preservation.**
  - 1. The design, location, and orientation of all structures shall be arranged to preserve natural features by minimizing the disturbance to the physical environment.
  - 2. Natural features (e.g., historic landmarks, slopes, trees, and/or waterways) shall be delineated in the development plan and considered when planning the location and orientation of structures, parking areas, paved areas, play areas, open spaces, underground services, walks, and finished grade elevations.
- C. **Landscaping.**
  - 1. All setback areas fronting on or visible from an adjacent public street, and all open space areas shall be landscaped in an attractive manner and provided with a method for the maintenance of the areas as specified in Part 4 (General to Zones).
  - 2. Decorative design elements (e.g., benches, exterior recreational facilities, fountains, planters, pools, sculptures, and similar elements) may be allowed; provided, the elements are incorporated as a part of the landscaping plans, except where otherwise prohibited.
  - 3. Permanent and automatic irrigation facilities shall be provided in all planted landscaped areas.
  - 4. The landscaping shall be consistent with the zone district in which the condominium project is proposed.
- D. **Lighting.**
  - 1. The subdivider shall install an on-site lighting system on all vehicular access ways and along major walkways.
  - 2. The lighting shall be directed onto the driveways and walkways within the development and shielded to eliminate off-site glare away from adjacent properties.
  - 3. Appropriate lighting shall also be installed within all covered and/or enclosed parking areas.
- E. **Lot coverage.** Lot coverage shall conform to the Development Code requirements for the zone district in which the condominium project is proposed.

- F. **Open space – common.** Common open space areas shall be designed and located within the project to afford use by all owners of the project.
- G. **Minimum parking requirements.** Off-street parking shall be provided in compliance with Development Code requirements for commercial and industrial projects, as specified in Part 4 (General to Zones). Parking assignments shall be designated in the recorded declaration.
- H. **Solid waste and recycling collection areas.**
1. Solid waste and recycling collection areas shall be provided within 250 feet of the units they are designed to serve, and sized appropriately to accommodate the anticipated solid waste and recycling materials.
  2. These areas shall be enclosed within a structure or appropriately screened with decorative masonry walls having a minimum height of six feet, subject to the approval of the Director, to properly to screen the receptacles.
  3. Materials other than masonry may be used when specifically approved by the Director, when the Director finds that, due to extenuating circumstances regarding location (e.g., the proximity to underground utilities) the footing for masonry construction would be a detriment to the underground utilities.
  4. Access gates or doors to any solid waste and recycling collection area, not enclosed within a structure, are to be of opaque material.
  5. The design of the collection areas shall comply with LMC Chapter 3.60.
- I. **Width of the public rights-of-way and roadways.** The width of the public rights-of-way and roadways of the street(s) abutting the subject property shall conform to the minimum standards of the Circulation Element of the General Plan as specified in Appendix A of the General Plan.
- J. **Proposed declaration.** The proposed declaration shall include a clear designation of parking and sign rights, and a method for resolving differences. The declaration shall include a provision substantially as follows:

The City of Livermore Development Code regulates (1) the uses of property and required parking and (2) allowable signs. The City will not issue a Building Permit or a Sign Permit unless it is first authorized in writing by the association. This authorization shall be submitted with an application to the City. For parking, the authorization shall include a comprehensive parking layout and calculation to show there is sufficient parking for the proposed modification and all existing development. For signs, the authorization shall indicate the total signs allocated to the property and to each unit. This provision may not be modified without the written consent of the City.

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#### 10.07.040 Structural and Electrical Requirements

- A. **Structural requirements.** A condominium project is to be subject to the structural requirements specified in LMC Title 15 (Buildings and Construction).
- B. **Circuit breaker panels.**
1. Each unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit.
  2. The breaker panels shall be accessible without leaving the unit.

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**10.07.050      Inspection and Fees**

- A. **Compliance with Title 15 required.** Building inspection and associated fees shall be in compliance with LMC Title 15 (Buildings and Construction).
- B. **Compliance with LMC required.** Inspection and associated fees for required public and private street and utility improvements shall be in compliance with other applicable Sections of the LMC.



## Chapter 10.08 Residential Condominiums

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### Sections:

10.08.010	Purpose
10.08.020	Condominium Defined
10.08.030	Submittal Requirements
10.08.040	Site Requirements
10.08.050	Structural Requirements
10.08.060	Other Requirements
10.08.070	Inspection and Fees

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### 10.08.010 Purpose

- A. Residential condominium projects differ from other residential subdivisions in numerous respects, particularly as to development standards and ownership of individual dwelling units and jointly held common areas.
- B. The purpose of this Chapter is to address the special attributes of condominium subdivisions and to adopt development standards which will protect both the community and the purchasers of condominium dwelling units.
- C. If a commercial or industrial condominium is proposed in combination with a residential condominium, the requirements of this Chapter and Chapter 10.07 (Non-Residential Condominiums) shall be read together, with the relevant requirements applying to the portions of the project.

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### 10.08.020 Condominium Defined

- A. **Condominium.** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a commercial, industrial, or residential structure located on the real property (e.g., apartment, office, or store) in compliance with Civil Code Section 783.
- B. **May also include.** A condominium may include, in addition, a separate interest in other portions of the real property.

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### 10.08.030 Submittal Requirements

In addition to standards applicable to regular subdivisions, no new condominium project or portion of a project shall be approved unless the following items have been submitted with the tentative map and approved by the City:

- A. **Development plan.** A development plan of the project including location and sizes of structures, parking layout, access areas, and exterior elevations;
- B. **Preliminary landscape plan.** A preliminary landscaping plan of the project indicating types and sizes of landscaping materials and permanent irrigation facilities, prepared by a person licensed to prepare plans by the State;
- C. **Preliminary lighting plan.** A preliminary lighting plan of the project indicating

location and nature of lighting and lighting fixtures in common areas;

- D. **Proposed condominium documents.** The proposed condominium documents, including those portions of the covenants, conditions, and restrictions that apply to the conveyance of units, the assignment of parking, and the management and maintenance of common areas and improvements;
- E. **Delineation of shared common spaces.** All shared common spaces (including shared access areas, utility corridors, etc.) shall be clearly delineated with bearings and distances; and
- F. **Other information.** Other information which the Director determines is necessary to evaluate the proposed project to ensure consistency with the General Plan, any applicable specific plan, this Development Code, and any other applicable City regulations.

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#### 10.08.040 Site Requirements

A condominium subdivision map may be approved, conditionally approved, or denied, based upon an evaluation of the proposed condominium plan in relation to all of the following criteria:

- A. **Architectural and site design.** Architectural evaluation shall include, but not be limited to, the following:
  - 1. The general appearance of the proposed development shall contribute to the orderly and harmonious development of the community as a whole;
  - 2. The design of all exterior surfaces of the structures shall create an aesthetically pleasing project;
  - 3. Consideration shall be given to the appearance of garages when viewed from outside the subdivision; and
  - 4. General architectural and site considerations, including site layout and topography, the location of structures, access, building materials, circulation, colors, lighting, open space, screening, signing, and similar elements have been designed to provide a desirable environment.
- B. **Environmental preservation.**
  - 1. The design, location, and orientation of all structures shall be arranged to preserve natural features by minimizing the disturbance to the physical environment.
  - 2. Natural features (e.g., historic landmarks, slopes, trees, and/or waterways) shall be delineated in the development plan and considered when planning the location and orientation of structures, parking areas, paved areas, play areas, open spaces, underground services, walks, and finished grade elevations.
- C. **Landscaping.**
  - 1. All setback areas fronting on or visible from an adjacent public street, and all leisure, open space, and recreation areas shall be landscaped in an attractive manner and provided with a method for the maintenance of the areas as specified in Part 4.
  - 2. Decorative design elements (e.g., benches, exterior recreational facilities, fountains, planters, pools, sculptures, and similar elements) may be allowed; provided, the elements are incorporated as a part of the landscaping plans, except where otherwise prohibited.

3. Permanent and automatic irrigation facilities shall be provided in all planted landscaped areas.
4. The landscaping shall be consistent with the zone district in which the condominium project is proposed.

**D. Lighting.**

1. The subdivider shall install an on-site lighting system on all vehicular access ways and along major walkways.
2. The lighting shall be directed onto the driveways and walkways within the development and away from the adjacent properties.
3. Appropriate lighting shall also be installed within all covered and/or enclosed parking areas.

**E. Lot coverage.** Lot coverage shall conform to the Development Code requirements for the zone district in which the condominium project is proposed.

**F. Open Space – common.**

1. Common open space areas shall be designed and located within the project to afford use by all residents of the condominium project, in compliance with LMC Subsection 3.55.060 D. These common areas may include, but are not limited to, game courts or rooms, garden roofs, play lots, putting greens, sauna baths, and/or swimming pools.
2. Active recreation and leisure areas, except those located completely within a structure, used to meet the open space requirement shall not be located within 15 feet of any door or window of a dwelling unit.

**G. Minimum parking requirements.** Off-street parking shall be provided in compliance with Development Code requirements for condominium and townhouse projects, as specified in Chapter 4.04 (Parking Standards).

**H. Solid waste and recycling collection areas.**

1. Solid waste and recycling collection areas shall be provided within 250 feet of the dwelling units they are designed to serve.
2. These areas shall be enclosed within a structure or appropriately screened with decorative masonry walls having a minimum height of five feet, subject to the approval of the Director.
3. Materials other than masonry may be used when specifically approved by the Director, when the Director finds that, due to extenuating circumstances regarding location (e.g., the proximity to underground utilities) the footing for masonry construction would be a detriment to the underground utilities.
4. Access gates or doors to any solid waste and recycling collection area, not enclosed within a structure, are to be of opaque material.

**I. Width of the public rights-of-way and roadways.** The width of the public rights-of-way and roadways of the street(s) abutting the subject property shall conform to the minimum standards of the Circulation Element of the General Plan as specified in Appendix A of the General Plan.

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**10.08.050 Structural Requirements**

A condominium project shall be subject to the structural requirements specified in LMC Title 15 (Buildings and Construction).

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**10.08.060 Other Requirements****A. Storage space – private.**

1. Where the proposed dwelling units are to be constructed with other than an attached garage, a minimum of 200 cubic feet of storage space shall be provided outside of the dwelling unit for each condominium unit.
2. The storage space shall have a minimum horizontal surface area of 24 square feet of enclosed, lockable storage space.

**B. Circuit breaker panels.**

1. Each dwelling unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit.
2. The breaker panels shall be accessible without leaving the unit, except for townhouse units.

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**10.08.070 Inspection and Fees**

- A. **Compliance with Title 15 required.** Building inspection and associated fees shall be in compliance with LMC Title 15 (Buildings and Construction).
- B. **Compliance with LMC required.** Inspection and associated fees for required public and private street and utility improvements shall be in compliance with other applicable Sections of the LMC.

## Chapter 10.09 Non-Residential Condominium Conversions

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### Sections:

10.09.010	Purpose
10.09.020	Submittal Requirements
10.09.030	Procedures
10.09.040	Standards for Condominium Conversions
10.09.050	Findings
10.09.060	Inspection and Fees

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### 10.09.010 Purpose

- A. Commercial and industrial condominium conversion projects differ from other commercial and industrial subdivisions in numerous respects, particularly as to development standards and ownership of individual units and jointly held common areas.
- B. The purpose of this Chapter is to address the special attributes of condominium conversions and to adopt development standards which will protect both the community and the purchasers of condominium units.
- C. This Chapter applies to commercial, industrial, and mixed-use condominium conversions (Section 66427).

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### 10.09.020 Submittal Requirements

In addition to the other subdivision requirements and procedures, a commercial, industrial, or mixed-use conversion is subject to the requirements specified in this Chapter. An application for approval of a tentative map for the condominium subdivision shall be accompanied by all of the following items:

- A. **Development plan.** A development plan of the proposed project including location and sizes of existing and proposed structures, parking layout, access areas, sewer, storm drains, water, and any other information required by the Director.
- B. **Proposed declaration.** A proposed declaration, as required by Civil Code Section 1353. The declaration shall include an agreement for common area maintenance, a clear designation of parking and sign rights, and a method for resolving differences. The declaration shall include a provision substantially as follows:

The City of Livermore Development Code regulates (1) the uses of property and required parking and (2) allowable signs. The City will not issue a Building Permit or a Sign Permit unless it is first authorized in writing by the association. This authorization shall be submitted with an application to the City, and for parking shall include a comprehensive parking layout and calculation to show there is sufficient parking for the proposed modification and all existing development. For signs, the authorization shall indicate the total signs allocated to the property and to each unit. This provision may not be modified without the written consent of the City.

- C. **Allocation of parking and signs.** A proposal to include:
  - I. Square footage of each unit, and the type of business for each existing tenant;

2. An allocation of parking based on the parking requirements for commercial and industrial projects as specified in Chapter 4.04 (Parking Standards); and
3. An allocation of signs based on the sign requirements for commercial and industrial projects as specified in Chapter 4.06 (Sign Standards). and any existing master sign program.

