ZONING ORDINANCE

City of

RICHMOND, CALIFORNIA

Looseleaf Supplement

This copy of the Richmond Zoning Ordinance is issued as a "replacement" copy and contains all ordinances deemed advisable to be included at this time through Ord. No. 12-11 N.S. of the Municipal Code of Richmond, California. See the Code Comparative Table for further information.

This copy replaces all existing copies of the Code as published through March 2010.
CITY OF
RICHMOND
CALIFORNIA

ZONING
ORDINANCE

2011
## Article/Section | Page #
--- | ---
**ARTICLE 15.04.000 GENERAL PROVISIONS** | 1
15.04.005 | Contents |
15.04.010 | Organization |
15.04.011 | Zoning Districts |
15.04.012 | Land Use Classifications |
15.04.013 | Use Types |
15.04.014 | Boundaries of Districts |
15.04.015 | Interpretation—Purpose and Conflict |
15.04.016 | Severability |
15.04.020 | Definitions |

**ARTICLE 15.04.100 RESIDENTIAL ZONING DISTRICTS** | 27
15.04.110 | SFR-1-Single-Family Rural Residential District |
15.04.120 | SFR-2-Single-Family Very Low Density Residential District |
15.04.130 | SFR-3-Single-Family Low Density Residential District |
15.04.140 | MFR-1-Multifamily Residential District |
15.04.150 | MFR-2-Multifamily Medium Density Residential District |
15.04.160 | MFR-3-Multifamily High Density Residential District |
15.04.170 | MFR-4-Multifamily Very High Density Residential District |

**ARTICLE 15.04.200 COMMERCIAL ZONING DISTRICTS** | 61
15.04.210 | C-1-Neighborhood Commercial District |
15.04.220 | C-2-General Commercial District |
15.04.230 | C-3-Regional Commercial District |
15.04.240 | C-B-Central Business District |
15.04.250 | C-C-Coastline Commercial District |

**ARTICLE 15.04.300 INDUSTRIAL ZONING DISTRICTS** | 87
15.04.310 | M-1-Industrial/Office Flex District |
15.04.320 | M-2-Light Industrial District |
15.04.330 | M-3-Heavy Industrial District |
15.04.340 | M-4-Marine Industrial |

**ARTICLE 15.04.400 OPEN SPACE AND RECREATIONAL DISTRICTS** | 113
15.04.410 | EA-Exclusive Agricultural District |
15.04.420 | CRR-Community and Regional Recreational District |
15.04.430 | PC-Public And Civic Uses |
<table>
<thead>
<tr>
<th>Article/Section</th>
<th>Page #</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARTICLE 15.04.500 OVERLAY DISTRICTS</td>
<td>125</td>
</tr>
<tr>
<td>15.04.510 RMO-Resource Management Overlay District</td>
<td>125</td>
</tr>
<tr>
<td>15.04.520 SFO-Special Features Overlay District</td>
<td>145</td>
</tr>
<tr>
<td>15.04.530 Transition Zone Overlay District</td>
<td>153</td>
</tr>
<tr>
<td>ARTICLE 15.04.600 PA-PLANNED AREA DISTRICT</td>
<td>155</td>
</tr>
<tr>
<td>15.04.610 PA-Planned Area District</td>
<td>155</td>
</tr>
<tr>
<td>ARTICLE 15.04.700 OUTDOOR VENDORS</td>
<td>159</td>
</tr>
<tr>
<td>15.04.710 Purpose and Applicability</td>
<td>159</td>
</tr>
<tr>
<td>15.04.720 Definitions</td>
<td>159</td>
</tr>
<tr>
<td>15.04.730 Permits Required</td>
<td>160</td>
</tr>
<tr>
<td>15.04.740 Exemptions</td>
<td>160</td>
</tr>
<tr>
<td>15.04.750 Contents of Application</td>
<td>161</td>
</tr>
<tr>
<td>15.04.760 Site Criteria/Operational Characteristics</td>
<td>161</td>
</tr>
<tr>
<td>15.04.770 Design Standards</td>
<td>162</td>
</tr>
<tr>
<td>15.04.780 Enforcement</td>
<td>162</td>
</tr>
<tr>
<td>15.04.790 Performance Standards</td>
<td>163</td>
</tr>
<tr>
<td>ARTICLE 15.04.800 GENERAL STANDARDS</td>
<td>165</td>
</tr>
<tr>
<td>15.04.810 Residential Provisions</td>
<td>165</td>
</tr>
<tr>
<td>15.04.810.010 Home Occupations in Residential Districts</td>
<td>165</td>
</tr>
<tr>
<td>15.04.810.011 Definitions</td>
<td>165</td>
</tr>
<tr>
<td>15.04.810.012 Criteria for Home Occupation Authorization</td>
<td>165</td>
</tr>
<tr>
<td>15.04.810.013 Procedures</td>
<td>166</td>
</tr>
<tr>
<td>15.04.810.014 Administrative and Enforcement Procedures</td>
<td>166</td>
</tr>
<tr>
<td>15.04.810.020 Second Dwelling Units</td>
<td>167</td>
</tr>
<tr>
<td>15.04.810.021 Applicability</td>
<td>167</td>
</tr>
<tr>
<td>15.04.810.022 Definitions</td>
<td>167</td>
</tr>
<tr>
<td>15.04.810.023 Location</td>
<td>168</td>
</tr>
<tr>
<td>15.04.810.024 Permitting Procedures</td>
<td>168</td>
</tr>
<tr>
<td>15.04.810.025 Second Dwelling Unit Permit</td>
<td>168</td>
</tr>
<tr>
<td>15.04.810.026 Development Standards</td>
<td>168</td>
</tr>
<tr>
<td>15.04.810.027 Submittal Requirements and Application Processing</td>
<td>170</td>
</tr>
<tr>
<td>15.04.810.028 Deed Restrictions</td>
<td>170</td>
</tr>
<tr>
<td>15.04.810.029 Expiration and Renewal</td>
<td>171</td>
</tr>
<tr>
<td>15.04.810.029.010 Existing Nonconforming Second Dwelling Units</td>
<td>171</td>
</tr>
<tr>
<td>15.04.810.029.020 Administrative and Enforcement Procedures</td>
<td>171</td>
</tr>
<tr>
<td>15.04.810.030 Fencing and Landscaping Standards</td>
<td>173</td>
</tr>
<tr>
<td>15.04.810.031 Applicability</td>
<td>173</td>
</tr>
<tr>
<td>Article/Section</td>
<td>Page #</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------</td>
</tr>
<tr>
<td>15.04.810.032</td>
<td>173</td>
</tr>
<tr>
<td>15.04.810.033</td>
<td>174</td>
</tr>
<tr>
<td>15.04.810.034</td>
<td>175</td>
</tr>
<tr>
<td>15.04.810.035</td>
<td>175</td>
</tr>
<tr>
<td>15.04.810.036</td>
<td>175</td>
</tr>
<tr>
<td>15.04.810.037</td>
<td>176</td>
</tr>
<tr>
<td>15.04.810.038</td>
<td>177</td>
</tr>
<tr>
<td>15.04.810.039</td>
<td>178</td>
</tr>
<tr>
<td>15.04.810.050</td>
<td>179</td>
</tr>
<tr>
<td>15.04.810.051</td>
<td>181</td>
</tr>
<tr>
<td>15.04.810.052</td>
<td>181</td>
</tr>
<tr>
<td>15.04.810.053</td>
<td>183</td>
</tr>
<tr>
<td>15.04.810.054</td>
<td>189</td>
</tr>
<tr>
<td>15.04.810.055</td>
<td>189</td>
</tr>
<tr>
<td>15.04.810.056</td>
<td>190</td>
</tr>
<tr>
<td>15.04.810.057</td>
<td>191</td>
</tr>
<tr>
<td>15.04.810.058</td>
<td>192</td>
</tr>
<tr>
<td>15.04.810.060</td>
<td>193</td>
</tr>
<tr>
<td>15.04.810.061</td>
<td>193</td>
</tr>
<tr>
<td>15.04.810.062</td>
<td>196</td>
</tr>
<tr>
<td>15.04.810.063</td>
<td>197</td>
</tr>
<tr>
<td>15.04.810.064</td>
<td>198</td>
</tr>
<tr>
<td>15.04.810.065</td>
<td>199</td>
</tr>
<tr>
<td>15.04.810.066</td>
<td>199</td>
</tr>
<tr>
<td>15.04.810.067</td>
<td>199</td>
</tr>
<tr>
<td>15.04.810.068</td>
<td>199</td>
</tr>
<tr>
<td>15.04.820</td>
<td>201</td>
</tr>
<tr>
<td>15.04.820.010</td>
<td>201</td>
</tr>
<tr>
<td>15.04.820.011</td>
<td>201</td>
</tr>
<tr>
<td>15.04.820.012</td>
<td>201</td>
</tr>
<tr>
<td>15.04.820.013</td>
<td>201</td>
</tr>
<tr>
<td>15.04.820.020</td>
<td>205</td>
</tr>
<tr>
<td>15.04.820.021</td>
<td>205</td>
</tr>
<tr>
<td>15.04.820.022</td>
<td>205</td>
</tr>
<tr>
<td>15.04.820.023</td>
<td>206</td>
</tr>
<tr>
<td>Article/Section</td>
<td>Page #</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>15.04.820.024 Exceptions</td>
<td>206</td>
</tr>
<tr>
<td>15.04.820.025 Conditional Use Permit</td>
<td>207</td>
</tr>
<tr>
<td>15.04.820.030 Reserved</td>
<td>209</td>
</tr>
<tr>
<td>15.04.830 Development Standards</td>
<td>211</td>
</tr>
<tr>
<td>15.04.840 Performance Standards</td>
<td>219</td>
</tr>
<tr>
<td>15.04.850 Parking And Loading Standards</td>
<td>223</td>
</tr>
<tr>
<td>15.04.860 Signs</td>
<td>233</td>
</tr>
<tr>
<td>15.04.865 Tobacco Sales</td>
<td>235</td>
</tr>
<tr>
<td>15.04.870 Live/Work</td>
<td>237</td>
</tr>
<tr>
<td>15.04.880 Accessory Structures</td>
<td>239</td>
</tr>
<tr>
<td>15.04.890 Wireless Communications Facilities</td>
<td>241</td>
</tr>
<tr>
<td>ARTICLE 15.04.900 ADMINISTRATIVE AND ENFORCEMENT PROCEDURES</td>
<td>261</td>
</tr>
<tr>
<td>15.04.910 Conditional Use Permits</td>
<td>261</td>
</tr>
<tr>
<td>15.04.920 Variances</td>
<td>287</td>
</tr>
<tr>
<td>15.04.925 Lot Line Adjustments</td>
<td>291</td>
</tr>
<tr>
<td>15.04.930 Design Review</td>
<td>295</td>
</tr>
<tr>
<td>15.04.935 Official Plan Line</td>
<td>307</td>
</tr>
<tr>
<td>15.04.940 Nonconforming Provisions</td>
<td>311</td>
</tr>
<tr>
<td>15.04.942 Deemed Approved Alcohol Beverage Sale Regulations</td>
<td>315</td>
</tr>
<tr>
<td>15.04.945 Zoning Administrator</td>
<td>319</td>
</tr>
<tr>
<td>15.04.950 Enforcement Provisions</td>
<td>323</td>
</tr>
<tr>
<td>15.04.960 Amendment/Urgency Provisions</td>
<td>325</td>
</tr>
<tr>
<td>15.04.970 Notices</td>
<td>329</td>
</tr>
<tr>
<td>15.04.980 Appeals</td>
<td>333</td>
</tr>
<tr>
<td>15.04.990 Revocation/Modification Provisions</td>
<td>335</td>
</tr>
<tr>
<td>15.04.995 Miscellaneous</td>
<td>337</td>
</tr>
</tbody>
</table>