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**10.09.030 Procedures**

A. **Subdivision procedures.** Under Government Code Section 66426, a condominium conversion is treated as a subdivision subject to the provisions of the Act and this Part.

B. **Acceptance of reports – copy to buyers.**

1. The final form of the reports and other documents required by Section 10.09.020 (Submittal Requirements), above, shall be as approved by the City.
2. The reports in their accepted form shall remain on file with the Director for review by the public.
3. The subdivider shall provide each purchaser with a copy of the reports (in their final, accepted form).

C. **Inspections and associated fees.**

1. Before submitting the final map, the subdivider shall request that an inspection of the premises be made by the Director for compliance with Section 10.09.060 (Inspection and Fees), below.
2. A project inspection(s) shall be made by the Building Official, the City Engineer, and the Director.
3. The inspection shall include common areas, public improvements, site improvements, structures, and other related facilities.
4. A deficiency list shall be compiled during the inspection of all corrections required to comply with the requirements of this Section, Section 10.09.060 (Inspection and Fees), below, and other applicable Development Code requirements.
5. When the final inspection is complete, a copy of the deficiency list shall be transmitted to the subdivider.
6. All deficiencies shall be corrected to the satisfaction of the City before filing of the final or parcel map.
7. When plans for corrective work are required, they shall be as approved by the appropriate City official specified in Subparagraph 2., above, before filing of the final or parcel map.
8. The City shall charge the usual fees, if applicable, or an hourly fee (estimated actual hourly cost to the City) for the inspection and processing.
9. The subdivider shall post a cash deposit in an amount equal to the estimated cost of inspection(s).
10. The deposit shall be applied towards the inspection fee with any refund or balance due to be resolved before the approval of the final map by the Council.
11. Any balance due to the City shall be paid before recordation of the final map.

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**10.09.040 Standards for Condominium Conversions**

The following standards apply to a condominium conversion. These standards shall be satisfied, or security provided in a form approved by the City Attorney, before the final or parcel map is approved.

- A. **Building regulations.** The project shall comply with the applicable standards of the City adopted International Building Code in effect at the time the last Building Permit was issued.
- B. **Fire prevention.**
  - 1. Fire warning systems. Each living unit shall be provided with a fire warning system complying with the adopted International Building Code standards in type and locations.
  - 2. Maintenance of fire protection systems. All fire alarm systems, fire hydrants, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition at all times.
- C. **Sound transmission.**
  - 1. Vibration transmission. All permanent mechanical equipment (e.g., compactors, compressors, motors, and pumps) which is determined by the Building Official to be a source of structural vibration or structural-borne noise shall be vibration isolated with inertia blocks or bases or vibration isolator springs in a manner approved by the Building Official.
  - 2. Noise standards.
    - a. The structures shall comply with all interior and exterior sound transmission standards of the State Administrative Code, Title 24, and the International Building Code.
    - b. Where present noise standards cannot reasonably be met the Commission may require the applicant to notify potential buyers of the noise deficiency currently within the unit(s).
- D. **Utility metering.** Each unit shall be separately metered for electricity, gas, and water, unless the declaration provides for the association to take responsibility for these utilities.
- E. **Landscape maintenance.**
  - 1. All landscaping shall be restored or new landscaping shall be installed to achieve a high degree of appearance and quality as specified in Chapter 4.05 (Landscape Standards).
  - 2. Provisions shall be made for continuing maintenance of all landscaped areas.
  - 3. All existing and new landscaping is subject to review and approval by the Director.
  - 4. The design of any new landscaping is subject to review and approval of the Commission when landscaping will noticeably affect the view from a major street as designated by the General Plan.
- F. **Parking.** Off-street parking shall be provided in compliance with this Development Code for commercial and industrial projects as specified in Chapter 4.04 (Parking Standards).
- G. **Refurbishing and restoration.**
  - 1. Each accessory structure, driveway, fence, landscaped area, main structure, sidewalk,

utility, and any additional element required by the Director shall be refurbished and restored as necessary to achieve a high degree of appearance, quality, and safety.

2. The refurbishing and restoration is subject to review and approval by the Director.

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**10.09.050 Findings**

The Council or Commission, as applicable, may not approve an application for a commercial or industrial condominium conversion unless it first finds in the approving resolution that the proposed conversion meets all of the following:

- A. Complies with all of the requirements of this Chapter; and
- B. Is consistent with the General Plan, any applicable specific plan, and current zoning regulations;

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**10.09.060 Inspection and Fees**

- A. **Compliance with Title 15 required.** Building inspection and associated fees shall be in compliance with LMC Title 15 (Buildings and Construction).
- B. **Compliance with LMC required.** Inspection and associated fees for required public and private street and utility improvements shall be in compliance with other applicable Sections of the LMC.



## Chapter 10.10 Residential Condominium Conversions

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### Sections:

10.10.010	Purpose
10.10.020	Submittal Requirements
10.10.030	Procedures
10.10.040	Standards for Condominium Conversions
10.10.050	Tenant Provisions
10.10.060	Effect of Conversion on City's Low and Moderate Income Housing
10.10.070	Limitations
10.10.080	Findings

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### 10.10.010 Purpose

The purpose of this Chapter is to:

- A. Establish criteria for the conversion of existing multi-family rental housing to a condominium;
- B. Promote the concept of home ownership and increase the amount of owner-occupied housing affordable by all economic segments of the community;
- C. Ensure that converted housing achieves a high degree of appearance, quality, and safety and is consistent with the goals of the City;
- D. Provide a reasonable balance of ownership and rental housing and a variety of choices of tenure, type, price, and location of housing;
- E. Maintain a supply of rental housing for low income and moderate income persons;
- F. Reduce the impact of conversion on residents in rental housing who may be required to relocate due to the conversion of apartments to condominiums by providing procedures for notification and adequate time and assistance for the relocation; and
- G. Ensure that purchasers of converted housing have been properly informed as to the physical condition of the structure which is offered for purchase.

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### 10.10.020 Submittal Requirements

In addition to the other subdivision requirements and procedures, a conversion is subject to the requirements specified in this Chapter. An application for approval of a tentative map for the condominium subdivision shall be accompanied by all of the following items:

- A. **Physical elements report.** A report on the physical elements of each structure and facility, which shall include, but not be limited to, all of the following:
  - I. Minimum contents of report.
    - a. A report detailing the structural condition of each element of the property, including appliances, ceilings, electrical, foundation, mechanical equipment, parking facilities, plumbing, recreational facilities, sound transmission of each structure, utilities, walls, and windows.
    - b. Regarding each element, the report shall state to the best knowledge or

estimate of the applicant when the element was constructed or installed, when the element was last replaced, the approximate date upon which the element will require replacement, the cost of replacing the element, and any variation of the physical condition of the element from the Development Code and International Building Code in effect on the date that the last Building Permit was issued for the structure.

- c. The report shall identify each known defective or unsafe element and specify the proposed corrective measures to be employed;
  2. Structural pest control report. A report from a licensed structural pest control operator, approved by the City, on each structure and each unit within the structure;
  3. Common area improvements report. A report on the condition of the common area improvements, including landscaping, lighting, street, and utilities;
  4. Soil and geological conditions report.
    - a. A report on any known soil and geological conditions regarding faults, groundwater, rock formation, soil deposits, and landslides in the vicinity of the project, and a statement regarding any known evidence of soils problems relating to the structure.
    - b. Reference shall be made to any previous soils report for the site and a copy submitted with the report; and
  5. Repairs and improvements report. A statement or report of needed repairs and improvements to be made by the subdivider, which are determined to be necessary to refurbish and restore the project to achieve a high degree of appearance, quality, and safety.
- B. **Development plan.** A development plan of the project, including the location and sizes of structures, parking layout and access areas, sewer, storm drains, and water, and any other information as required by the Director.
- C. **CC&Rs.**
  1. A declaration of covenants, conditions, and restrictions which would be recorded and would apply to each owner of a condominium unit within the project.
  2. The declaration shall include, but not be limited to, pertinent information regarding the conveyance of units and the assignment of parking, an agreement for common area maintenance, including facilities and landscaping, together with an estimate of any initial assessment fees anticipated for maintenance, and an indication of appropriate responsibilities for maintenance of all improvements and utility systems for each unit.
  3. The City has the right to review and approve the CC&Rs to ensure that:
    - a. The appropriate conditions of approval are included in them; and
    - b. Those provisions reflecting the City's conditions may not be amended without prior City approval.
- D. **Project characteristics.**
  1. Specific information concerning the characteristics of the project, including, but not limited to, all of the following:
    - a. Square footage and number of rooms in each unit;
    - b. Rental rate history for each type of unit for either the previous five years or since construction, whichever is less;

- c. Monthly vacancy rate for each month during either the preceding two years or since construction, whichever is less;
  - d. Characteristics of existing tenant households, including family size, length of residence, age of tenants, and whether receiving State or Federal rent subsidies;
  - e. Estimated sales price range of all units;
  - f. Proposed homeowners' association fee;
  - g. Financing available; and
  - h. Names and mailing address of all tenants.
2. When the subdivider can demonstrate that some or all of this information is not available, this requirement may be modified by the Director.
- E. **Notice of intention to convert.** A signed copy from each tenant of the notice of intention to convert as specified in Subsection 10.10.050 A. (Notice of Intention), below, or evidence that a certified letter of notification was sent to each tenant for whom a signed copy of the notice is not submitted.

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#### 10.10.030 Procedures

- A. **Subdivision procedures.** Under Government Code Section 66426, a condominium conversion is treated as a subdivision subject to the provisions of the Act and this Part.
- B. **Acceptance of reports.**
- 1. The final form of the physical elements report and other documents required under Section 10.10.020 (Submittal Requirements), above, shall be as approved by the City.
  - 2. The reports in their accepted form shall remain on file with the Director for review by the public.
  - 3. The reports shall be referred to collectively in this Chapter as "the reports."
- C. **Copy to buyers.**
- 1. The subdivider shall provide each purchaser with a copy of the reports (in their final accepted form), except the information required by Subsections 10.10.020 D. and E., above, before the purchaser executes an agreement to purchase a unit in the project, and the subdivider shall give the purchaser sufficient time to review the reports.
  - 2. A copy of the reports shall be made available at all times at the sales office and shall be posted at various locations, as approved by the City, at the project site.
- D. **Notice to tenants and prospective tenants.**
- 1. Before tentative map approval, the Commission shall hold a public hearing.
  - 2. In addition to all other notices required by the Act and this Part, the subdivider shall give notice before filing the tentative map to prospective tenants and existing tenants in the manner provided by Government Code Sections 66452.8 and 66452.9 and Section 10.10.050 (Tenant Provisions), below.
- E. **Inspections and fees.**
- 1. Purpose and type of inspections.
    - a. The purpose of the inspection is to develop a list of deficient conditions that may exist by reason of noncompliance with this Development Code, and to

have the deficient items refurbished and restored in compliance with Section 10.10.040 (Standards for Condominium Conversions), below.

- b. The premises to be inspected include common areas, public improvements, site improvements, structures, and other related facilities.
2. Request by subdivider. Before submitting the final map, the subdivider shall request that an inspection of the premises be made by the Director for compliance with Section 10.10.040 (Standards for Condominium Conversions), below.
3. Result of project inspections.
  - a. A project inspection(s) shall be made by the Building Official, the City Engineer, and the Director.
  - b. A deficiency list shall be compiled during the inspection of all corrections required to comply with the requirements of this Section, Section 10.10.040 (Standards for Condominium Conversions), below, and other applicable Development Code and International Building Code requirements.
  - c. When the final inspection is complete, a copy of the deficiency list shall be transmitted to the subdivider.
  - d. All deficiencies shall be corrected to the satisfaction of the City before filing of the final or parcel map.
  - e. When plans for corrective work are required, they shall be as approved by the appropriate City official specified in Subparagraph 3. a., above, before filing the final or parcel map.
4. Estimated cost of inspections.
  - a. The City shall charge the usual fees, if applicable, or an hourly fee (estimated actual hourly cost to the City) for the inspection and processing.
  - b. The subdivider shall post a cash deposit in an amount equal to the estimated cost of inspection(s).
  - c. The deposit shall be applied towards the inspection fee with any refund or balance due to be resolved before the approval of the final map by the Council.
  - d. Any balance due to the City shall be paid by the subdivider before recordation of the final map.

**F. Affordable housing - inclusionary housing requirements.**

1. A condominium conversion is subject to the inclusionary housing requirements specified in Section 10.06.050 (Affordable Housing).
2. However, if the project was required to comply with the inclusionary housing requirements when the project was originally constructed, the project shall receive a credit for:
  - a. The number of affordable units required at the time the project was constructed, presuming those existing affordable units remain affordable units; and
  - b. Any fees paid in lieu of creating affordable units, as to that portion of the obligation under the then-current inclusionary housing requirements that may be satisfied by the payment of fees.

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**10.10.040 Standards for Condominium Conversions**

The following standards apply to all condominium conversions. These standards shall be satisfied, or security provided in a form approved by the City Attorney, before the final map is approved.

- A. **Building regulations.** The project shall comply with the applicable standards of the City adopted International Building Code in effect at the time the last Building Permit was issued.
- B. **Fire prevention.**
  - 1. Fire warning systems. Each living unit shall be provided with a fire warning system complying with the adopted International Building Code standards in type and locations.
  - 2. Maintenance of fire protection systems. All fire alarm systems, fire hydrants, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition at all times.
- C. **Sound transmission.**
  - 1. Vibration transmission. All permanent mechanical equipment (e.g., compactors, compressors, motors, and pumps) which is determined by the Building Official to be a source of structural vibration or structural-borne noise shall be vibration isolated with inertia blocks or bases or vibration isolator springs in a manner approved by the Building Official.
  - 2. Noise standards.
    - a. The structures shall comply with all interior and exterior sound transmission standards of the State Administrative Code, Title 24, and the International Building Code.
    - b. Where present noise standards cannot reasonably be met the Commission may require the applicant to notify potential buyers of the noise deficiency currently within the unit(s).
- D. **Utility metering.** Each dwelling unit shall be separately metered for electricity and gas.
- E. **Private storage space.**
  - 1. Each unit shall have a minimum of 200 cubic feet with no less than 25 square feet of enclosed weatherproofed and lockable private storage space in addition to clothes, guest, linen, and pantry closets customarily provided in each unit.
  - 2. The space shall be provided in any location approved by the Director, but shall not be divided into two or more locations.
  - 3. Where the subdivider can demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the Council.
- F. **Laundry facilities.**
  - 1. A laundry area shall be provided in each unit, unless the Council approves a common laundry area.
  - 2. If a common laundry area is provided, it shall consist of not less than one automatic washer and one automatic dryer for each five dwelling units or fraction thereof.
  - 3. Where the subdivider can demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the Council.

**G. Landscape maintenance.**

1. All landscaping shall be restored or new landscaping shall be installed to achieve a high degree of appearance and quality as specified in Chapter 4.05 (Landscape Standards).
2. Provisions shall be made for continuing maintenance of all landscaped areas.
3. All existing and new landscaping is subject to review and approval by the Director.
4. The design of any new landscaping is subject to review and approval of the Commission when landscaping will noticeably affect the view from a major street as designated by the General Plan.

**H. Parking.** Off-street parking shall be provided in compliance with this Development Code for condominium and townhouse projects as specified in Chapter 4.04 (Parking Standards).**I. Refurbishing and restoration.**

1. Each accessory structure, carport, driveway, fence, landscaped area, main structure, patio enclosure, sidewalk, utility, and any additional element required by the Director shall be refurbished and restored as necessary to achieve a high degree of appearance, quality, and safety.
2. The refurbishing and restoration is subject to review and approval by the Director.

**J. Reserves for capital maintenance replacement.**

1. Before approval of the final map, the subdivider shall provide to the Director sufficient evidence of the establishment of a fund in the name of the homeowners' association.
2. The funds shall be earmarked for long-term reserves for capital maintenance replacement and shall be equal to at least twice the estimated monthly assessment for all dwelling units.

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**10.10.050 Tenant Provisions****A. Notice of intention.**

1. Beginning at least 60 days before the filing of a tentative map, the subdivider shall give notice of the intention to convert to each tenant and prospective tenant, as provided in Government Code Sections 66452.8 and 66452.9.
2. Evidence of receipt of the notice by each tenant and prospective tenant shall be submitted with the tentative map.
3. The form of the notice shall be as approved by the Director and shall contain not less than the following:
  - a. The information required by Government Code Section 66452.8 or 66452.9;
  - b. Name and address of the current owner;
  - c. Name and address of the proposed subdivider;
  - d. Approximate date on which the tentative map is proposed to be filed;
  - e. Approximate date on which the final or parcel map is to be filed;
  - f. Approximate date on which the units are to be vacated by nonpurchasing

tenants;

- g. Tenant's right to purchase;
- h. Tenant's right of notification to vacate;
- i. Relocation information;
- j. Statement of no rent increases;
- k. Provision for special cases (i.e., senior citizens and low and moderate income tenants);
- l. Provision of moving expenses;
- m. Deposit rebate;
- n. Remodeling provisions; and
- o. Other information as deemed necessary by the Director.

**B. Tenant's right to purchase.**

- 1. As provided in Government Code Sections 66427.1(d) and 66459, a present tenant of a unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public.
- 2. The right of first refusal shall extend for 90 days from the date of issuance of the subdivision public report or the beginning of sales, whichever is later.

**C. Senior citizens.**

- 1. Senior citizen tenant. A tenant household in residence at the time a completed tentative map application is accepted by the Director, in which the head of the household or spouse is age 60 or older, is considered a senior citizen tenant and shall be offered a lifetime lease at the time the final map is approved.
- 2. Annual rent.
  - a. The annual rent increase for a senior citizen tenant with a lifetime lease may not exceed 75 percent of the latest annual average percentage increase of the residential rent component of the Consumer Price Index – San Francisco-Oakland SMSA (CPI).
  - b. The senior citizen tenant shall be informed of changes in this index at the time a rent increase is imposed.
  - c. The starting rent shall be the rent at the time of tentative map application.
  - d. The lease form shall be submitted to the Director for review and approval before final map approval.

**D. Low- and moderate-income tenants.**

- 1. Low- or moderate-income household. A tenant household in residence at the time a completed tentative map application has been accepted by the Director, which meets the limits of the HUD Section 8 program, is considered a low or moderate income household and shall be offered, at a minimum, a three-year lease, beginning at the time the final map is approved.
- 2. Annual rent.
  - a. The annual rent increase for a low or moderate income tenant under this Subsection shall not exceed 75 percent of the latest annual average percentage increase of the Residential Rent Component of the Consumer Price Index – San

Francisco-Oakland SMSA (CPI).

- b. A low or moderate income tenant shall be informed of the changes in this index at the time an increase is imposed.
- c. Starting rent shall be the rent at the time of tentative map application.
- d. The lease form shall be submitted to the Director for review and approval before final map approval.

**E. Tenant relocation plan – assistance.**

- 1. Relocation and assistance plan.
  - a. The subdivider shall submit a tenant relocation and assistance plan with the tentative map application.
  - b. The plan shall include the information consistent with the State of California Relocation Assistance Act (Government Code Sections 7260 – 7277) and the Federal Uniform Relocation Assistance and Real Property Policies for Federal and Federally Assisted Programs Act (United States Code Title 42, Chapter 61) and those additional provisions required by this Subsection.
- 2. Vacation of units.
  - a. Each nonpurchasing tenant, not in default under the rental agreement or lease, shall have not less than 180 days from the date of receipt of notification from the subdivider of the intent to convert, or from the filing date of the final or parcel map, whichever date is later, to find substitute housing and to relocate.
  - b. A nonpurchasing tenant who: (1) is handicapped, or (2) has minor children in school, or (3) is age 60 or older (whether publicly subsidized or not) and does not accept a lifetime lease, living in any unit at the time a completed tentative map application is accepted by the Director, shall be given at least an additional 180 days (or until the end of the school year for tenants with minor children in school, whichever is longer) after approval of the final map in which to find suitable replacement housing.
- 3. Other available rentals. The subdivider shall provide each tenant not wishing to purchase a unit or not accepting a lifetime or special three-year lease with up-to-date information of available apartments of comparable size and price, and located within a 15-mile radius of the apartment to be converted, and shall provide transportation to assist each elderly or handicapped tenant in finding alternative housing.
- 4. No increase in rents. A tenant's rent shall not be increased during the period between the filing of the tentative map and the tenant's relocation or acceptance of a lifetime or special three-year lease, or the denial or withdrawal of the map.
- 5. Deposits. Each security, cleaning, or other deposit made as a condition of tenancy shall be returned to the tenant before termination of tenancy, unless it is shown that damage has occurred to the unit beyond the scope of repairs or remodeling contemplated in the conversion process, or unless the landlord is otherwise entitled to the deposit.
- 6. Required financial assistance.
  - a. The subdivider shall provide moving expenses of two times the monthly rent to any tenant household living in a unit at the time a completed tentative map application is accepted by the Director.
  - b. The subdivider shall pay these moving expenses to an eligible tenant within 14



days after relocation.

- c. In the case of a tenant receiving financial assistance under HUD regulations, “monthly rent” is defined to mean the gross total amount of rent which the subdivider receives, both from the tenant and from the local public agency administering the HUD program.

- F. **Remodeling.** No remodeling planned as part of the conversion shall be performed in a unit still occupied by a nonpurchasing tenant, without prior written permission from the tenant.

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#### 10.10.060      **Effect of Conversion on City’s Low and Moderate Income Housing**

In reviewing an application for conversion of an existing apartment to a condominium, the Council shall consider all of the following criteria:

- A. Whether or not the amount and impact of the displacement of tenants, if the conversion is approved, would be detrimental to the health, safety, or general welfare of the community;
- B. Whether or not the existing apartment complex is serving low and moderate income households. Standard definitions of low and moderate income rents used by the State and Federal governments should be used in the evaluation. Along with other factors, the City should consider:
  - 1. The number of families on current waiting lists for assisted rental housing programs that operate in Livermore (e.g., Section 8, Section 23, and Section 236 programs); and
  - 2. The probable income range of tenants living in existing apartments, based on the assumption that households may ordinarily be expected to pay between one-quarter and one-third of their income for housing. That income range will be compared with existing income limits for the Section 8 program to determine whether potential displaced tenants can be categorized as low or moderate income;
- C. The vacancy rate and turnover rate in existing apartments in the community, and the extent to which the proposed conversion will create hardships. A conversion may be denied based upon a lack of reasonable alternative housing opportunities;
- D. The need and demand for lower-cost home ownership opportunities which are increased by the conversion of apartments to condominiums;
- E. The current and historical vacancy rate in the project. In evaluation of the current vacancy level under this Subsection, the increase in rental rates for each unit over the preceding five years and the average monthly vacancy rate for the project over the preceding two years shall be considered. If the Council determines that vacancies in the project have been increased or encouraged for the purpose of preparing the project for conversion, it may deny the tentative map; and
- F. Whether or not the conversion will be detrimental to the retention of low and moderate housing stock or will reduce or significantly alter the opportunity within the City for the housing of young and elderly citizens.

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#### 10.10.070      **Limitations**

- A. **Maximum number allowed.** The maximum number of apartment units which may be

approved for condominium conversion in any one calendar year shall be limited to three percent of the City's stock of rental units, not to exceed a total of 150 units a year.

- B. **First-come, first-served basis.** The City shall consider applications on a first-come, first-served basis.
- C. **Carry over.** If the limit is reached, subsequent applications are to be carried over to the next calendar year and processed in the same order as originally received.

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**10.10.080 Findings**

The Council may not approve an application for a residential condominium conversion unless it first finds in the approving resolution that the proposed conversion meets all of the following:

- A. Complies with all of the requirements of this Chapter;
- B. Is consistent with the General Plan, any applicable specific plan, and current zoning regulations;
- C. For a project of five units or more, it will either: (1) provide an equivalent number of very low, low and/or moderate income rental units elsewhere in the City, with a requirement that the units remain as restricted rental units for at least 55 years; or (2) not cause the total amount of rental units for the current housing stock in the City to drop below 16 percent; and
- D. Satisfies the requirements of Government Code Section 66427.1 (regarding notice to tenants).

# Part II: Definitions

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# Chapter 11.01 Definitions

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## Sections:

- 11.01.010 Purpose
- 11.01.020 Definitions of Specialized Terms and Phrases

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### 11.01.010 Purpose

This Part provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Part conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this Part, or in other provisions of the City of Livermore Municipal Code, the Director shall determine the correct definition.

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### 11.01.020 Definitions of Specialized Terms and Phrases

Definitions. For the purpose of this section, the following terms shall be defined as follows:

#### A. Definitions

**Abandoned sign.** A sign in place for a period of at least 90 days which no longer advertises an ongoing business, lessor, owner or activity on the premises where the sign is displayed.

**Abutting.** Having a common property line or district boundary or separated by a private or public street or easement.

**Acceptable risk.** Pertaining to hazardous materials, the level of risk below for which no specific actions by local government are deemed to be necessary.

**Access or service drive.** A public or private way of paving or right-of-way of not more than 30 feet affording means of access to property.

**Access frontage or service road or street.** A public or private street or right-of-way of not less than minimum requirements as specified in Part 10 (Subdivisions) of this Code, affording means of access to property.

**Accessory building.** See “Accessory structure.”

**Accessory structure.** A structure or building subordinate to the primary dwelling on the same residential lot, serving a purpose customarily incidental to the principle use of the main use, structure and/or building, and which does not change the character of the principal use. See also “Agricultural accessory structure” and “Accessory structure or use, residential.”

**Accessory structure, major (major accessory structure).** An accessory structure with a footprint greater than 120 square feet.