* Prior ordinance history: Ords. 1291, 1785, 1794, 1801, 12 N.S., 20 N.S., 64 N.S., 71 N.S., 89 N.S., 96 N.S., 111 N.S., 122 N.S., 136 N.S., 151 N.S., 152 N.S., 159 N.S., 175 N.S., 211 N.S., 215 N.S., 327 N.S., 339 N.S., 343 N.S., 349 N.S., 350 N.S., 3-71 N.S., 14-71 N.S., 26-71 N.S., 10-72 N.S., 18-72 N.S., 18-74 N.S., 21-74 N.S., 8-75 N.S., 16-75 N.S., 17-76 N.S., 8-76 N.S., 15-76 N.S., 13-77 N.S., 19-77 N.S., 39-78 N.S., 29-79 N.S., 30-79 N.S., 39-79 N.S., 49-79 N.S., 50-79 N.S., 51-79 N.S., 6-80 N.S., 14-80 N.S., 18-81 N.S., 17-82 N.S., 26-82 N.S., 27-82 N.S., 31-82 N.S., 5-83 N.S., 20-83 N.S., 28-83 N.S., 3-84 N.S., 29-84 N.S., 32-84 N.S., 44-84 N.S., 44-85 N.S., 13-86 N.S., 18-86 N.S., 19-86 N.S., 20-86 N.S., 50-86 N.S., 31-87 N.S., 50-87 N.S., 25-88 N.S., 45-88 N.S., 3-89 N.S., 22-89 N.S., 13-90 N.S., 21-93 N.S., 5-95 N.S. and 32-95 N.S.
Chapter 15.04 of this Code is known as the Richmond Zoning Ordinance. This article describes the structure and format of the ordinance, the zoning districts and how their boundaries are established, land use classifications and use types found in the ordinance.

A. The zoning ordinance is organized into five parts:

   General Provisions
   Base Zoning District Regulations
   Overlay District Regulations
   General Standards
   Administrative Regulations

B. Three types of zoning regulations control the use and development of property:

   1. Land use regulations specify land uses permitted or conditionally permitted in each zoning district, and include special requirements, if any, applicable to specific uses.

   2. Development regulations control the height, bulk, location and appearance of structures on development sites. These regulations also include special requirements for second dwelling units, inclusionary housing requirements, landscape and fencing standards, parking and loading requirements, and provisions for the storage of hazardous materials.

   3. Administrative regulations contain detailed procedures for the administration of zoning regulations, including requirements for use permits and variances; design review; public hearings on ordinance and map amendment; appeals of zoning decisions; nonconforming uses and structures; official plan lines; lot line adjustments; certificates of occupancy; miscellaneous provisions; and enforcement.

In order to carry out the purpose and provisions of this chapter, the City of Richmond is divided into the following zoning districts:
Residential Zoning Districts.
SFR-1-single-family rural residential
SFR-2-single-family very low density residential
SFR-3-single-family low density residential
MFR-1-multifamily residential
MFR-2-multifamily medium density residential
MFR-3-multifamily high density residential

Commercial Zoning Districts.
C-1-neighborhood commercial
C-2-general commercial
C-3-regional commercial
C-B-central business
C-C-coastline commercial

Industrial Zoning Districts.
M-1-research and manufacturing
M-2-light industrial
M-3-heavy industrial
M-4-marine industrial

Open Space and Recreational Districts.
EA-exclusive agricultural
CRR-community and regional recreational
PC-public and civil uses

Overlay Districts.
RM-resource management
SFD-special features district

Planned Area District.

The boundaries of the zoning districts are as shown on the Zoning Map of the City of Richmond. This map shall cover the entire city, but may be maintained as a system of sectional maps. Said map shall be maintained as a public record by the Planning Director under the direction of the Planning Commission. Said map and all notations, references and other information shown thereon shall be as much a part of this chapter as if the matters and information set forth by said map were fully described herein.

Each district may be referred to and identified by its abbreviated title, for example, SFR-1, SFR-2, etc. Whenever the general designation "R-districts" is used it shall refer to all residential zoning districts.

Whenever the general designation "base use districts" is used it shall refer to all residential zoning districts, all commercial districts, all industrial districts, all open space and recreational districts, and the planned area district.
For each of the base zoning districts (residential, commercial, industrial, and open space and recreational zoning districts), a format was developed so that the information presented would be consistently organized and presented. That format is as follows:

Title, purpose and applicability—provides the name of the district, its purpose and to what areas the district applies;

Permitted use—indicates the uses allowed in the district. The permitted uses are subdivided by intensity and type of use; e.g., residential, commercial, industrial, etc;

Accessory uses—describes uses incidental to the main use;

Conditional uses—indicates uses allowed if a conditional use permit is granted;

Development standards—summarizes the general provisions which are applicable to the districts in terms of lot size, floor area ratio, building height, setbacks, etc.

Performance standards—refers to quality-of-life issues and standards which are aimed at protecting public health and safety;

Parking and loading requirements—summarizes the parking provisions for the district along with any applicable loading, visitor or other special parking requirements;

Signs—summarizes the City's requirements regarding allowing placement of signs;

Administrative and enforcement procedures—summarizes the regulations which all uses within the district are subject to and refers to the administrative and enforcement procedures section of the ordinance.

At the end of each of the zoning district regulations is a chart which summaries by district the uses which are permitted, conditionally permitted, or not permitted. Refer to the residential district use to see a sample of same.

15.04.012 Land Use Classifications.

Land uses in the City of Richmond have been classified into one or more uses having similar characteristics. It is impossible to list each and every use activity that will exist. One of the bases for land use classifications used in this chapter of the Municipal Code is the 1987 edition of the Standard Industrial Classification Manual. The Planning Director may determine that a specific use shall be deemed to be within a classification, whether or not it is named within the classification, if its characteristics are substantially compatible with those uses named within the classification.

The decisions of the Planning Director may be appealed to the Planning Commission as specified in Section 15.04.980.

(Amended by Ordinance No. 31-97 N.S.)

15.04.013 Use Types.

The following is a general description of the types of residential, commercial and industrial uses required by this chapter. These use type descriptions represent categories of land uses that have similar characteristics. Specific lists of permitted and conditionally permitted uses are found within each district section. Similar uses may be permitted by interpretation of the Planning Director or designee.
A. Residential Use Types.

1. **High Density.** The high density use type refers to the residential occupancy of attached dwelling units such as those typically found in multistory, multiunit apartment houses. Conditional use permits may allow hotels and motels.

2. **Medium Density.** The medium density use type refers to the residential occupancy of attached or semiattached dwelling units such as those typically found in apartment houses.

3. **Low Density.** The low density use types refer to the residential occupancy of detached dwelling units.