**Accessory structure, minor (minor accessory structure).** An accessory structure with a footprint of 120 square feet or less.

**Accessory structure or use, residential.** Any use and/or structure that is customarily a part of, and clearly incidental and secondary to a residence, and does

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not change the character of the residential use. This definition includes the following detached accessory structures, and other similar structures normally associated with a residential use of property: garages; gazebos; greenhouses (non-commercial); spas and hot tubs; storage sheds; studios; swimming pools; tennis and other on-site sport courts; workshops. See also “Agricultural accessory structure.”

**Acreage.** A parcel of land which is not a parcel, as defined in Part 10 (Subdivisions), and those areas where a legal subdivision has not been made previously, or where a legal subdivision has declared the parcel as acreage.

**Advisory Agency.** The City staff member or City policy-making or review authority responsible for acting on an application, as specified in Section 10.01.050 (Advisory Agency).

**Affordable to low-income or very-low-income households.** Being of a condition in which sales prices or rental rates for a housing development conform with the current “City of Livermore Affordable Housing Sales Prices and Rental Rates,” established annually by resolution of the City Council.

**Affordable housing.** For-sale residential dwelling units that do not exceed affordable housing costs for very-low-, low-, and moderate-income households as defined by the U.S. Department of Housing and Urban Development for the San Francisco-Oakland-Fremont Metropolitan Statistical Area.

**Affordable housing project.** A residential development consisting of five or more units, not including any bonus units requested, in which:

- a. At least 20 percent of the total units are affordable to low-income households, or
- b. At least 10 percent of the total units are affordable to very-low-income households, or
- c. At least 50 percent of the total units are senior housing (Government Code Section 65915(b) and Civil Code Sections 51.2 and 51.3).

**Agent of owner.** A person authorized in writing by a property owner to represent and act for that property owner in contacts with City employees, committees, Commissions and the Council regarding matters regulated by this Development Code.

**Aggregate sign area.** The total area of all signs and/or all messages located on a parcel.

**Agriculture.** The use of the land for purposes including farming, agriculture, horticulture, floriculture, viticulture, and the necessary accessory uses for packing, treating or storing the produce, provided that any such accessory uses shall be secondary to that of normal agricultural activities. Does not include the raising of animals or fowl for commercial purposes, or sale of any products at retail on premises, unless otherwise specified.

**Agricultural accessory structure.** A structure for sheltering animals, agricultural equipment, hay, feed, etc. Examples of these structures include barns, non-commercial greenhouses, coops, corrals, and pens.

**Agriculture 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 grist mills; custom milling of flour, feed and grain; dairies (not including feedlots); grain cleaning and custom grinding; hay baling and cubing; pre-cooling and packaging of fresh or farm-dried fruits or vegetables; tree nut

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hulling and shelling; farm product warehousing and storage; drying of corn, rice, hay fruits and vegetables; sorting, grading and packing fruits and vegetables.

**Agriculture roadside stand.** Retail sales of products grown on the premises from roadside stands, including the sale of hay, grain and feed.

**Air cargo operation.** An operation that involves the carriage of property under the appropriate Federal Aviation Regulation (FAR) and operates aircraft that are within the weight limitations established for the airport.

**Air charter operation.** An operation that involves on-demand, non-scheduled passenger services and operates under the appropriate FAR (14 CFR Part 135 for common carriage or 14 CFR Part 125 for private carriage) with aircraft that provide no more than 30 passenger seats and are within the weight limitations established for the airport.

**Aircraft maintenance.** The repair, adjustment or inspection of aircraft. Major repairs include major alterations to the airframe, power plant, propeller and accessories. Minor repairs include normal, routine annual inspection with attendant maintenance, repair, calibration or adjustment or repair of aircraft and their accessories.

**Aircraft sales.** The sale of new or used aircraft through franchises or licensed dealership or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or otherwise; and provides such repair, services and parts as necessary to meet any guarantee or warranty on new or used aircraft sold by it.

**Airport hazard.** Any obstruction or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off.

**Airport reference point.** The point at which the mean elevation is established for an airport.

**Alley.** A public or private way to be used primarily for vehicular access to the back or side of a parcel of real property that otherwise abuts a street.

**Allowed.** Pertaining to hazardous materials, an instance in which the use of chemicals on a site is not regulated by this code.

**Alter.** To create 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-keeping facility.**

1. Animal husbandry. The use of land for dairying, animal raising and pasturage and the necessary accessory uses; provided that such accessory uses shall be secondary to that of normal animal husbandry activities. The above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
2. Animal husbandry, limited. The use of land for poultry, rabbit, turkey, frog, and other small-animal raising, not including kennels for dogs or cats.
3. Equestrian facility. A commercial facility for horses, donkeys and/or mules, including 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.

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4. Veterinary clinic, animal hospital. Office and indoor medical treatment facilities used by veterinarians, including large- and small-animal veterinary clinics and animal hospitals.

**Applicant.** Any individual, firm or any other entity that applies to the City for the applicable permits to undertake any construction or development project within the City.

**Approved nonprofit housing group.** A nonprofit corporation, or a housing authority, with the mission to provide quality affordable housing and has entered into an agreement with the City to rent affordable rental units to very-low- and low-income households at a cost that does not exceed maximum monthly rental rates for those households consistent with the requirements of Section 10.06.050.

**Apron.** Pertaining to the airport, those paved areas of the airport within the AOA designated by the airport for the loading and unloading of passengers, servicing, or parking of aircraft.

**Architectural features.** An exterior building feature including roofs, windows, doors, cornices, canopies, eaves, or similar design elements.

**Association.** A nonprofit corporation or unincorporated association created for the purpose of managing a condominium or other common interest development (Civil Code Section 1351).

**Attached building or structure.** Any building or structure which is structurally a part of, or has a common wall and/or continuous roof with a main building or structure, except where such connection is a breezeway or walkway incidental to and not a necessary part of the construction of the main building.

**Automobile and vehicle sales and rental.** A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and scooters with internal combustion engines (bicycle sales are included under "General Retail"). May also include repair shops and the sales of parts and accessories incidental to vehicle dealerships. Does not include: businesses dealing exclusively in used parts, auto wrecking and salvage; the sale of auto parts/accessories separate from a vehicle dealership, see "Auto parts sales" or "Auto service stations," which are separately defined.

**Automobile disassembly or wrecking.** The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Automobile parts sales.** Stores that sell new or re-manufactured automobile parts, tires, and accessories. Establishments that provide installation services are instead included under "Vehicle services - Auto repair garage." Does not include businesses dealing exclusively in used parts, auto wrecking and salvage, or tire recapping establishments, which are found under "Vehicle services - Auto repair garage."

**Automobile repair.** See "Vehicle services."

**Automobile repair, major/minor.**

- a. Major. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body or frame, straightening or repair, overall painting, or paint shop.
- b. Minor. Incidental minor repairs to include replacement of parts and service to passenger cars, but not including any operation defined as "automobile repair, major," or any other operation similar thereto.



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**Automobile service station.** A building and/or lot or use having pumps and storage tanks where motor vehicle fuels or lubricating oil or grease or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only; where deliveries are made directly into motor vehicles, including greasing and oiling on the premises and car washing; and where repair services is incidental to the use. Incidental accessory retail sales are limited to a maximum of 2,500 square feet of convenience market.

**Automated teller machine (ATM).** A computerized self-service machine used by bank and financial service patrons for conducting transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance with this Development Code.

**Awning.** A roof or cover which projects from a wall of a building over a window or door, made of canvas, aluminum or similar material, which may be fixed in place or be

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retractable.

## **B. Definitions**

**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.

**Banner sign.** A sign made of a flexible material that projects or hangs from a building, structure, pole or wire. A banner sign includes flags, but does not include pennants.

**Basement.** A story whose floor is more than 12 inches, but not more than half of its story height below the average level of the adjoining ground (as distinguished from a “cellar,” which is a story more than one-half below such level). A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement, and as a half-story for purposes of side yard determination.

**Bathroom.** A room that contains all of the following features: a bathtub or shower, a washbowl, and a toilet.

**Bay window.** An architectural projection from a wall, cantilevered from the house with no foundation directly under the projection. A bay window shall have a minimum glass area of 60 percent and may extend from the floor level of the ground floor up to the roof of the main structure.

**Beacon.** A light with one or more beams directed into the atmosphere or directed at one or more points not on the same parcel as the light source; also, a light with one or more beams that move.

**Bed & Breakfast (B&B).** A use of sleeping units, where one unit equals one room, for the rental accommodation of transient guests on an overnight basis. Sleeping units are limited to six or fewer units, plus accommodations for the owner, per residential structure.

**Billboard sign.** An off-site sign which is supported by one or more uprights, poles, or braces in or upon the ground, other than a freestanding sign, monument sign, or pole sign.

**Block.** An area of land separated from other areas by adjacent streets, railroads, rights-of-way, public areas or the subdivision boundary.

**Building frontage.** Pertaining to signs, the lineal length of a building facing a public street; or

1. The lineal length of a building facing an open area where all of the following circumstances exist:
  - a. The open area has a width (measured perpendicular from the wall to which the sign is to be affixed) of not less than 30 feet,
  - b. The open area is improved and is in use for off-street parking,
  - c. The open area is in the same ownership as the building to which signs are to be affixed; or
2. The lineal width of any alley, driveway, arcade, mall or similar open space which measures less than 30 feet and which provides public access to uses other than those fronting the public street; or
3. In the case of an open land use, other than off-street parking, driveways, alleys and similar areas, half the lineal distance of the open land use abutting the street; or

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4. The width of a building exclusive of roof overhang and canopies, attached or unattached, or ornamental features which cause a protrusion from the walls of a building. Where the wall of a building is not vertical, the frontage shall be measured at ground level.

**Building, main or principal.** A building in which is conducted the principal use of the building site upon which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the building site on which the same is located.

**Building site.** The ground area of a building or buildings together with all open spaces required by this code, and which site has its principal frontage upon a street.

**Build-to-Line.** A line parallel to a property line where a structure is required to be located.

**Bulb-out.** A curb extension intended to shorten the crossing distance for pedestrians and slow the speed of traffic.

**Business support services.** An establishment within a building that provides services to other businesses. Examples of these services include: blueprinting; computer-related services (rental, repair); copying and quick printing services; film processing and photo finishing (retail); mailing and mail box services. Does not include sales, storage or rental of heavy equipment.

### C. Definitions

**Cafe.** See “Restaurant, cafe or coffee shop”.

**California Environmental Quality Act.** The California Environmental Quality Act (CEQA) and its implementing guidelines.

**Camping and picnicking areas.** This land use is intended for picnicking and camping areas, which may include individual campsites, but where utility hookups for recreational vehicles are typically not provided at campsites.

**Canopy sign.** A sign under an awning or arcade perpendicular to a pedestrian walkway.

**Cardroom.** A space, room or enclosure furnished or equipped with a table used or intended to be used for the playing of cards and similar games, and the use of which is available to the public or any portion of the public; does not apply to a nonprofit society, club, fraternal, labor or other organization as defined in LMC 5.20.060.

**Caretaker's residence.** A temporary dwelling consisting of a modular building set on an engineered pier block foundation for persons employed in the agricultural use of the property and the families of those persons, and/or living quarters for farm workers when necessary for onsite farming operations. Such uses shall be reviewed for compliance with the temporary nature of the use every three years. Inspections of the units for compliance with health and safety standards shall be conducted every three years. Subject to a noticed public hearing, the building shall be removed if it no longer meets this definition or at the end of any three-year permit period.

**Carriage house.** A second permanent dwelling or living space that is accessory to a primary dwelling on the same site. A carriage house may provide 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. A carriage house may be located on an upper floor above the detached garage of a single dwelling.

**Car wash.** A place where motor vehicles are vacuumed, cleaned, washed and/or waxed. Does not include the retail sale of motor vehicle fuels.

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**Catering service.** A business that prepares food for consumption on the premises of a client.

**C district.** Any CS, CHS, CNB, CO, CP, or the DSP district as set forth in this code. Where certain uses in “any C district” are subject to certain regulations as contained herein, such regulations may apply in any of the above districts.

**Cellar.** A story, the floor of which is more than one-half of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes other than a janitor or caretaker employed on the premises.

**Cemetery.** Interment establishments, engaged in subdividing property into cemetery lots and offering burial plots or air space for sale.

**Certificate of compliance; conditional certificate of compliance.** A document issued by the City and recorded by the County Recorder certifying that a specified real property complies with the provisions of the Subdivision Map Act (Government Code Sections 66410 et seq.), and Part 10 (Subdivisions). A Conditional Certificate of Compliance includes any conditions that the City may impose upon the granting of the certificate requiring that specified terms be complied with before the subsequent issuance of a permit or other grant of approval for development of the property.

**Child day care.** Facilities for nonmedical care and supervision of minor children for periods of less than 24 hours. This land use includes the following types of facilities, 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 other approved land uses, or as an independent land use.
2. Large family day care home. A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for seven to 14 children. Children under the age of 10 years who reside in the home count as children served by the day care facility.
3. Small family day care home. A day care facility located in a single-family residence where an occupant of the residence provides care and supervision for either six or fewer children, or eight or fewer children provided that no more than two of the children are under the age of two and at least two of the children are over the age of six. Children under the age of 10 years who reside in the home count as children served by the day care facility.

**City.** The City of Livermore.

**City Council.** The Livermore City Council, referred to in this Development Code as the “Council.”

**City Engineer.** The Engineer of the City. The land surveying functions of the City Engineer may be performed by the City Engineer if that person was registered as a civil engineer before January 1, 1982 (R.C.E. No. lower than 33,966), or is a registered land surveyor, by a City Surveyor if that position is created by the City, or by another person authorized by State law to perform land surveying and designated by the City Engineer (Government Code 66416.5).

**City project.** New construction or renovation primarily funded by the City, conducted on City-owned property, or managed by City personnel from design through construction, and any buildings constructed for the City’s use under a build-to-suit program. “City project” shall not include traditional public works projects (defined

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below) or joint ventures between the City and a private developer.

**City Surveyor.** The official surveyor of the City, or authorized designee, who is assigned by the City Engineer. The City Surveyor shall be a civil engineer licensed to do surveying or a licensed surveyor.

**Coffee shop.** See “Restaurant, cafe or coffee shop”.

**Collector street.** A public street which is identified as a collector street by the General Plan. It is a street which, because of its location with reference to other streets or other sources of traffic, carries or will carry traffic from local streets to the system of major streets. It includes the principal entrance streets of residential subdivisions and streets for circulation of traffic within the subdivisions.

**Commercial amusement facility.** Establishments providing amusement and entertainment services for a fee or admission charge. This use does not include adult oriented businesses, which are separately defined in Chapter 5.08 of the Municipal Code. Examples of commercial amusement facilities include, but are not limited to the following:

- a. Bowling alleys
- b. Coin-operated amusement arcades
- c. Dance halls, clubs, and ballrooms
- d. Electronic game arcades (video games, pinball, etc.)
- e. Children’s gyms and recreation facilities
- f. Ice skating and roller skating
- g. Pool and billiard rooms
- h. Go-karts
- i. Waterslides
- j. Miniature golf courses

**Commercial complex.** A collection of three or more commercial uses.

**Commercial signage.** Any sign sponsored by a commercial entity and whose prevailing message proposes a commercial transaction.

**Commercial recreation facility.** A category of land uses to include the following subcategories (which are individually defined in this Part):

- k. Camping and picnicking
- l. Commercial amusement facility
- m. Golf course and country club
- n. Golf driving range
- o. Private swim club and recreation center

**Common interest development.** As defined by Civil Code Section 1351, common interest development means any of the following: a condominium project; a planned development; a stock cooperative.

**Community apartment project.** A common interest development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located on it (Code of Civil Procedure Section 1351(d), Business and Professions Code Section 11004).

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**Community development director.** See “Director.”

**Conditional.** Pertaining to hazardous materials, an instance in which the use of chemicals on a site requires the approval of a Conditional Use Permit.

**Condominium.** An estate in real property consisting of an undivided interest in common in a portion of the property together with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The condominium may be commercial, industrial, residential, or any combination (Civil Code Sections 783, 1351(f)).

**Condominium conversion.** The conversion of an existing structure into separately owned commercial, industrial, or mixed-use units.

**Contract construction.** Includes electrical; heating and air conditioning; flooring; plumbing and fire sprinkler; insulation; drywall; painting; landscaping, swimming pool installation; roofing; concrete and masonry; glass and glassing; similar contractors as determined by the Director. An establishment providing contract construction related services includes auto impoundment yards, building construction, general contractors and subcontractors. Outdoor construction vehicle storage is only permitted at contract construction facilities when outdoor storage is permitted.

**Convenience market.** A food store limited to 2,500 square feet of gross floor area which carries a limited inventory of food, beverages, and convenience retail items.

**Corporate hangar.** An enclosed structure to hold corporate style aircraft in protective storage. Such hangars may include office space, rest room facilities as well as maintenance and parts storage areas.

**Court or open space.** An open, unoccupied and unobstructed space, other than a required yard, on the same lot with a building or group of buildings, but not including any off-street parking or loading area, street or road right-of-way.

**Coverage.**

1. Building. The floor area of the largest story of a building divided by the total site area.
2. Accessory Structures. The sum of the footprint area of all structures on a lot.

**County.** Alameda County.

**County Recorder.** The Alameda County Recorder.

**Cul-de-sac.** A street which connects to another public street only at one end and is not planned for later extension.

**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 harvesting, and sales in the field not involving a permanent structure.

**Cultural resource, potential.** A property or structure with a Historic Preservation (HP) Overlay designation, or over 50 years of age, or on or potentially eligible for listing in a local, State or national historic register.

**D. Definitions**

**Dance club.** Any dance open to the general public, whether or not a fee is charged for admission, but where such activity is in connection with any commercial activity.

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**Dangerous or objectionable elements.** Any land or building structure used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or elements in such manner or in such amount as to adversely affect the surrounding area or adjoining premises.

**Days.** Calendar days unless this Part or State law specifies otherwise.

**Declaration.** The document (covenants, conditions, and restrictions (CC&Rs), or however titled) which contains the restrictive covenants of the development, consistent with California Civil Code Section 1353.

**Dedication.** The transfer by a subdivider to a public entity of title to real property or an interest therein, or of an easement or right in real property, the transfer of facilities, the installation of improvements, or any combination of these (Government Code 66475.4(a)).

**Density bonus.** A density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and land-use element of the General Plan as of the date of application by the developer to the City (Government Code 65915(f)).

**Density bonus housing agreement.** An agreement between the City and the developer setting forth the terms and conditions of the award of a density bonus, and which the City Council finds is required to make an affordable housing project economically feasible (Government Code Section 65915(h)).

**Department.** The City's Community Development Department.

**Design.** Pertaining to subdivisions, design shall include all of the following:

- a. Drainage and sanitary facilities and utilities, including alignments and grades;
- b. Fire roads and firebreaks;
- c. Grading;
- d. Land to be dedicated for park or recreational purposes;
- e. Location and size of all required easements and rights-of-way;
- f. Parcel size and configuration;
- g. Street alignments, grades and widths;
- h. Traffic access; and
- i. Other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the General Plan or any applicable specific plan (Government Code 66418).

**Designated public right-of-way.** The area within 10 feet of the face of curb and any backing lot landscaped easement areas.

**Development.** The uses to which the land which is the subject of a map shall be put, the structures to be constructed on it, and all alterations of the land and construction incidental to the uses, structures, and land (Government Code 66418.1).

**Development Code.** The Development Code of the City.

**Development cost of a housing unit.** The construction valuation of the Building Permit, on and off-site costs including site development, design costs, and project



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administration costs, other than profit, and the cost of all permits, fees, and impact fees charged by the City, plus a percentage for the cost of the land.

**Dilapidated sign.** A sign that is no longer in a good state of repair or constitutes a health or safety hazard.

**Director.** The Community Development Director or his or her designee.

**Display.** An item or arrangement of items indoors that is not attached to a window, door or wall.

**District.** A portion of the territory of the City of Livermore within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this code.

**Drive-in business.** Any business that either by design or operation provides services or products directly to occupants of a motor vehicle, except gasoline service stations.

**Dwelling 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.

**Dwelling group.** A lot with more than one unit. Dwelling group types include:

1. Front-to-back group: Series of units in which the rear of the building which faces the street is faced by the front of a building to the rear.
2. Single row side-to-side group: Series of units that are so located on the lot that the rear thereof abuts upon one side yard and the front thereof abuts upon the other side yard.
3. Courtyard houses: Series of units that are so located on the lot that the rears thereof abut upon each side yard and the fronts thereof face a court.

**Dwelling, group living.** Dwellings designed for occupancy of groups living together and having a central dining facility.

**Dwelling, secondary unit.** A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

## **E. Definitions**

**Electric sign.** A sign containing electrical circuits, but not including signs illuminated by an exterior light source.

**Emergency shelter.** A facility for the temporary overnight shelter of indigents operated by a public or non-profit agency.

**Environmental Analysis.** An analysis conducted in compliance with the provisions of the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq.

**Engineering geologist.** A geologist who is certified in the State of California to practice engineering geology. Engineering geology is the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

**Essential services.** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers,

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pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings or high transmission power lines.

**Expansion.** Pertaining to hazardous materials and/or chemicals in either of the following instances:

1. The amount of material in any hazard class is to be increased 100 percent or more and the new quality is a conditional amount.
2. A chemical meeting the definition of one or more of the following hazard classes (in quantities identified as “conditional”) is to be brought on site that was not previously present: highly toxic gas, toxic gas, explosive, pyrophonic gas, radioactive, unstable/reactive Class 3 or 4, oxidizer class 3 or 4, carcinogens, organic peroxides, class 1 or 2.

## **F. Definitions**

**Family.** A person living alone, or two or more persons living together as a single housekeeping unit, including necessary servants, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house.

**Farm equipment sales and service.** The retail sale, rental, or repair of agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching. Includes commercial farm equipment sales, rental and repair; farm and dairy supply and equipment repair; and feed sales.

**Farmworker housing.** Any attached or detached dwelling unit used to house farm/agricultural workers and their family members, including temporary mobile homes. For the purpose of calculating density, no more than one food preparation area shall be provided for each farmworker housing unit.

**Fast-food business.** A restaurant with a drive-through facility providing food service directly to occupants of a motor vehicle.

**Final map.** A map showing a subdivision of five or more parcels prepared in compliance with the provisions of this Part and the Subdivision Map Act (Government Code 66410 et seq.) and in a manner to be filed in the office of the County Recorder.

**Financial services.** See “Bank, financial services”.

**Finding.** A statement that explains the analysis of the facts, regulations, and policies to support a decision.

**Fitness facility.** A fitness center, gymnasium, or health and athletic club, which may include any of the following: sauna, spa or hot tub facilities; indoor tennis, handball, racquetball; archery and shooting ranges; and other indoor sports activities. Does not include adult entertainment businesses.

**Fixed base operator (FBO).** A business operating at the airport that provides aircraft services to the general public, including but not limited to: aircraft sales, rental, maintenance, and repair; parking, tiedown, or storage of aircraft; flight training; air taxi/charter operations; and specialty services such as instrument and avionics maintenance, painting, overhaul, aerial application, and aerial photography. A “Full Service” FBO is engaged in the retail sale of aviation fuels and provides full fuel and line services to all based and transient general aviation aircraft.

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**Flag lot.** A lot having access from the building site to a public street by means of a private right-of-way strip that is owned in fee.

**Flood Control District.** The Alameda County Flood Control and Water Conservation District, Zone 7.

**Flood hazard.** Is the threat of overflow stormwaters having the capability to flood lands or improvements, transport or deposit debris, scour the surface soil, dislodge or damage structures, or erode the banks of channels.

**Floor area.** The sum of the gross areas of all stories of a building, measured from the exterior faces of the exterior walls. The floor area shall include any building that has a roof and is enclosed so as to provide shelter from the elements on three or more sides.

**Floor area ratio.** The floor area of the building divided by the total site area.

**Floor coverage.** See “Coverage.”

**Food store.** A business establishment exceeding 2,500 square feet of gross floor area principally intended to provide retail food sales and related products and services otherwise permitted within the zoning district in which the business is located.

**Footprint.** The area under an accessory structure as seen in plan view, measured horizontally from the outside of all exterior walls or supporting columns or posts at floor level (e.g., excluding eaves).

**Freestanding sign.** A sign supported entirely or in part by the ground, including but not limited to a monument, pole, or similar sign.

**Freeway-oriented use.** A use which is located within an I-580 quadrant, and is zoned highway service commercial (CHS).

**Frontage types.** The transition area between the building facade and the lot line. See Chapter 4.03 for a complete list of frontage types.

**Fuel station, private.** A private motor fuel dispensing facility exclusively serving the business occupying the subject property and not involving either wholesale or retail sales of motor vehicle fuels to other individuals or businesses.

## **G. Definitions**

**Gallery.** A one or two-story structure enclosed by one wall and a roof that covers a sidewalk.

**Garage, public.** A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, minor or major repair, or refinishing of self-propelled vehicles or trailers; except, that a structure or part thereof used only for storage or display of self-propelled passenger vehicles, but not for transients, and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired or hired, shall not be deemed to be a public garage.

**General Plan.** The City of Livermore General Plan, including all its elements and all amendments, as adopted by the City Council in compliance with Government Code Section 65300 et seq. and referred to in this Development Code as the “General Plan.”

**General retail.** Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include: bicycle sales, service, and rental; bookstores, except adult bookstores; apparel and accessories; bakeries; food stores (including convenience markets); furniture, home furnishings and appliances sales, service, and rental; miscellaneous retail (including candy or ice cream stores, drug stores, hobby or craft shops, liquor stores, jewelry stores, newsstands, specialty shops, variety stores, pet stores, or computer stores).