B. Commercial Use Types.

1. **Administrative and Professional Services.** The administrative professional services use type refers to offices of private firms or organizations or public or quasi-public organizations which are primarily used for the provision of professional, executive, management or administrative services. Typical uses include administrative offices, legal offices, engineering or architectural firms. Any drive-up service is specifically excluded.

2. **Retail Sales.** The retail sales use type refers to places of business primarily engaged in the sale or rental of commonly used goods and merchandise, but excludes those classified as agricultural supplies and services, animal sales and services, automotive and equipment, business equipment sales and services, construction sales and services, gasoline sales, and any drive-up service. The following are retail sales use types.

   a. **Convenience Retail Sales.** The convenience sales use type refers to establishments or places of business primarily engaged in the provision of frequently or recurrently needed small personal items or services for residents within reasonable walking distance. These include various general retail sales and personal services of an appropriate size and scale to meet the above criteria. Typical uses include neighborhood grocery or drug stores.

   b. **Eating and Drinking Establishments.** The eating and drinking establishments use type refers to establishments or places of business primarily engaged in the sale of prepared foods and beverages for on-premises consumption. Typical uses include restaurants, short order eating places or bars.

   c. **Food and Beverage Retail Sales.** The food and beverage retail sales use type refers to establishments or places of business primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include groceries or delicatessens.

   d. **General Retail Sales.** The general retail sales use type refers to the sale or rental from the premises of goods and merchandise for personal or household use, but excluding those uses listed above. Typical uses include department stores, apparel stores or furniture stores.
3. **Business and Personal Services.**

   a. **Bank and Savings and Loan.** Financial institution, including credit union office or check cashing service, that provides retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money.

      1. **With Drive-Through Service.** Institution providing services accessible to a person who remains in an automobile;

      2. **ATM.** An automatic teller machine (ATM) on the exterior of a building for direct pedestrian access. An ATM for access from within a building is exempt.

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

   c. **Communications Services.** The communications services use type refers to establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes studios, telecommunication service centers or telegraph service offices.

   d. **Entertainment, Sports and Recreation.** Entertainment refers to establishments or places primarily engaged in the provision of cultural, entertainment, and other events to spectators as well as those involving social or fraternal gatherings. These entertainment use types are those conducted within an enclosed building with a capacity of 500 or fewer people. Typical uses include small theaters or meeting halls. Sports and recreation refers to establishments or places primarily engaged in the provision of sports or recreation by and for participants. Any spectators would be incidental and on a nonrecurring basis. Included in sports and recreation uses are those conducted within an enclosed building. Typical uses include athletic clubs.

   e. **Funeral and Interment Service.** Establishment primarily engaged in services involving the care, preparation or disposition of human dead other than in a cemetery. Typical uses include crematory, columbarium, mausoleum or mortuary.

   f. **Finance, Insurance and Real Estate Services.** The finance, insurance and real estate service use type refers to establishments primarily engaged in the provision of financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies or real estate firms.

   g. **Medical Services.** The medical services use type refers to establishments primarily engaged in the provision of personal health services including prevention, diagnosis and treatment or rehabilitation services provided by physicians, dentists, nurses and other health personnel, as well as the provision of medical testing and analysis services. Typical uses include clinics, medical offices, dentist laboratories or health maintenance organizations.
h. **Personal and Repair Services.** The personal and repair services use type refers to establishments primarily engaged in the provision of informational, instructional, personal improvement, provision of laundering, dry cleaning or dyeing services as personal services and similar services of a nonprofessional nature, and to establishments primarily engaged in the provision of repair services to individuals and households, rather than firms. Typical uses include photography studios, driving schools, reducing salons, dry cleaners, laundries, self-service laundromats, apparel repair firms or musical instrument repair firms.

4. **Transient Lodging.** Transient lodging refers to establishments primarily engaged in the provision of lodging services with incidental food, drink and other sales and services intended for the convenience of guests. Lodging services involve the provision of room and/or board. Typical uses include hotels, motels or transient boarding houses.

5. **General Commercial Uses.** General commercial use types include commercial activities and support operations which generate minimal noise, odor, smoke, waste material and similar items which may negatively impact the environment. Such uses include, but are not limited to, auto-related services, printing services or small assembly services, retail vehicle sales and showrooms.

6. **Auto Services.** The auto services use type refers to establishments primarily engaged in the repair or service of vehicles but excludes retail vehicle sales or showrooms. Typical uses include auto repair shops, automotive supplies, etc.

7. **Agricultural Production and Services.** Any establishment primarily engaged in either the keeping, grazing, feeding of livestock and for sale of livestock or livestock products; production of crops, plants, vines, and trees (excluding forestry operations); or performing services; crop services; veterinary services; other animal services; and landscape and horticultural services; for another on a contract or fee basis.

8. **Domestic Animal Sales and Services.** Sales and service activities related to the care and treatment of domestic animals.

a. **Boarding Kennel.** An establishment licensed to operate a facility providing shelter and care for domestic animals on a commercial basis for a period in excess of 48 hours. This classification includes activities such as feeding, exercising, grooming, and incidental medical care for domestic animals.

b. **Clinic/Hospital.** Establishments where domestic animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, sound-proofed, and air-conditioned. Grooming and temporary (30 days) boarding of domestic animals is included if incidental to the hospital use.

c. **Grooming.** Provision of bathing and trimming services for domestic animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours.

d. **Retail Sales (Pet Shops).** Retail sales and boarding of domestic animals, provided such activities take place within an entirely enclosed building. This classification includes grooming if incidental to the retail use.
C. Industrial Use Types.

1. **Small Scale Manufacturing.** The small scale manufacturing use type refers to establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hands tools or domestic mechanical equipment not exceeding two (2) horsepower or kilns not exceeding eight (8) kilowatts, and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle making shops, and custom jewelry manufacturers.

2. **General Industrial.** The general industrial use type refers to industrial plants primarily engaged in the manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials and products.

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

4. **Light Manufacturing.** The light manufacturing use type refers to the manufacture, predominantly from previously prepared materials, of finished products, or parts, including processing, fabrication, assembly treatment, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial possessing, or uses which, in the opinion of the Planning Commission, may be objectionable by reason of production of offensive odor, dust, noise, bright lights, vibration, or the storage of hazardous materials or products.

5. **Personal Storage.** The personal storage use type refers to storage services primarily for personal effects and household goods within enclosed storage areas. Typical uses include mini-warehouses.

6. **Wholesaling and Distribution.** The wholesaling and distribution use type refers to establishments or places of business primarily engaged in wholesaling, storage, and bulk sale distribution, including, but not limited to open-air handling of materials and equipment other than live animals.

D. Community Facilities Use Types.

1. **Public Uses.** Public use types include the performance of utility, educational, recreational, cultural, protective, governmental, and other uses.

2. **Open Space.** The open space use type refers to parks and recreational facilities including all outdoor public pedestrian or bicycle circulation improvements.
15.04.014 Boundaries of Districts.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the district map accompanying and made a part of this chapter, the following rules shall apply:

A. Streets or Alleys. The district boundaries are either streets or alleys, unless otherwise shown, and where the indicated boundaries on the street map are approximately street or alley lines, the streets or alley shall be construed to be the boundaries of such district.

B. Lot Lines. Where the district boundaries are now shown to be streets or alleys, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines; and where the indicated boundaries on the district map are approximately lot lines, said lot lines shall be construed to be the boundaries of each district, unless said boundaries are otherwise indicated on the map.

C. Scale of Map—Determination by Planning Commission.
   1. Where the property is indicated on the district map as acreage and not subdivided into lots and blocks or where the district boundary lines are not approximately street, alley or lot lines, the district boundary lines on the district map shall be determined by the scale contained on such map, and where uncertainty exists, the district boundary line shall be determined by the Planning Commission by written decision.
   2. In the event property shown as acreage on the district map has been or is subsequently subdivided into lots and blocks by a duly recorded subdivision map, and the lot and block arrangement does not conform to that anticipated when the district boundaries are established, or property is re-subdivided by a duly recorded subdivision map into a different arrangement of lots and blocks than shown on said district map, the Commission, after notice to the owners of property affected thereby and hearing, may interpret the district map and make minor readjustments in the district boundaries in such a way as to carry out the intent and purposes of these regulations and conform to the street and lot layout on the ground.
   3. Such interpretations or adjustments shall be by written decision, and thereafter the copies of the district map shall be changed to conform thereto.

D. Symbol for District. Where one symbol is used on the district map to indicate the district classification of an area divided by a street or alley, the symbol shall establish the classification of the whole area.

E. Street or Right-of-W ay—Allocation of Division. A street, alley, railroad or railway right-of-way, watercourse, channel or body of water, included on the district map shall, unless otherwise indicated, be included within the district of adjoining property on either side thereof; and where such street, alley, right-of-way, watercourse, channel or body of water serves as a boundary between two or more different districts, a line midway in such street, alley, right-of-way, watercourse, channel or body of water, and extending in the general direction of the long dimension thereof shall be considered the boundary between districts.

F. Vacated Street or Alley. In the event a dedicated street or alley shown on the district map is vacated by the city, the property formerly in the street or alley shall be included within the district of the
adjoining property on either side of the vacated street or alley. In the event the street or alley was a
district boundary between two or more different districts, the new district boundary shall be the
former centerline of the vacated street or alley.