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**General retail (not of regional nature).** Locally-based stores or small scale shops selling various lines of merchandise. Includes the same type of stores and lines as “General retail”, however, does not include large retail sale establishments (especially those which generate large amounts of vehicle trips such as a national retailer).

**General Zones.** See “Non-Transect zones.”

**Golf course and country club.** This land use consists of golf courses and accessory facilities and uses including: clubhouses with bar and restaurant; locker and shower facilities; “pro shops” for on-site sales of golfing equipment and clothing; and golf cart storage and sales facilities.

**Golf driving range.** An outdoor golf practice facility where fees are charged. Typically, a large, open field with teeing ground at one end. The landing area may be an empty field or target greens and yardage markers. May have practice putting greens and areas for chipping, pitching, and bunker practice.

**Grazing.** The raising or keeping of cattle or other animals of similar size where feed is provided primarily by grazing when on-site resources are available.

**Guest house.** A detached structure accessory to a single dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

## **H. Definitions**

**Health facility.** Residential and community care facilities for the elderly, alcoholism recovery, and homes for mentally disordered, handicapped, dependent and neglected children.

**Hearing officer.** An impartial person, designated by the City Manager for the administrative citation hearing, see Municipal Code section 1.20.090.

### **Height.**

1. Sloping Lot. In any district on lots that slope, the maximum height of the structure shall be as set forth in the district and measured vertically from ground level at the front yard setback line, or if no yard is required, at the center of the lot.
2. Transect Zones, primary structure. Height is determined in two ways: 1) number of stories and 2) maximum overall height.
  - a. Number of stories. The number of stories in a structure allowed above grade. See Stories.
  - b. Overall. The vertical distance between grade and the highest part of the structure directly above.
3. Non-Transect Zones, primary structure. Height is the vertical distance from the average contact ground level at the front of the wall of the building to highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between the eaves and ridge for a gable, hip, or gambrel roof.
4. Accessory Structure. For the purpose of establishing required setbacks, height shall be defined for every point within the footprint area of an accessory structure, including a treehouse, as the vertical distance between grade and the highest part of the structure directly above. Height in all cases shall include any slab, platform, pad, mound or similar elevated base above pre-existing grade.

**Heritage resource.** See Cultural resource, potential.

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**Historic Landmark, designated.** Any property with a Historic Preservation (HP) Overlay designation.

**Historic Preservation Commission.** The City's Historic Preservation Commission, as described in Section 9.13.050.

**Home improvement sales and services.**

5. Major. Home improvement services that include building materials (lumberyards); building materials and hardware; paint, glass and wallpaper; floor and window coverings; carpentry shop or custom woodworking or custom furniture; food lockers, rental for individual households; spa and pool sales, supplies, service and repair; and nursery sales (garden supply).
6. Minor. Home improvement services that include building materials and hardware, excluding lumber yards, paint, glass, wallpaper and floor covering; and miscellaneous repair services, including only establishments engaged in the repairing and servicing of household and business equipment, machines and furnishings.

**Home occupations.** Any use conducted entirely within a dwelling and conducted only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and is not evidenced beyond the limits of the property by noise, light, smoke, odor, vibration, electrical interference, storage of material or equipment, abnormal human activity, or vehicular traffic or other exterior evidences.

**Hotel or motel.** Any building or portion thereof containing seven or more guest rooms used, designed or intended to be used, let or hired out to be occupied by transients.

**Housing development.** One or more groups of projects for residential units constructed in the City.

**I. Definitions**

**Icon sign.** A nonelectric sign with a message exclusively conveyed by an image/graphic form, placed perpendicular to a pedestrian walkway and attached to a building or wall. Registered trademarks/logos are not considered icon signs.

**I district.** Any I-1, I-2, or I-3 district as set forth in this code. Where certain uses in "any I district" are subject to certain regulations as contained herein, such regulations may apply in any of the above districts.

**Illegal sign.** A sign constructed in violation of the standards set forth in Chapter 4.06.

**Illuminated sign.** A nonelectric sign illuminated by an exterior light source provided specifically for the purpose of sign illumination.

**Improved.** An area which has been paved or planted and is permanently maintained as such.

**Improvements.** Includes all of the following:

- a. Bridges, curbs, driveways, flood control or storm-drainage facilities, freeways, gutters, interchanges, lighting facilities, overcrossings, public utilities, sanitary sewers and facilities, sidewalks, street work, traffic controls, water facilities, landscaping and fences to be installed by the subdivider on the land to be used for public rights-of-way, private streets and easements as a condition of map approval; and
- b. Any other improvements necessary to implement the General Plan or a specific plan and as defined by Government Code 66419 (Sections 66419, 66452.6(a)(3)).

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**Improvement plan.** An engineering plan submitted by a registered civil engineer showing the location and construction details of the streets, roads, drainage facilities, sanitary sewers, water mains and the pertinent structures and other on-tract and off-tract improvements required for a subdivision, as specified in Section 10.05.040 (Improvement Plans).

**Incentive.** As applies to density bonuses, a regulatory or financial concession, grant, refund, or waiver which reduces or avoids project costs.

**Industrial complex.** A collection of three or more industrial uses.

## **J. Definitions**

**Joint sign program.** An instance in which two or more freeway-oriented uses utilize one sign structure for display of signs.

**Junk yard.** A place where waste, discarded or salvaged materials are bought, sold, exchanged, packed, baled, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable conditions, or salvaged materials incidental to manufacturing operations.

## **K. Definitions**

**Kennel.** A commercial facility for the grooming, keeping, boarding or maintaining of five or more dogs (four months of age or older), or five or more cats except for dogs or cats for sale in pet shops, or in animal hospitals. Includes pet day care.

**Kitchen.** A room that is utilized for the preparation of food and contains a kitchen sink.

## **L. Definitions**

**Laboratory.** A facility for testing, experimenting, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs.

**Labor camp.** A camp established in agricultural areas for transient labor.

**Legal nonconforming sign.** A sign which was legally constructed under laws or regulations in effect at the time of construction which does not conform.

**Live Adult entertainment.** Refer to Chapter 5.08 of the Municipal Code.

**Livermore Area Recreation and Park District.** A multifaceted agency that was created to provide recreation and parks. Also referred to as "LARPD".

**Live/Work.** A commercial land use with an integrated residential unit and work space, may be occupied and utilized by a single household or may be occupied and utilized separately.

**Loading spaces, off-street.** Permanently improved and maintained areas contiguous to the site, not less than 12 feet in width, 25 feet in length, with a clearance height of not less than 16 feet.

**Lodging.** See "Bed & Breakfast", "Hotel or Motel" or "Travel trailer park".

**Lot.** See "parcel."

**Lot area.** The computed area contained within the lot or property lines.

**Lot, corner.** A lot bounded on two or more adjacent sides by street lines at their intersection; provided, that the interior angle of intersection does not exceed 135

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degrees, or a width not greater than 75 feet. The point of intersection is the corner.

**Lot coverage.** See Coverage.

**Lot, interior.** A lot other than a corner lot.

**Lot, irregular.** Any lot where the requirements of this Code cannot be clearly applied and must be established by the Director.

**Lot line.** Any recorded boundary of a lot.

**Lot line adjustment.** A shift or rotation of an existing lot line between four or fewer existing, adjoining parcels, where the land taken from one parcel is added to an adjoining parcel and where a greater number of parcels than originally existed are not created, as provided in Section 10.04.030 (Government Code 66412(d)).

**Lot line, rear.** 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.

**Lot line, side.** Any lot line that is not a front or rear lot line.

**Lot line, street.** A lot line separating the lot from a street.

**Lot width and depth.** Lot width is the shorter average horizontal dimension, generally perpendicular to the longer average horizontal dimension, which is the depth.

## **M. Definitions**

**Major thoroughfares.** A roadway designated as arterial, major, or secondary highway, as identified in the Circulation Element, whose primary purpose is to carry through traffic and provide a network connecting to the State Highway System.

**Major street.** A public street which is identified as a major street by the General Plan. It is a street which carries the major flow of traffic passing through or adjacent to a subdivision and for which the traffic entering or crossing from intersecting roads and streets may be controlled.

**Major subdivision.** The subdivision of land into five or more parcels.

**Mansard roof.** A roof characterized by two slopes, a steeply sloped roof that transitions to either a flat roof or roof sloped just enough to shed water. The steeply sloped roof often contains within an additional story of floor area/development.

**Manufacturing/processing - heavy industrial.** The manufacturing, assembly, processing, storage, or packaging of products involving chemicals, petroleum, and heavy agricultural products or other hazardous materials.

**Manufacturing/processing - light intensity.** The manufacturing, assembling, processing, storage or packaging of products except: 1) uses manufacturing, processing, storage or packaging chemicals, petroleum, and heavy agricultural products or other hazardous materials, 2) Vehicle-dismantling yards, scrap and waste yards. Light intensity manufacturing and processing includes:

1. The manufacturing of electric and electronic circuits and instruments and devices, such as, but not limited to, radio and television, phonographic equipment, calculators, computers, semi-conductors and transistors, and similar uses.
2. The manufacturing, assembly, processing, storage, or packaging of products from previously prepared materials such as, but not limited to, cloth plastic, paper, leather, and precious or semi-precious metals or stones, but not including such operations as saw and planing mills, any manufacturing uses involving primary production of wood, metal or chemical products from raw materials and similar uses.

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3. The manufacturing of pharmaceutical products.

**Manufacturing/processing - medium industrial.** Any manufacturing, storage, and distribution that does not include hazardous wastes or resulting large truck usage/parking on the site. The use shall be accomplished entirely inside of the building except for incidental movement of products or materials into and out of the building to a delivery vehicle. Size of an individual light distribution business shall generally be limited to 4,000 square feet of storage (warehouse) area and one truck delivery door.

**Master sign program.** A program which establishes sign development regulations and specifies an integrated sign design concept for commercial and industrial complexes and/or establishes a special sign design criteria for a specific type of sign for a zoning district.

**Medical services - doctor office.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis. Includes dental, medical, optical, x-ray laboratory offices. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative."

**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; and skilled nursing facilities.

**Medical services - urgent care, clinic.** 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 include:

- a. Medical offices with four or more licensed practitioners and/or medical specialties
- b. Out-patient care facilities
- c. Urgent care facilities
- d. Other allied health services

These facilities may also include accessory medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative."

**Meeting facility, public or private.** A facility for public or private meetings, including community centers, 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. Does not include commercial entertainment facilities (see "Commercial amusement facility") or convention centers (see "Convention center").

**Merger.** The joining of two or more contiguous parcels of land under one ownership into one parcel, as provided in Section 10.04.040 (Parcel Mergers).

**Metal products fabrication.** An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include: blacksmith and welding shops, Sheet metal shops, plating, stripping, and coating shops, machine shops and boiler shops.



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**Minimum standards for commercial aeronautical activities.** Otherwise referred to as “Minimum Standards,” means those qualifications, standards, and criteria set forth as the minimum requirements established as a condition for the right to engage in commercial aeronautical activities at the airport, and as they may be amended from time to time.

**Minor subdivision.** The subdivision of land into four or fewer parcels.

**Miscellaneous service uses.** Includes, but is not limited to, cleaning and janitorial service and supplies; locksmith; water purification and filtration, machine and welding shops; saw sharpening; stone cutting and products; glass and glass products; sheet metal.

**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.

**Monument sign.** A sign whose supporting structure is 100 percent of the sign face, length and width, and whose supporting structure does not exceed the approved sign face area.

**Mortuary.** A funeral home or parlor where deceased are prepared for burial or cremation and funeral services may be conducted. Does not include on-site cremation.

**Motor fuel price sign.** A sign as specified in California Business and Professions Code Section 13530 et seq., with a message limited to that required by State law.

**Multiple-use sign.** A sign used by two or more users.

## **N. Definitions**

**Neighborhood market.** A neighborhood serving retail store which carries a range of merchandise, including food products, oriented to daily convenience shopping needs.

**Neighborhood serving retail.** Retail services that accommodate daily convenience shopping needs of the surrounding neighborhood, not including food products.

**New construction.** The placement of uses or structures on a property upon which no existing construction has taken place. New construction shall include requests for new development under the provisions of a site plan approval, conditional use permit, subdivision, variance, zoning use permit, or building permit.

**New use.** Any purpose for which land or premises, or a building or structure thereon, is improved, occupied, utilized, built or constructed for said purpose, which has not before existed on said land or premises, or any purpose for which a building or structure is rebuilt or reconstructed more than 60 percent of its then assessed value.

**Night club.** A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc.

**Nonconforming parcel.** A parcel that was legally created before the effective date of this Development Code or amendment, and does not comply with the minimum area, depth, width, or other applicable requirements of this Development Code.

**Nonconforming site improvements.** A site improvement (e.g., fences, landscaping, parking, walls, etc.) that conformed to the requirements of the previous Development Code that lawfully existed before the effective date of this Development Code or amendment, and does not conform to the present requirements of the zone in which it is located.