15.04.015 Interpretation—Purpose and Conflict.

A. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum
requirements for the promotion of the public health, safety, comfort, convenience and general
welfare.

B. It is not intended by this chapter to interfere with or abrogate or annul any easement, covenant or
other agreement between parties.

C. Where this chapter imposes a greater restriction upon the use of buildings or land, or upon the height
of buildings, or requires larger open spaces than are imposed or required by other laws, rules,
regulations, or by easements, covenants or agreements, the provisions of this chapter shall control.

15.04.016 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this zoning ordinance is
for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the
remaining portions of this ordinance.

15.04.020 Definitions.*

For the purpose of this chapter, certain terms and words are herewith defined below. If any of these
definitions are in conflict with the provisions of Title 24 of the State of California Building Code, then the
requirements of Title 24 shall govern.

Abutting means two or more lots or parcels of land having a common border or being separated from such
a common border by a right-of-way, alley or easement. Parcels having no common boundary other than
a corner shall not be considered abutting.

Access means the place, means or way by which pedestrians and vehicles shall have safe, adequate and
usable ingress and egress to a property or use as required by this chapter.

Access driveway means a driveway that provides access into and through a parking area from a street
access point, provides access to the parking aisles, or provides interior circulation among parking areas.

Accessory building or use means a building or use which is clearly incidental or subordinate to and serves
the principal building or use located on the same lot.

Addition means an extension or increase in floor area or height of a building or structure.

Additive district means district classification which can be used in conjunction with another district to
accomplish a specific purpose.

Administrative review means permit/project review, approval or disapproval by the Planning Director or
his/her designee.

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

Adult vocational school means an educational institute admitting only persons 16 years of age and older and providing a curriculum designed to develop the necessary skills for a specific job, industry or career.

Alley means a public or private permanently reserved thoroughfare less than 16 feet but not less than 10 feet in width, other than side street, which has been dedicated or deeded to the public for public use as a secondary means of access to abutting properties.

Alteration means any change, addition or modification in construction or occupancy of an existing structure or use.

Alteration, structural. Structural alteration means a change, in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams or girders.

Amendment means a change in the wording, context or substance of the zoning ordinance, or a change in the district boundaries on the Zoning Map.

Amusement/recreational service means any commercial activity whether conducted intermittently or full-time which is primarily used for physical recreation or entertainment. The phrase "amusement services," includes any billiard or pool hall, bowling alley, boxing arena, dance hall, arcade, shooting gallery and any similar commercial activity which is conducted within a building or screened from public view by solid fencing. Miscellaneous amusement services include physical fitness facilities, golf courses, amusement parks, membership sports and recreation clubs, etc.

Animal, domestic. See domestic animal.

Antenna means any system of wires, panels, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic signals. Does not include any support structure upon which an antenna is mounted.

Antenna structure means any structure, including a pole, mast, or tower, whether free-standing or mounted on another building or structure, that supports an antenna or an array of antennas. The height of an antenna structure is measured to the highest point of any antenna mounted thereon, or the antenna structure supporting the antenna, whichever is higher.

Apartment house means any building or portion thereof which contains three or more dwelling units.

Applicant (or project applicant) means any entity or person who applies for a discretionary land use permit as provided in Chapter 15.04.

Approved radio frequency expert means a person or firm specializing in radio frequency wireless telecommunications technology, including wireless site design, retained by the City at the applicant's sole expense to perform work as provided herein.
Attached structure means a structure having at least 5 linear feet of wall serving as a common wall with the structure to which it is attached, or connected thereto by a continuous roof at least 8 feet wide.

Automobile means any self-propelled, motorized vehicle used, intended to be used, or (originally) designed to be used for the transportation of people upon a street or highway, but not including any vehicle designed for travel on stationary rails or tracks. As used in this chapter, "automobile" includes motorcycles and light trucks with a capacity rating not exceeding one ton, and any (travel) trailer (designed to) which can be towed by any of the above-described vehicles.

Automobile body repair means a business operated in a building or part thereof where repairs, alterations or replacements are made to automobile and truck bodies and related components. Typically, these activities include welding, frame straightening or painting, as well as minimal trim work (e.g., installation or replacement of mirrors, upholstery, decorative trim or striping).

Automobile parts sales means a business operated in a building, where parts for automobiles, from sources off-site, are sold.

Automobile repair means a business operated in a building or part thereof where automobiles are repaired or reconditioned. Such repair shall be limited to mechanical and electronic systems only. Painting (which requires a spray booth), repair or alterations to automobile body parts or frame shall not be allowed. Minimal trim work (e.g., installation or replacement of mirrors, upholstery, decorative trim or striping) is allowed. Vehicles being repaired may be retained for more than 24 hours but not longer than 30 days.

Automobile sales means a business engaged in the sale of used or new automobiles. Automobile repair may be permitted on the premises as an ancillary activity.

Automobile service station means any business or premises engaged in the sale of gasoline and other fuel products, including biofuel and biodiesel, and/or light maintenance activities such as engine tune-up, lubrication and minor repairs. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, body fender work or storage for more than a 24 hour period are conducted.

Automobile storage means the storage of a motor vehicle for a period in excess of 24 hours without repairs or maintenance being required.

Automobile wrecking/salvage means the removal of part(s) from an automobile and/or retention of said automobile from which its part(s) have been removed for the purpose of reuse, sale or disposal; and/or the dumping of dismantled or wrecked automobiles or their parts. This business is normally conducted in the nonbuilding space of the premises and there are present at least two or more automobiles or parts that have been retained for a period longer than 24 hours.

Available space means the space on a tower or structure to which antennas of a personal wireless provider are both structurally able and electromagnetically able to be attached.

Balcony means a platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade or parapet.

Banks/depository financial institutions means a business enterprise involved with the deposit and exchange of money and services related to the financial system.
Bar means any business wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded therefrom by law. It shall not mean a business wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than 25% of the gross receipts.

Base station facility means the primary sending and receiving site in a wireless telecommunications network, including all radio-frequency generating equipment connected to antennas. More than one base station and/or more than one variety of personal wireless service provider can be located on a single tower or structure.

Basement means any floor level below the first story in a building. A basement, when designed for or occupied for commercial purposes or as a separate dwelling unit shall be considered a story.

Bath house means a business which engages in providing sauna baths, water baths, showers, steam rooms or steam baths, or any other body cleansing and toning arrangement wherein an attendant accompanies the customer into the room or facility.

Bed and breakfast inn means a house, or portion thereof, where short-term lodging rooms with/or without meals are provided for compensation. The operation of the inn shall be on the premises or in adjacent premises.

Biodiesel means a fuel comprised of mono-alkyl esters of long fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of ASTM D 6751 or, for biodiesel to be shipped outside of United States, the specification for biodiesel fuel commonly used in the country where it will be shipped for use as fuel or blend stock. "Biodiesel facilities" refer to any site or building used for the refinement, production, storage or distribution of biodiesel, first generation biofuel, second generation biodiesel, or third generation biodiesel as defined below.

Biofuel means a fuel (if cultivated, then also called agrofuel or agrifuel) which is broadly defined as solid, liquid, or gas fuel consisting of or derived from recently dead biological material, most commonly plants.

a. "First generation biofuels" refer to biofuels made from sugar, starch, vegetable oil, or animal fats using conventional technology. The most common first generation biofuels are: 1) vegetable oil; 2) biodiesel; 3) bioalcohols; 4) biogas; 5) solid biofuels such as wood, grass cuttings, domestic refuse, charcoal and dried manure; 6) syngas.

b. "Second generation biofuels" refer to biofuels made from a variety of non-food crops, including waste biomass, the stalks of wheat, corn, wood, and special energy-or-mass crops (i.e. Miscanthus).

c. "Third generation biofuels" refer to biofuels derived from algae.

d. "Biofuel facilities" refer to any site or building used for the refinement, production, storage or distribution of biofuels, first generation biofuel, second generation biofuels, or third generation biofuels as defined above.

Boarding House. See rooming house.

Building means any structure having a roof supported by columns or walls.
**Building Code** means any ordinance of the City of Richmond's Municipal Code Article VI governing the type and method of construction of buildings, signs, and sign structures and any amendments thereto and any substitution thereof, including but not limited to Title 24.

**Building Coverage.** See  **lot coverage.**

**Building frontage** means the linear dimension, parallel to the ground, of that side of a building facing on a public street.

**California Public Utilities Commission** ("CPUC") means the government agency responsible for regulating utilities in California.

**Camouflaged facility** means a wireless communications facility located so as to be of minimal visibility, such as being incorporated within an architectural feature such as a steeple or parapet, or in the open but disguised as a tree or other natural feature.

**Carport** means any detached accessory building, or an accessory portion of a principal building having either none, 1, 2 or 3 walls, roof, and no vehicle entrance door; designed to be used primarily for the shelter and storage of motor vehicles owned or operated by the occupants of the principal building.

**Carrier on wheels** or **cell on wheels** ("COW") means a portable self-contained wireless communications facility that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW may be vehicle-mounted, self propelled, or towed. COWs do not include mobile news vehicles operated by news gathering organizations accredited by any local government.

**Cemetery** means land used or intended to be used primarily for the burial of deceased persons or animals and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

**Certification** means a certificate by an approved radio frequency expert that a facility will be designed, and at all times operated, in full compliance with current FCC guidelines for human exposure to radio frequency emission, considering both the controlled/occupational and uncontrolled/general population limits.

**Co-location** means the use of a wireless communications facility by more than one (1) personal wireless service provider.

**Commercial filming studio** means an enterprise engaged in the production, distribution or exchange of motion picture photography at the same location more than six days per quarter of a calendar year.

**Commercial use** means an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee. The operation and facilities necessary thereto or private firms engaged in the distribution of goods, the provisions of services, or the administration of business.

**Commission** means the Planning Commission of the City of Richmond.

**Common area** means a parcel or parcels of land, together with the improvements thereon, which are shared by several owners in common.

**Conditional use** means a use that is generally compatible with other uses permitted in a zoning district, but that requires individual review of its location, design, configuration, and intensity and density of use and
structures, and may require the imposition of conditions pertinent thereto to ensure the appropriateness of the use at that particular location. The Planning Commission shall have responsibility for the review of conditional uses.

Condominium, Residential. See apartment house.

**Congregate care facility** means a facility providing full-time care, either permanently or temporarily, for those persons unable to live independently, due to age, physical or developmental disability or medical disability. Congregate care facilities include the following state-authorized or licensed operation:

a. Congregate Care Facility, Limited. Facilities providing care for 6 or fewer children or adults housed in a single-family residential unit; and

b. Congregate Care Facilities, General. Facilities providing care for 7 or more children or adults.

**Convenience store** means a retail establishment offering the sales of food, beverages, medicine, and small convenience items, primarily for off-premises consumption and typically found in establishments with long or late hours of operation. Off-sale of alcoholic beverages requires the approval of a conditional use permit.

**Council** means the City Council of Richmond.

**Court** means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on 3 or more sides by walls of a building and/or buildings.

**Coverage, lot or site** means the percentage of a site covered by a roof, soffit, trellis, eave or overhang extending more than 2.5 feet from a wall and by a deck more than 30 inches in height.

**Day care facility** means a facility which provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facilities include day care centers and day care homes. Refer to definitions for both.

a. Day Care Center. Any child day care facility other than a family day care home. Includes infant care centers, preschools, and extended day care facilities.

b. Day Care Home. A licensed home which is authorized, certified or licensed by the State of California which regularly provides care, protection and supervision of 12 or fewer children in the provider's own home, for periods of less than 24 hours per day. The number of children shall include children under the age of 10 who reside at the provider's home.

c. Day Care Home, Limited. A licensed facility which provides day care to 6 or fewer children.

d. Day Care Home, General. A licensed facility which provides day care for 7 to 12 children.

**Deck** means a platform less than 30 inches above grade, either freestanding or attached to a building.

**Density** means the number of dwelling units per net acre.

**Depth** means the linear distance between the front and rear property lines of a site measured along a line midway between the side property lines.
**Domestic animals** mean small animals of the type generally accepted as pets that are customarily kept for personal use or enjoyment within the home or yard, such as dogs, cats, rabbits, canaries or parrots.

Drinking Establishment. See bar.

**Dwelling** means any building or portion thereof which contains not more than two dwelling units.

**Dwelling, multiple-family** means a building or portion thereof containing three or more dwelling units.

**Dwelling, single-family, attached (duplex, townhouse, zero lot line developments)** means 1 or 2 or more dwelling units situated on separate lots and having a common or party wall separating the dwelling units.

**Dwelling, single-family, detached** means a detached building containing a single dwelling unit and surrounded by open space on the same lot.

**Dwelling unit** means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by Title 24 of the State of California Uniform Building Code, for not more than one family.

**Dwelling unit, second** means a detached or attached dwelling unit accessory to a principal dwelling which provides complete independent living facilities for one or more persons and is in compliance with Section 15.04.810.030 of this chapter.

**Eating establishment** means an establishment engaged in the sale of prepared foods and/or nonalcoholic beverages primarily for on-premises consumption.

**Eating establishment (fast food)** means an establishment that offers quick food and nonalcoholic beverage service, which is accomplished through a limited menu of items already prepared and held for service or prepared, fried, or grilled quickly, or heated in a device such as a microwave oven. The food is generally served in disposable wrapping or containers and the establishment may operate for late hours and may offer drive-up, drive-through or curb service.

**Eating establishment with alcoholic beverage sales** means any eating establishment which also engages in the sale of alcoholic beverages. Alcoholic beverages sales shall be limited to no more than 25% of the gross sales of the eating establishment. There shall be no off-site alcoholic beverage sales allowed.

**Educational institution** means an institution giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

**Emergency shelter** means a residential facility which provides short-term, temporary accommodations to individuals and families. The goal of emergency shelter is to address acute needs of individuals and families by providing basic residential facilities and may include programs which help residents find available social services.

**Engineering, management, public administration and related offices** mean offices for any of the following uses: accountant, architect, attorney, chiropractor, optometrists, chiropodist, management, sales and service engineer, planner, surveyor, dentist, physician, psychiatrist, surgeon, and similar uses.

**Equipment shelter** means a structure designed principally to enclose equipment used in connection with a wireless communications facility.
Erect means to build, construct, attach, place, suspend or affix to or upon any surface. Such term shall also include the painting of wall signs.

Family means one or more persons living as a single, housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, shelter, fraternity or sorority house. A family includes any servants.

Federal Communication Commission ("FCC") means the government agency responsible for regulating telecommunications in the United States.

Fence means a barrier or wall of any material or combination of materials erected for any purpose, such as to physically separate properties, provide privacy, security or confinement.

Floor area, gross means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vents, shafts, courts and loading. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.

Floor area ratio (FAR) means the gross floor area of all buildings on a lot divided by the building site area.

Frontage means all the property fronting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or City boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

General merchandise stores means on-premises retail sale or rental of goods for personal or household use, including clothing and department stores, and excludes sale or rental of motor vehicles, automotive parts or accessories, or materials for construction except for paint, small fixtures, and hardware establishments retailing to the consumer.

Grade (adjacent ground elevation) means the lowest point of elevation of the finished surface, paving or sidewalk within the area between the building and the property line. When the property line is more than 5 feet from the building, the grade will be the lowest point of elevation between the building and a line 5 feet from the building.

Grade, existing means the surface of the ground or pavement at a stated location as it exists before disturbance in preparation for a project regulated by this chapter.

Group residential means shared living quarters without separate kitchen or bathroom.

Height of building means the vertical distance above grade measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building along the grade. For structures projecting over water, height will be measured from highest grade at front (landward) property line.

Home occupation means a business enterprise conducted in a dwelling unit, garage or accessory building in a residential district that is incidental to the principal residential use and which meets the conditions of Section 15.04.810.010.
**Hotel** means any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

**Kennel** means any lot, building or dwelling in which more than three dogs, more than four months of age are kept and any building containing two or more dwelling units, including apartment houses and condominiums, in which more than two dogs, more than four months of age are kept in any of the dwelling units. (See also Section 15.04.910.080(F).)

**Kiosk** means an ancillary, free-standing commercial structure designed for retail sales.

**Landscaping** means planting and maintenance of living vegetation, planted in the ground, including some combination of trees, ground cover, shrubs, vines, flowers or lawns. In addition, the combination or design may include natural features such as rock and stone; and structural features, including but not limited to fountains, reflecting pools, art works, screen walls, fences, and benches. Elements of ornamentation such as an archway, piece of statuary, lamp post, and the like, provided as part of the landscaping in a required front or street side yard may exceed three and one-half feet in height but may not exceed two feet in any horizontal dimension, except for archways which may have one dimension of three feet, and such elements shall not cover more than ten percent of the yard area.

**Lane** means any public thoroughfare with an overall width of less than 25 feet, which is primarily used to access side and rear entrances to property or affords a secondary means of vehicle access to the street and to abutting property.

**Live/work** means an occupancy by an individual or a family maintaining a common household consisting of one or more rooms or floors in a building originally designed for industrial or commercial occupancy or in a new building specifically designed for live/work and which includes the following:

a. Cooking and sanitary facilities in accordance with applicable building standards adopted by the City of Richmond; and

b. Adequate working space reserved for and used by 1 or more persons residing therein.

**Loading area** means an open area, other than a street or alley, used for loading or unloading the contents of vehicles.

**Lot** means a parcel of land occupied, or intended to be occupied, by a building, group of buildings or uses, and accessory buildings, together with such open space, yard and setbacks as are required. The parcel must have the minimum area required for a lot in the zone in which such lot is located and having its principal frontage on public street or public right-of-way. The classification of lots are as follows:

a. Corner Lot. A lot abutting on and at the intersection of two or more streets.

b. Flag Lot. A lot having access or an easement to a public or private street by a narrow, private right-of-way.

c. Interior Lot. A lot other than a corner lot.

d. Reversed Corner Lot. A corner lot, the side street line of which is substantially a continuation of the front line of the lot to its rear.
e. Through Lot. A lot having its front and rear yard each abutting on a street.

**Lot area** means the horizontal area within the property lines excluding access corridors, vehicular easements, and areas to be included in future street rights-of-way as established by easement, dedication or ordinance.

**Lot coverage** means the percent of the lot area which may be covered by all buildings and structures on a lot. The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies and similar features.

**Lot depth** means the average horizontal distance between the front and rear lot lines.

Lot front. See yard, front.