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**Nonconforming structure or building.** A structure or building that lawfully existed before the effective date of this Development Code or amendment, and does not conform to the present requirements of the zone in which it is located.

**Nonconforming use.** A use of land and/or a structure (either conforming or nonconforming) that lawfully existed before the effective date of this Development Code or amendment, but which is no longer allowed in the zone in which it is located.

**Noncommercial signage.** Any message which is determined not to be commercial (i.e., campaign signs or nonprofit signs).

**Non-street frontage.** Building facades that do not face a street or civic space.

**Non-street frontage yard.** The space between a building facade that does not face a street.

**Non-Transect zones.** Zones not conforming to any single band of the Transect and not starting with T.

## **O. Definitions**

**Office.** This Development Code distinguishes between the following types of offices. These do not include medical offices (see “Medical services - doctor office”).

1. **Business, service.** An establishment providing direct services to consumers. Examples of this use include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, elected official satellite offices, etc. This use does not include financial and business institutions, which are separately defined (see “Bank, financial services”).
2. **Government.** An administrative, clerical, or public contact and/or service office of a local, state, or federal government agency or service facility. Offices are located on publicly owned land and necessary for the administration of federal, state, county, and city governments or local agencies as defined in the Government Code. Includes post offices, but not bulk mailing distribution centers, which are under “Warehousing and Distribution Facility.”
3. **Professional, administrative.** An office facility occupied by a business that provides professional services, or is engaged in the production of intellectual property. Examples of this use include: accounting, auditing and bookkeeping services; advertising agencies; attorneys; business associations, chambers of commerce; commercial art and design services; construction contractors (office facilities only); 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; photographers and photography studios; political campaign headquarters; secretarial, stenographic, word processing, and temporary clerical employee services; writers’ and artists’ offices.

**Off-site hazardous materials storage facility.** A facility, as defined in California Health and Safety Code Section 25117.1, that accepts hazardous wastes that are generated at another location (off-site) and serves more than one producer of hazardous waste.

**Off-street parking.** An area located on private property available for public use for the short-term temporary storage of passenger vehicles, with or without the specific permission of the owner, including a public or private parking lot where parking is the principal use of the property.

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**Olive mill.**

4. **Boutique.** Olive mill of 100 to 5,000 gallons, including indoor retail sales of processed products produced on-site and related products provided the retail sales portion shall not exceed 20 percent of the olive mill building area.
5. **Large.** Larger olive mills (greater than 5,000 gallons), including indoor retail sales of processed products produced on-site and related products, provided the retail sales do not exceed a maximum of 20 percent of the building area. Includes olive mill related uses, including on-site food preparation and sales, restaurant or delicatessen, non-olive-related retail sales, outdoor facilities for commercial food service or entertainment.

**Open space easement.** See “Scenic easement or open space easement”.

**Open structure.** An accessory structure having a roof constructed of lattice or other roof material which allows light and air to pass through a minimum of 50 percent of the roof surface. Additionally, the sides of an open structure consist only of support posts and decorative or functional elements such as braces and railings such that light and air can pass through a minimum of 75 percent of each side. Open structures include but are not limited to trellises, trellis-like patio covers, and other shade structures. Play structures do not qualify as open structures, but are regulated as minor or major accessory structures.

**Outdoor advertising structure, billboard or signboard.** Any structure or portion thereof, situated on private premises, on which lettered, figured or pictorial matter is displayed for advertising purposes or products not appurtenant to the use of the premises. This definition shall not include any sign used to display any official notices or bulletin boards wherein such bulletin boards used to display announcement of meetings to be held on premises wherein such bulletin boards are used to display announcement of meetings to be held on premises wherein such bulletin boards are located, nor shall it be held to include real estate signs advertising for sale or rent the property upon which it stands, name plates, or signs appurtenant to any use.

**Outdoor sales display.** An area where customers are encouraged to examine and/or experience merchandise in their typical configuration and/or manner of use.

**Outdoor storage building.** A building under 120 square feet, used primarily for storage of goods and materials, and is uninhabitable.

**P. Definitions**

**Palm readers, psychics.** Businesses primarily engaged in providing personal services including, but not limited to, the practice of reading a person's character or future by studying the conformation of the physical structure of the body, a person's birth date, stars, planets, or by similar means.

**Parcel.** A portion of land separate from others and delineated or described as a single integral unit on a subdivision map or by other map approved under the Subdivision Map Act.

**Parcel map.** A map prepared for the purpose of dividing a legal parcel into four or fewer parcels and prepared in compliance with the provisions of this Part and the Subdivision Map Act (Section 66426 et seq.) and in a manner to be recorded in the office of the County Recorder.

**Park and recreational area, public.** Include playgrounds, public gardens, outdoor sports grounds, indoor sports structures within a park area, tot lots, passive park areas, and other areas of use to the general public for recreation or outdoor diversions, not including commercial recreation facilities (see “Commercial recreation facility”).

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**Parlor, funeral home.** A room or chapel from which funeral services may be conducted.

**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;
6. 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.

**Pedestrian shed.** An area that is centered on a common destination, typically a 1/4 mile radius or 1320 feet. Its size is related to average walking distances for the applicable neighborhood node. Pedestrian sheds are applied to structured communities. Subcategories of pedestrian sheds include:

7. **Linear.** A pedestrian shed that is elongated along an important mixed-use corridor such as a main street. A linear pedestrian shed extends approximately 1/4 mile from each side of the corridor for the length of its mixed-use portion.
8. **Long.** A pedestrian shed that is an average 1/2 mile radius or 2640 feet, used when a transit stop (bus or rail) is present or proposed as the common destination. A long pedestrian shed represents approximately a ten-minute walk at a leisurely pace.
9. **Network.** A pedestrian shed adjusted for average walk times along thoroughfares.

**Pennant.** Any lightweight flexible plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, in a series of three or more, designed to move in the wind.

**Performance standards.** Regulations for the control of dangerous or objectionable elements.

**Permanent sign.** A sign for which a sign permit is required and may be issued with no time limit.

**Personal service shops.** Establishments providing non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops; garment pressing, repair and alteration; laundering, dry cleaning, laundromats; cleaning pickup stations; shoe repair shops; printing, limited to letterpress and duplication machines; therapeutic massage; vending machines. These uses may also include accessory retail sales of products related to the services provided.

**Pharmacy.** Establishment that sells prescription drugs, over-the-counter medications, and other related products.

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**Places of assembly with fixed seating.** Gathering places furnished with permanent seating, including auditoriums, theaters, assembly hall, sports arenas, and stadiums.

**Places of assembly without fixed seating.** Gathering places not furnished with permanent seating, including dance halls, exhibition halls, and gymnasiums.

**Planned unit development permit.** A special permit regulated by the South Livermore Valley Specific Plan, approved by the City Council, authorizing buildings, structures, or uses, where a unit site development of large areas may allow a variation from exact site requirements of this code.

**Planning Commission.** The City's Planning Commission, referred to in this Development Code as the Commission.

**Plant factor.** A factor that when multiplied by reference evapotranspiration estimates the amount of water used by plants.

**Plant nursery sales and garden supply.** Establishments engaged in the production and sale of ornamental plants and other garden 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 "Agriculture."

**Pole sign.** A sign wholly supported by a sign structure consisting of poles or posts in the ground.

**Portable sign.** A temporary sign which is not fastened to its supporting surface, such as an A-frame or sandwich board.

**Primary dwelling frontage.** See "Building Frontage".

**Printing and processing.** Establishments engaged in heavy print shop, typesetting, lithograph, silk screening (of printed materials only); graphics and art services; sign company; blueprinting; nonretail photographic processing and printing; art services.

**Private street.** Any street not a public street.

**Private swim club and recreation center.** A private facility for swimming and other recreational activities. A swimming pool shall be any pool, pond, lake or open tank located within or outside of a building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet.

**Projecting sign.** A sign, other than a wall sign, which projects from and is supported by a wall, building or structure.

**Pub.** A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery ("brew-pub"), and other beverage tasting facilities.

**Public and quasi-public.** Includes public, semi-public, and private elementary schools, high schools, civic buildings, community buildings and uses, and public utility uses including substations, governmental buildings, churches, museums, art galleries, fire houses, post offices, police stations, reservoirs, libraries, parks, essential services, hospitals and similar uses, any of which may have additional requirements to use set forth herein.

**Public property.** Any property publicly owned outside of the designated public right-of-way.

**Public street.** A street for which the right-of-way is owned by or offered for dedication to the public and accepted by the City.

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## Q. Definitions

**Quadrant.** Any of the four or fewer divisions around which an interchange of Interstate 580 is divided, where Interstate 580 is intersected by a cross street and connected by on- and/or off-ramps. The radius of a quadrant extends no further than 1,500 feet from the centerline of Interstate 580 and the interchange cross street.

## R. Definitions

**R district.** Any RS, RL, MFR, or RG district as set forth in this code. Where certain uses in “any R district” are subject to certain regulations as contained herein, such regulations may apply in any of the above districts

**Readerboard.** A nonelectrical sign announcing events taking place on-site, the message of which is periodically changed, not including time-temperature devices.

**Recreational area.** Areas of active play or recreation such as sports fields, school yards, picnic grounds, or other areas with intense foot traffic.

### Recycling facility.

1. Processor. A State-certified receiver of redeemable recycle materials providing either collection, storage, separation, distribution or primary reprocessing of recycled materials.
2. Retail certified. A State-certified recycler providing convenient locations for consumers to redeem beverage containers pursuant to AB 2020.
3. Wholesale certified. A State-certified recycler providing both consumer redemption of beverage containers and collection of redeemable containers from other certified recyclers.

**Registered civil engineer.** A civil engineer registered by the State and doing work consistent with the engineer’s authority under the California Business and Professions Code and the State Board of Registration for Professional Engineers and Land Surveyors (Business and Professions Code Sections 6700, 8700).

**Remainder or designated remainder.** That portion of an existing parcel which is designated on the required map as not a part of the subdivision. It is that portion not divided for the purpose of sale, lease, or financing. The remainder is not counted as a parcel for the purpose of determining whether a final or parcel map is required. A remainder of five acres or more need not be shown on the map, and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder (10.01.060.C. Designated Remainder) (Government Code 66424.6).

**Remodeling.** A change in the exterior of an existing structure by 25 percent or more of the current assessed value of the structure.

### Renovation.

4. A structural change to the foundation, roof, floor, or exterior of load-bearing walls of a facility, or the extension of an existing facility to increase its floor area.
5. Alteration of an existing facility such as to significantly change its function, even if such renovation does not include any structural change to the facility.

**Repair service - equipment, appliances, etc.** Miscellaneous repair services including only:

6. Business equipment and furnishings repair and service;
7. Household yard equipment and appliance repair and service; and

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8. Audio, video and computer repair and service.

**Research and development facility.** 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. Includes pharmaceutical, chemical and biotechnology research and development. Does not include laboratories for the testing of soil and other materials (see “Laboratory”).

**Reserved unit.** A dwelling unit set aside or dedicated to satisfy the affordable housing requirement consistent with Section 10.06.050.

**Restaurant, cafe or coffee shop.** Any room, building, place or portion thereof intended to provide seated and/or take-out service of food selections, prepared on the premises, typically appropriate for a complete breakfast, lunch or dinner meal, but excluding bakeries, specialty coffee and similar retail establishments providing incidental seating/table accommodations for the convenience of the retail customer. Does not include fast-food or drive-in facilities (see “Restaurant, fast food” and “Drive-in business”).

**Restaurant, fast food.** A restaurant with a drive-through facility providing food service directly to occupants of a motor vehicle.

**Restricted unit.** A unit which is affordable to very-low- or low-income households as defined in the housing element of the City of Livermore General Plan and approved pursuant to this section.

**Review Authority.** The individual or official City body (the Community Development Director, Planning Commission, or City Council) identified by this Development Code as having the responsibility and authority to review, and approve or disapprove the permit applications described in Part 9 (Permits and Approvals).

**Roof sign.** A sign erected upon or above any part of a roof or parapet of a building or structure.

**Rooming and/or boarding.** A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental agent is in residence.

**Run-up.** Aircraft engine operation above normal idle power for purposes other than initiating taxi or takeoff.

## S. Definitions

**Scenic easement or open space easement.** An easement granted to the public whereby the owner relinquishes or limits the right to construct improvements on the land (Section 51051, Civil Code Section 815.1).

**School.** Public-supported, private or parochial institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary and collegiate levels. Includes the following facilities:

1. Elementary, Middle, Secondary. A public or private academic educational institution, including elementary (kindergarten through 5th or 6th grade), middle and junior high schools (6th or 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. Specialty. A school that provides education and/or training, including vocational training, in limited subjects. Examples of these schools include: art schools; ballet

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and other dance schools; business, secretarial and vocational schools; drama schools; driver education schools; establishments providing courses by mail or electronic; language schools; martial arts; music schools; professional schools (law, medicine, etc.); seminaries/religious ministry training facilities. Does not include pre-schools and child day care facilities (see “Child day care”). See also the definition of “Studio - photography, art, martial arts, music, etc.” for smaller-scale facilities offering specialized instruction.