**Lot line** means a line dividing one lot from another lot, street or alley.

**Lot width** means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

**Manufactured housing** means a home built in a factory in one or more sections, certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 and installed on a foundation system pursuant to Section 1855 of the Health and Safety Code.

**Massage establishment** means any establishment having in whole or in part, a fixed place of business where any individual, firm, association, partnership, corporation or combination of individuals, engages in, conducts or carries on or permits to be engaged in, conducted or carried on, massages, baths, health treatments involving massage or baths as a primary or secondary function, provided that "massage establishment" shall not include establishments where massage is administered in conjunction with the practice of a medical doctor, chiropractor, acupuncturist, physical therapist or nurse. (See also Chapter 9.38 of this Code.)

**Medical and dental clinic** means clinic or any institution providing medical or dental care on either an appointment or walk-in or nonappointment basis.

**Medical and dental office** means an office providing medical or dental care on an appointment basis only.

**Microcell site** means a small radio transceiver facility comprised of an unmanned equipment cabinet with a total volume of one hundred (100) cubic feet or less that is either under or aboveground, and one omni-directional whip antenna with a maximum length of five feet (5'), or up to three (3) small (approximately 1' x 2' or 1' x 4') directional panel antennas, mounted on a single existing or replacement pole, an existing or replacement conventional utility pole or light standard, or some other similar support structure.

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

**Mobile home park** means a mobile home development constructed according to the requirements of Part 2.1 (commencing with Section 18300) of Division 13 of the Health and Safety Code and intended for use
and sale as a mobile home condominium or cooperative park, or as a mobile home planned unit
development. Any area or tract of land where sites for the placement of mobile homes for human
habitation are rented or leased or are reserved for rental or lease.

**Monopole** means a type of free-standing antenna structure that is seventeen feet (17’) or more in height
and is designed to be self-supporting without the use of guy wires.

**Motel** means a building or group of buildings containing six or more guest rooms which are rented or
hired out to be occupied or which are occupied for sleeping purposes, typically where a majority of such
rooms open directly to the outside, and parking is located adjacent to the room.

Multifamily residential. See **dwelling, multifamily**.

**Nonconforming lot** means a lot which was lawfully subdivided or established, but which does not conform
with the minimum site area or site width prescribed in the regulations for the district in which the lot is
located by reason of adoption or amendment of this title or by reason of annexation of territory to the
city.

**Nonconforming structure** means any structure legally constructed or established which fails to conform to
the regulations of this Chapter, within the district in which it is located by reason of the adoption of this
Chapter or any amendment hereto or by reason of annexation of territory to the City. Structures not
legally established, which fail to conform to the provisions of this Chapter, shall be deemed to be illegal
structures.

**Nonconforming use** means a use legally established that, prior to the enactment of the ordinance codified
in this Chapter and as existing, fails to conform with the use regulations of the district in which it is located
by reason of the adoption of this Chapter, or a use which is nonconforming prior to the adoption of this
Chapter, or any amendment thereto, or by reason of annexation of territory to the City. Uses not legally
established, which fail to conform to the provisions of this ordinance, shall be deemed to be illegal uses.

**Occupancy** means the purpose for which a building, or part thereof, is used or intended to be used.

**Oil, gas and nonmetallic mineral extraction** means establishments primarily engaged in producing crude
petroleum and natural gas; extracting oil from oil sands and oil shale; producing natural gasoline and
cycle condensate; producing gas and hydrocarbon liquids from coal; and mining, quarrying or exploring
for nonmetallic minerals.

**Open space** means any outdoor area not located within a required front or side setback which is intended
to provide light and air, and to be used exclusively for leisure and recreational purposes.

**Open space, common** means an open area within a residential development reserved for the exclusive use
of the residents of the development and guests.

**Open space, private** means a usable open space adjoining and directly accessible to a dwelling unit,
reserved for the exclusive use of residents of the dwelling unit and their guests.

**Parking garage, private** means a building or a portion of a building, in which only motor vehicles used by
the tenants of the building or buildings on the premises are stored or kept but not for repair thereof.

**Parking garage, public** means any garage other than a private garage.
Parking lot means off-street parking area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight parking.

Parking space means an unobstructed, permanently reserved and clearly delineated area or space other than a street or alley maintained for the parking of one motor vehicle.

Permittee means a person or entity who has procured a lawfully issued City permit to construct and/or operate a wireless communications facility.

Personal communications services ("PCS") means those services provided pursuant to 47 C.F.R. § 24 et seq.

Personal services means services of a personal convenience nature, as opposed to products, sold to individual consumers and include the provision of information, individual instruction, beauty and barber shops, laundry and cleaning services and similar services.

Personal wireless service provider (or provider) means an entity licensed by the FCC to provide personal wireless services to individuals or institutions and who has been issued a permit under Section 15.04.890.

Personal wireless services means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. The services include: cellular services, PCS, specialized mobile radio services, and paging services.

Planned residential group means two or more grouped residential dwellings that may deviate from standard area, yard, height, parking or fencing requirements, whose design and site layout have been approved through a conditional use permit process by the Planning Commission. (See Section 15.04.910.080D for description of approval process.)

Processing facility means a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-users specification, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include the following:

a. A light processing facility occupies an area of under 45,000 square feet of gross collection, processing and storage area and has up to an average of two (2) outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.

b. A heavy processing facility is any processing facility other than a light processing facility.

Public hearing means a noticed meeting where the public is provided an opportunity to comment and file testimony on a matter under consideration prior to official action being taken.

Public utilities, major means generating plants, electrical substations, switching buildings, refuse collection processing, recycling or disposal facilities, water or waste treatment plants, and similar facilities of public agencies or public utilities.
Public utilities, minor means utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines and underground water and sewer lines.

Radio-frequency emission means electromagnetic emission in the frequency range of 300 kHz—300 gigahertz (GHz).

Radio-frequency emissions evaluation means the calculation of radio-frequency emission levels from antennas utilizing the FCC's OET Bulletin 65.

Recovery facility means any facility, place or building which provides 24-hour residential nonmedical services in a group setting to adults, which may include, but need not be limited to, mothers over 18 years of age and their children, and emancipated minors, which may include, but need not be limited to, mothers under 18 years of age and their children who are recovering from alcohol, drug or drug and alcohol misuse and are currently capable of meeting their life support needs independently, but who temporarily need guidance, counseling, or other alcohol or drug recovery services. Recovery facilities that offer drug or alcohol abuse counseling must require counselors to be licensed by the State.

a. Recovery Facilities, Limited. Facilities providing care for 6 or fewer adults (as defined above) and housed in a single-family residential unit; and
b. Recovery Facilities, General. Facilities providing care for 7 or more adults.

Recreational vehicle means any vehicle or trailer designed, or modified for use as a camp car, camper, motor home, house car, trailer, trailer coach, boat, boat trailer, snowmobile, snowmobile trailer, camping trailer, or for any similar purpose.

Recyclable material means recyclable material is reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous material as defined in Section 15.04.820.020. Recyclable material may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

Recycling facility. A "recycling facility" is a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of materials generated by that residential property, business or manufacturer. Recycling facilities may include the following:

a. Recycling collection facility. A collection facility for the acceptance by donation, redemption, or purchase of recyclable material from the public. Such a facility does not use power-driven processing equipment except as provided for in particular zoning districts. Collection facilities may include the following:

b. Large Recycling Collection Facility. Occupies an area of more than 500 square feet, or is on a separate property not appurtenant to a host use, and which may include permanent structures.

c. Small Recycling Collection Facility. Occupies an area of not more than 500 square feet and may include a mobile unit; collection box; bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet, kiosk type units which may include permanent structures; unattended containers placed for the donation of recyclable materials.
d. Reverse vending machine an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine.

Religious assembly uses means the operation of nonsecular facilities, such as churches, temples, synagogues, and related playgrounds, centers and halls for social, educational, religious and recreational activities.

Ridge line means the elongated crest of a slope or line of intersection at the top between opposite slopes.

Rooming or boarding house means any building or portion thereof other than a hotel where lodging is available for permanent occupancy and is provided with or without meals for 5 or more persons for compensation. Definition includes clubs, fraternities and sororities, etc.

Satellite dish means a device incorporating a reflective surface that is solid, open, mesh or bar configured and in the shape of a shallow dish, cone, horn or cornucopia. Such device is used to transmit and/or receive radio or electromagnetic signals to and from an orbiting satellite. This definition is meant to include but is not limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas) and satellite microwave antennas.

School means a facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools and secondary (junior high and high) schools.

Senior housing means new or rehabilitated dwellings units which are exclusively used by persons of 55 years of age or older and provide common recreational or social facilities.

Setback means a required, specified distance between a building or structure and a lot line or lines, measured perpendicularly from the lot line or lines in a horizontal plan extending across the complete length of said lot line or lines.

Significant gap means a geographic area of the City of Richmond of at least one acre in which the existing radio frequency signal level of a particular wireless carrier applying for a permit under Section 15.04.890 of this Code is less than the minimum signal strength required by the FCC. A significant gap must be truly significant and not merely individual dead spots within a greater service area. Gaps in coverage that are less than one acre in area but are claimed by the applicant to be significant shall be proved by clear and convincing evidence. The burden of objectively demonstrating a significant gap rests with the applicant for a permit under Section 15.04.890.