**School, private.** See School, above.

**School, specialty.** See School, above.

**Secondary unit.** See “Dwelling, secondary unit.”

**Senior housing.** Housing developed for residents aged 62 years or older, or 55 years or older in a senior citizen housing development of 35 units or more (Civil Code Section 51.3(c)).

**Service facilities.** On-site facilities that support grounds maintenance, landscaping, and minor repair service relative to a mobile home park.

**Set aside unit.** A dwelling unit set aside for sale or rental at an affordable price, which conforms to the requirements of Chapter 10.06.

**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.

**Shopping center.** A group of retail stores and/or service establishments on a site of at least three acres where restaurant uses do not occupy more than 25 percent of the building floor area. The establishments must provide a diversity of services that are designed to serve the neighborhood or the community.

**Sign.** A device, fixture, placard, structure or painting that uses any color, form, graphic, illumination, symbol, or writing to advertise or announce the purpose of a person or entity, or to communicate information of any kind to the public.

**Sign area.** The total area of any portion of a structure to which any message is affixed.

**Sign copy.** The actual area of any words, letters, numbers, designs, figures or other symbolic presentation incorporated into a sign with the purpose of attracting attention to the subject matter.

**Sign face.** The portion of a sign that is used for displaying sign copy, together with any frame, color, panel, ornamental molding, or condition which forms an integral part of the sign copy and which is used to differentiate such sign copy from any wall or background against which it may be placed. Those portions of the supports, uprights or base of a sign that do not function as a sign shall not be considered as part of a sign face.

**Sign permit.** A type of permit required before the City may grant a Building Permit for a sign, in compliance with Chapter 9.07 (Site Plan and Design Review).

**Site identification sign.** A sign, other than a readerboard, which serves to inform only of the name, address and lawful uses of the premises upon which the sign is located (and which may include a trademark or symbol of a business).

**Site plan.** A base sheet that includes the basic information that will appear on all plans, such as natural features, roads, buildings, or other structures to remain on-site.

**Soil engineer.** A State-registered civil engineer whose field of expertise is soil mechanics.



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**Special architectural elements.** Church spires, belfried cupolas and domes, monuments, corner or entry towers on residential units, and other similar architectural elements.

**Special event permit.** In general, any organized activity involving the use of or having an impact upon public property and as regulated by Livermore Municipal Code (LMC) 12.45.

**Specialized aviation service operator (SASO).** A commercial operator engaged in providing a single aeronautical service, or a combination of aeronautical services, including, but not limited to, aircraft maintenance, avionics or instrument maintenance, aircraft rental and/or flight training, aircraft charter or aircraft management, aircraft sales, and/or aircraft storage. A SASO is not permitted to engage in aeronautical activities involving aviation fuel.

**Specific Plans.** A detailed plan for the systematic implementation of the General Plan, for all or part of the area covered by the General Plan, as authorized by Government Code Sections 65450 et seq.

**Stake sign.** A sign constructed of paper or plastic mounted on a wood or metal stick.

**Standard engineering specifications.** Those standard specifications and standard details for public improvements prepared by the City Engineer and adopted by Council resolution.

**State.** The State of California.

**Stock cooperative.** A common interest development in which a corporation is formed primarily for the purpose of holding title to improved real property, and substantially all of the shareholders receive a right of exclusive occupancy in a portion of the property (Civil Code Section 1351(m), Business and Professions Code Section 11003.2).

**Storage.** Includes:

1. Contractor storage yard. 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. May also include truck terminals and buildings or structures for uses such as repair facilities. Does not include vehicle dismantling yards, scrap and waste yards. May include an accessory office. A contractor's office located away from a storage facility is included under the definition of "Office - business, service."
2. Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.
3. Self-storage facility. A structure containing generally small, individual compartments, stalls, or lockers rented as individual storage spaces and characterized by low parking demand.

**Storefront use.** Ground level walk-in retail activity.

**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.

**Story, first.** The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker or his family, shall be deemed the first story.

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**Story, half.** A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his or her family, shall be deemed a full story.

**Story, mezzanine.** A story which covers one-third or less of the area of the story directly underneath it. A mezzanine story shall be deemed a full story in case it covers more than one-third of the area of the story directly underneath said mezzanine story.

**Street.** A strip of land which provides direct access to parcels. Street includes a public or private street, alley, avenue, court, crossing, highway, intersection, lane, road, or square.

**Street frontage.** Pertaining to signage, the lineal length of that portion of a parcel abutting a street.

**Structural alteration.** Any change in the structural members of a building or structure, such as walls, columns, beams or girders.

**Studio - photography, art, martial arts, music, etc.** A small-scale facility, 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: individual and group instruction and training in the arts, martial arts, music, photography and the processing of photographs produced only by users of the studio facilities. Also includes production studios for individual painters, sculptors, photographers, and other artists.

**Subdivider.** An association, corporation, firm, partnership, or person that proposes to divide, divides, or causes to be divided real property into a subdivision for that person/entity or others, except that employees and consultants of the person/entity, acting in the capacity, are not subdividers (Government Code 66423).

**Subdivision.** The division of land for the purpose of sale, lease, or financing, whether immediate or future. The land may be improved or unimproved and is that land shown on the latest equalized County assessment roll as a unit or as contiguous units. Property is considered as contiguous units even if it is separated by roads, streets, utility easements, or railroad rights-of-way. Subdivision includes condominium projects, community apartment projects, and stock cooperatives (Government Code 66424).

**Subdivision Map Act (the Act).** Government Code Division 2, Subdivisions, Sections 66410 et seq., as it may be replaced or amended from time to time, and referred to in this Part as the Act.

**Subdivision or sales office, equipment and material yard.** A temporary subdivision or building construction office, including sales office, equipment and material yard, and other temporary appurtenant uses.

**Superstore.** A store that typically offers diverse products and customer services, centralized cashiering, and a full-service grocery store under the same roof that shares entrances and exits. Such stores meet the following criteria regarding gross floor area and sales floor area: (1) such stores exceed 90,000 square feet of gross floor area; and (2) such stores devote a portion of their sales floor area to the sale of nontaxable merchandise in an amount equal to or exceeding 10 percent of the sales floor area or 10,000 square feet, whichever is less. "Sales floor area" means only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space. "Nontaxable merchandise" means products, commodities, or items the sale of which is not subject to California State sales tax. These stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking area. The superstore definition does not

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include a discount club store, where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food, clothing, tires, and appliances, and many items sold in large quantities or bulk.

**Supportive housing.** See “Transitional Housing.”

**Swimming pool, public or private.** Any pool, pond, lake or open tank located within or outside of a building, and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. If applicable, see also “Private swim club and recreation center.”

## **T. Definitions**

**Tavern.** See “Pub.”

**Trailer.** A vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle. The term “trailer” shall also include, but not be limited to, vehicles designed for use as mobile homes or other sleeping quarters; for the conduct of any business, trade, or occupation; for advertising, exhibition, or sales purposes; and for the storage or conveyance of animals, goods, tools, machinery, boats and other equipment. For purposes of this section, the term shall include an unmounted camper top, boat, or similar device which is designed to be or is usually carried or mounted on a trailer or other vehicle.

**Temporary sign.** A sign intended to be displayed for a limited period of time only.

**Temporary use permit.** A type of discretionary permit which, if approved, would allow the use of land that is properly designed, operated and occupies a site for a limited time, typically less than 12 months, in compliance with Chapter 9.09 (Temporary Use Permits). Examples of temporary uses include: art shows, charitable functions, seasonal sales lots.

**Tentative map.** A map showing the design and improvement of a proposed division of land and the existing conditions in and around it. The tentative map is the first step in the preparation and filing of a final or parcel map. Whenever the term tentative map is used in this Part, it also includes a vesting tentative map.

**Theater, cinema or performing arts.** A facility for group entertainment, other than sporting events. Examples of these facilities include: civic theaters, facilities for live theater and concerts, and movie theaters.

**Tract map.** See “Final map.”

**Transect zones.** All zones starting with a T Unit. Transect zones focus on the physical intensity of the built form and the complexity of uses.

**Transitional housing.** Rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Includes supportive housing, shelters housing, and single room occupancy hotels and shelter housing.

**Travel trailer park.** A site where one or more lots are used, or are intended to be used, by travel trailers. Travel trailer 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 travel trailer park patrons only.

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## U. Definitions

**Usable open space.** Common or private open space, excluding the following:

1. Required front yards;
2. Areas devoted to parking, driveways, and maneuvering areas;
3. Open space at grade less than 10 feet in its minimum dimension;
4. Patios, balconies, or decks less than seven feet in their minimum dimension.

**Used merchandise stores.** Sale of nonspecialty used goods consisting of primarily household items. Does not apply to specialty goods including but not limited to books, antique merchandise, jewelry, stamps or coins.

**Use, principal.** The main or primary use or uses conducted on a parcel or located within a building or within a portion of a building which is separated structurally from other uses within the same building, not to include an accessory use as defined herein or a subordinate department of a main or primary use.

**Use, temporary.** The use of land or premises or a building thereon for a limited period of time which does not change the character of the site, premises, or uses therein.

## V. Definitions

**Variance.** See Chapter 9.18 (Variances and Minor Variances).

**Vehicle services.**

1. Automobile repair garage. A service for general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; towing service, collision service including body or frame, straightening or repair, overall painting, or paint shop. Includes businesses dealing in used parts; auto wrecking and salvage; and tire recapping establishments.
2. Automobile service center. Vehicle services in conjunction with a department store or as part of a shopping center or mall development.

**Veterinary clinic, animal hospital.** See “Animal-keeping facility.”

**Vesting tentative map.** A tentative map for a subdivision that has printed conspicuously on its face the words “vesting tentative map” at the time it is filed with the City, and is processed in compliance with Section 10.02.100 (Vesting on Approval of Vesting Tentative Map) (Government Code 66424.5).

## W. Definitions

**Wall sign.** A sign attached to or constructed against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall.

**Warehousing and distribution facility.** 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. 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.

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### **Winery.**

1. **Boutique.** Winery which annually produces 100 to 5,000 cases, including indoor retail sales of processed products produced on-site and related products provided the retail sales portion shall not exceed 20 percent of the facilities building area. A boutique winery shall provide at least two of the following four activities on-site: crushing, fermentation, bulk aging/storing, and bottling.
2. **Small.** Winery which annually produces 5,000 to 10,000 cases. Maximum site area of three acres, with up to 10,000 square feet of building area, including space allocated bottling/crushing activities, lab and office space, tasting room, storage, an indoor events rooms, and a small outdoor event or picnic area. A small winery shall provide two of the following four activities on-site: crushing, fermentation, bulk aging/storage, and bottling.
3. **Medium.** Winery which annually produces 70,000 to 100,000 cases. Maximum site area of eight acres, with up to 50,000 square feet of building area, including space allocated to bottling/crushing facilities, lab and office space, tasting room, storage, an indoor events room, and a small outdoor event or picnic area. A medium winery shall provide at least two of the following four activities on-site: crushing, fermentation, bulk aging/storage, and bottling.
4. **Large.** Wineries which annually produce greater than 100,000 cases. No minimum site area is required.

### **X. Definitions**

No specialized terms beginning with the letter X are defined at this time.

### **Y. Definitions**

**Yard, front.** An actual or required open space extending across the front of a lot and bounded by side or rear lot lines, a public right-of-way, and the actual setback of a building or that setback required for the district in which the lot is located.

**Yard, non-street frontage.** Any side or rear yard not contiguous to a public right-of-way. Such yard shall be measured laterally from the nearest part of that portion of a main building facing said side or rear yard toward the nearest point of the lot line.

**Yard, side.** An actual or required open space bounded by the required front yard setback line, the actual setback of a building or that setback required for the district in which the lot is located, and a property line.

**Yard, street frontage.** Any front, side, or rear yard contiguous to a street. Such yard shall be measured laterally between any part of the street side of the building and the street right-of-way line; provided, however, that if any future right-of-way line has been established for the street upon which the lot faces, then such measurement shall be taken from such future width line to the nearest line of the building.

**Yard, rear.** An actual or required open space bounded by one or more yards, the actual setback of a building or that setback required for the district in which the lot is located, and a property line.

### **Z. Definitions**

**Zero lot line.** A building or structure that is placed on the property line.

**Zoning districts.** See "Districts."

**Zoning map.** The zoning map(s) of the City of Livermore, California, together with all amendments.

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**Zoning use permit.** A permit issued by the Director determining that any proposed building, structures, or uses are consistent with the terms of this code and to ensure a means for carrying out and enforcing its requirements. (Ord. 1909 § 3, 2010; Ord. 1903 § 3 (Exh. C), 2010; Ord. 1902 § 3, 2010)