Single-family Residential. See dwelling, single-family, attached or detached.

Slope means the vertical distance divided by the horizontal distance. Slope calculations shall be based on accurate topographic survey maps of the following minimum standards:
(1) For parcels up to 10 acres in size, the map scale shall be not less than one inch equals 50 feet; and
(2) For parcels over 10 acres in size, not less than one inch equals 100 feet. Maximum contour
intervals shall conform to the following table:

<table>
<thead>
<tr>
<th>Slope</th>
<th>Under 5%</th>
<th>5%-20%</th>
<th>Over 20%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interval</td>
<td>2'</td>
<td>5'</td>
<td>10'</td>
</tr>
</tbody>
</table>

Exclusion of Areas from Slope Calculations. In determining average slope, the applicant may
exclude portions of the site. No more than three such portions of a site may be excluded from these
calculations. Areas excluded must:

(1) Be delineated using five or fewer straight lines and may in addition include the property line;
(2) Remain undeveloped and a deed restriction assuring this provision, in a form acceptable to the
City, must be recorded;
(3) Have a management plan for open spaces developed in consultation with the fire department
and a natural open space expert, and approved by the City. The plan shall include but not be
limited to: fire fuel control, provision of host plants for wildlife, and protection and enhance-
ment of stream areas.

**Standard Industrial Classification (SIC) system** means the classification of establishments by type of
activity which is determined by its principal product or group of products produced or distributed, or
services rendered. The purpose of the system is to facilitate the collective tabulation, presentation and
analysis of data relating to the establishments. This system is detailed in the Federal Office of Manage-
ment and Budget's Standard Industrial Classification Manual, as amended.

**Story** means that portion of a building included between the surface of any floor and the surface of the
floor next above except that the topmost story shall be that portion of a building included between the
upper surface of the topmost floor and the ceiling or roof above. If there is no floor above it, then the space
between such floor and the ceiling next above it shall be considered a story. If the finished floor level
directly above a usable or unused under-floor space is more than 6 feet above grade for more than 50
percent of the total perimeter or is more than 12 feet above grade at any point, such usable or unused
under-floor space shall be considered as a story.

**Street** means any thoroughfare or public way not less than 16 feet in width which has been dedicated or
deeded to the public for public use. "Street" includes avenue, court, circle, way, drive, boulevard, highway,
road, parkway, and any other thoroughfare, except an alley or lane as defined herein.

a. Minor Streets. For the purposes of this chapter, minor streets shall be defined as all streets
having a right-of-way width of 59 feet or less per the standards of the Public Works Department
or as designated by the City Council.

b. Collector Streets. For the purposes of this chapter, collector streets shall be defined as all streets
having a right-of-way width of 60 feet or more per the standards of the Public Works Department or as designated by the City Council.

**Structurally able** means the determination that a tower or structure is capable of carrying the load
imposed by the proposed antennas under all reasonably predictable conditions as determined by profes-
ional structural analysis.
**Structure** means anything constructed or erected which requires a location on the ground.

**Temporary use building** means a use or building which will be in existence either seasonal or for a period of 6 months or less.

**Tower** means a structure situated on a nonresidential site that is intended for transmitting or receiving television, radio or telephone communications.

**Townhouse.** See **dwelling, single-family, attached.**

**Trailer** means a vehicle without motor power, designed so that it can be drawn by a motor vehicle, to be used for human habitation or for the transporting of personal property.

**Transition zone,** also known as the buffer zone, means the area of the Ford Peninsula bounded by I-580 on the north, Harbour Way South on the west, Marina Way South on the east and Hall Avenue on the south excluding the Marina Way Properties, LLC site (Exhibit A Transition/Buffer Zone).

**Transitional housing** means a residential facility designed for a maximum of 15 people, which provides medium-term accommodations to homeless individuals and families for up to 6 months residence, with supplemental services.

**Truck terminal** means an area or building where cargo is stored and where trucks load and unload cargo on a regular basis.

**Use, civic** means a use operated exclusively by a public agency; such use having the purpose of serving the public health, safety, or general welfare.

**Use, semipublic** means a use operated by a private nonprofit, educational, religious, cultural, charitable or medical institution; such use having the purpose primarily of serving the general public health, safety and welfare.

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

**Video receive-only antenna** means an antenna for the reception of television signals, without transmitting capabilities; may include pole or dish types of antennas.

**Wireless communications facility** means any device or system for the transmitting and/or receiving of electromagnetic signals, including but not limited to radio waves and microwaves, for cellular technology, personal wireless services, mobile services, paging systems and related technologies. Facilities include antennas, microwave dishes, parabolic antennas and all other types of equipment used in the transmission and reception of such signals; structures for the support of such facilities, associated buildings or cabinets to house support equipment, and other accessory development.

**Wireless communications tower (or tower)** means any structure intended to support one or more antennas used to transmit and/or receive electromagnetic communications signals, including monopoles, guyed and lattice construction steel structures.
Yard means open, unoccupied space, other than a court, and unobstructed from the ground to the sky, except where specifically provided by this Code, in the lot on which a building is situated. The classifications of yards are:

a. Front. An area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zoning district. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. For corner lots, the front yard shall be established as the area extending across the narrowest width of the lot.

b. Interior. A ground level rear yard or side yard open, surrounded full or in part by structure, effectively separated from vehicular circulation and parking. On steeply sloped parcels a deck located with one end at or near ground level in accordance with the provisions of Section 15.04.830 may be counted as interior yard space.

c. Rear. A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the main building.

d. Side. An area extending from the front yard, or from the front lot line where no front yard is required by the ordinance codified in this chapter, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

Zoning map means a map or maps which are a part of the zoning ordinance and delineate the boundaries of zone districts.

Zoning ordinance means the municipally adopted law or regulations that divides the city into districts and establishes a set of regulations governing the use, placement, spacing and size of land and buildings as set forth in this chapter of the City of Richmond's Municipal Code.

(Amended by Ordinance Nos. 37-96 N.S., 15-97 N.S., 31-97 N.S., 03-02 N.S., 9-04 N.S., 8-08 N.S., 18-08 N.S., 24-09 N.S., 26-09 N.S., 9-10 N.S. and 08-11 N.S.)
ARTICLE 15.04.100 RESIDENTIAL ZONING DISTRICTS

15.04.110 SFR-1-Single-Family Rural Residential District.

SECTIONS

15.04.110.010 Title, Purpose and Applicability.

The provisions of Section 15.04.110 shall be known as the SFR-1, single-family rural residential district. The SFR-1 zone is intended to create, preserve and enhance areas for single-family dwellings at low densities on large estate sized lots of 11,000 square feet or more due to limitations of topography, geologic conditions or urban service limitations that make more intensive development inappropriate. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly policies prescribed by the rural residential land use category.

15.04.110.020 Permitted Uses.

The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

Residential Uses.
Single-family residential
Second dwelling units

Agricultural Uses.
Landscape and horticultural services

Civic, Public and Semipublic Uses.
Congregate care, limited*
Day care home, limited and general*
Homeless shelters/transitional housing**
Recovery facility, limited*

Agricultural Uses.
Landscape and horticultural services
Civic, Public and Semipublic Uses.
Congregate care, limited*
Day care home, limited and general*
Homeless shelters/transitional housing**
Recovery facility, limited*

Commercial Uses.
Home occupations

Industrial Uses.
Public utilities, minor

* Primary use of property remains residential.
** For 10 persons or fewer only.

15.04.110.030 Accessory Uses.
Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property, and which are sited within the property boundaries of the primary use, such as garages, swimming pools and gazebos. Refer to Section 15.04.880 for details.

15.04.110.040 Conditional Uses.
The following uses may be permitted by conditional use permit and must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

Residential Uses.
Planned residential groups

Agricultural Uses.
General farms, primarily crops

Civic, Public and Semipublic Uses.
Community centers
Congregate care, general
Day care center
Elementary and secondary schools
Public safety facilities
Religious assembly
Recovery facilities, general

Commercial Uses.
Convenience stores
Hotels and other lodging places:
  bed and breakfast inns
Kennels
Medical and dental offices***
Membership organizations, clubs and lodges

Industrial.
Public utilities, major

Open Space and Recreational Uses.
Parks, open spaces and trails

Temporary Uses.
Arts and crafts shows, outdoors
Circuses and carnivals
Flea markets/swap meets, nonrecurring
Live/entertainment and events
Outdoor exhibits
Recreation events
Religious assembly
Retail sales, outdoors
Seasonal sales lots, for example, Christmas trees and pumpkins
Street fairs
Trade fairs

*** Permitted as a transitional use within a residential structure.

15.04.110.050 Development Standards.

The following is a partial listing of standards that shall apply in the SFR-1-single-family rural residential districts. For a complete delineation of all development standards applicable refer to Section 15.04.830.

Minimum lot size is 11,000 square feet. Some exceptions may be allowed for existing legal nonconforming lots smaller than that size and parcels with existing dwellings. Refer to Sections 15.04.830.030(E) and 15.04.940.030(A)(3) for further details.

<table>
<thead>
<tr>
<th>Per dwelling unit</th>
<th>Minimum lot area per unit (sq. ft.)</th>
<th>Maximum building height (ft.)</th>
<th>Minimum lot width (ft.)</th>
<th>Typical* setbacks and yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>11,000</td>
<td>35</td>
<td>70</td>
<td>Front</td>
</tr>
</tbody>
</table>

* Unless otherwise specified, front and rear setbacks are 25% of the lot depth with a maximum of 25' required. Interior side yard setbacks are 14% of the lot width with a 3' minimum and 10' maximum as in the example above. See Section 15.04.830 for details. Accessory buildings and structures must comply with requirements specified under Section 15.04.880. Required minimum interior yard space (IYS) for single-family dwellings is 16% of the lot area.

15.04.110.060 Performance Standards.

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.
15.04.110 Parking and Loading Requirements.

In addition to the number of parking spaces which follow, all parking and loading must comply with the provisions contained in Section 15.04.850.

<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>2 spaces per unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Uses</td>
<td>Refer to Section 15.04.850</td>
</tr>
</tbody>
</table>

15.04.110.080 Signs.

All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

15.04.110.090 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance No. 31-97 N.S. and 5-04 N.S.)
15.04.120 SFR-2-Single-Family Very Low Density Residential District.

SECTIONS

15.04.120.010 Title, Purpose and Applicability.

The provisions of Section 15.04.120 shall be known as the SFR-2-single-family very low density residential district. The SFR-2 zone is intended to create, preserve and enhance areas for single-family dwellings in outlying, undeveloped, suburban settings on lots of 6,000 square feet or more. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly policies prescribed by the very low density residential land use category.

15.04.120.020 Permitted Uses.

The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

- **Residential Uses.**
  - Single-family residential
  - Second dwelling units

- **Civic, Public and Semipublic Uses.**
  - Congregate care, limited*
  - Day care home, limited and general*
  - Homeless shelters/transitional housing**
  - Recovery facility, limited*

- **Commercial Uses.**
  - Home occupations
  - Industrial Uses.
  - Public utilities, minor

* Primary use of property remains residential.

** For 10 persons or fewer only.

15.04.120.030 Accessory Uses.

Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property, and which are sited within the property boundaries of the primary use, such as garages, swimming pools, and gazebos. Refer to Section 15.04.880 for details.
15.04.120.040 Conditional Uses.

The following uses may be permitted by conditional use permit and must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

### Residential Uses
- Planned residential groups

### Agricultural Uses
- General farms, primarily crops
- Landscape and horticultural services

### Civic, Public and Semipublic Uses
- Community centers
- Congregate care, general
- Day care center
- Elementary and secondary schools
- Public safety facilities
- Recovery facilities, general
- Religious assembly

### Commercial Uses
- Convenience stores
- Hotels and other lodging places:
  - bed and breakfast inns
- Kennels
- Medical and dental offices***
- Membership organizations, clubs and lodges

### Open Space and Recreational Uses
- Parks, open space and trails

### Industrial Uses
- Public utilities, major

### Temporary Uses
- Arts and crafts shows, outdoors
- Circuses and carnivals
- Flea markets/swap meets, nonrecurring
- Live entertainment and events
- Outdoor exhibits
- Recreation events
- Religious assembly
- Retail sales, outdoors
- Seasonal sales lots, for example Christmas trees and pumpkins
Street fairs
Trade fairs

*** Permitted as a transitional use within a residential structure.

15.04.120.050 Development Standards.

The following is a partial listing of standards that shall apply in the SFR-2 very low density residential districts. For a complete delineation of all development standards applicable refer to Section 15.04.830.

Minimum lot size is 6,000 square feet. Some exceptions may be allowed for existing legal nonconforming lots smaller than that size and parcels with existing dwellings. Refer to Sections 15.04.830.030(E) and 15.04.940.030(A)(3) for further details.

<table>
<thead>
<tr>
<th>Minimum lot area per unit (sq. ft.)</th>
<th>Maximum building height (ft.)</th>
<th>Minimum lot width (ft.)</th>
<th>Typical* setbacks and yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per dwelling unit</td>
<td></td>
<td></td>
<td>Front</td>
</tr>
<tr>
<td>6,000(^1)</td>
<td>35</td>
<td>60</td>
<td>20</td>
</tr>
</tbody>
</table>

* Unless otherwise specified, front and rear setbacks are 20% of the lot depth with a maximum of 20' required. Interior side yard setbacks are 10% of the lot width with a 3' minimum and 5' maximum as in the example above. See Section 15.04.830 for details. Accessory buildings and structures must comply with requirements specified under Section 15.04.880. Required minimum interior yard space (IYS) for single-family dwellings is 16% of the lot area except on lots of less than 30' in width or 3,000 square feet in area which shall provide a minimum of 20% of lot area.

\(^1\) Refer to Richmond General Plan: Overall density for each parcel shall not exceed 5 dwelling units per acre except as allowed for in the Richmond general plan land use and housing elements.

15.04.120.060 Performance Standards.

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.

15.04.120.070 Parking and Loading Requirements.

In addition to the number of parking spaces which follow, all parking and loading must comply with the provisions contained in Section 15.04.850.

Residential Uses 2 spaces per unit
Other Uses Refer to Section 15.04.850

15.04.120.080 Signs.

All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.
Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance No. 31-97 N.S. and 5-04 N.S.)
15.04.130 SFR-3-Single-Family Low Density Residential District.

SECTIONS
15.04.130.010 Title, Purpose and Applicability.
15.04.130.020 Permitted Uses.
15.04.130.030 Accessory Uses.
15.04.130.040 Conditional Uses.
15.04.130.050 Development Standards.
15.04.130.060 Performance Standards.
15.04.130.070 Parking and Loading Requirements.
15.04.130.080 Signs.
15.04.130.090 Administrative and Enforcement Procedures.

15.04.130.010 Title, Purpose and Applicability.
The provisions of Section 15.04.130 shall be known as the SFR-3-single-family low density residential district. The SFR-3 zone is intended to create, preserve and enhance areas containing primarily single-family dwellings and a limited number of two-family dwellings on large lots of 7,500 square feet or more in an urban setting. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly the low density residential land use category.

15.04.130.020 Permitted Uses.
The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

Residential Uses.
Single-family residential
Second dwelling units

Civic, Public and Semipublic Uses.
Community centers
Congregate care, limited*
Day care home, limited and general*
Homeless shelters/transitional housing**
Recovery facilities, limited*

Commercial Uses.
Home occupations

Industrial Uses.
Public utilities, minor

Temporary Uses.
Street fairs

* Primary use of property remains residential.
** For 10 persons or fewer only.
15.04.130.030 Accessory Uses.

Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property and which are sited within the property boundaries of the primary use, such as garages, swimming pools and gazebos. Refer to Section 15.04.880 for details.

15.04.130.040 Conditional Uses.

The following uses may be permitted by conditional use permit and must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

- **Residential Uses.**
  - Duplexes
  - Planned residential groups

- **Agricultural Uses.**
  - Landscape and horticultural services
    (Includes existing nurseries)

- **Civic, Public and Semipublic Uses.**
  - Congregate care, general
  - Day care center
  - Elementary and secondary schools
  - Public safety facilities
  - Recovery facilities, general
  - Religious assembly

- **Commercial Uses.**
  - Convenience stores
  - Hotels and other lodging places:
    - bed and breakfast inns
  - Medical and dental offices***
  - Membership organizations, clubs and lodges

- **Industrial Uses.**
  - Public utilities, major

- **Open Space and Recreational Uses.**
  - Parks, open space and trails

- **Temporary Uses.**
  - Arts and crafts shows, outdoors
  - Circuses and carnivals
  - Flea markets/swap meets, nonrecurring
  - Live entertainment and events
Outdoor exhibits  
Recreation events  
Religious assembly  
Retail sales, outdoors  
Seasonal sales lots, for example, Christmas trees and pumpkins  
Trade fairs  

*** Permitted as a transitional use within a residential structure.

15.04.130.050 Development Standards

The following is a partial listing of standards that shall apply in the SFR-3, single-family low density residential districts. For a complete delineation of all development standards applicable refer to Section 15.04.830.

Minimum lot size is 5,000 square feet. Some exceptions may be allowed for existing legal nonconforming lots smaller than that size and parcels with existing dwellings. Refer to Sections 15.04.830.030(E) and 15.04.940.030(A)(3) for details.

<table>
<thead>
<tr>
<th>Per dwelling unit</th>
<th>Minimum lot area per unit (sq. ft.)</th>
<th>Maximum building height (ft.)</th>
<th>Minimum lot width (ft.)</th>
<th>Typical* setbacks and yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum lot area per unit (sq. ft.)</td>
<td>Maximum building height (ft.)</td>
<td>Minimum lot width (ft.)</td>
<td>Typical* setbacks and yards (ft.)</td>
</tr>
<tr>
<td></td>
<td>3,750</td>
<td>35</td>
<td>50</td>
<td>Front 50</td>
</tr>
</tbody>
</table>

* Unless otherwise specified, front and rear setbacks are 20% of the lot depth with a maximum of 20' required. Interior side yard setbacks are 10% of the lot width with a 3' minimum and 5' maximum as in the example above. See Section 15.04.830 for details. Accessory buildings and structures must comply with requirements specified under Section 15.04.880. Required minimum interior yard space (IYS) for single-family and duplex dwellings is 16% of the lot area except on lots of less than 30' in width or 3,000 square feet in area which shall provide a minimum of 20% of lot area.

15.04.130.060 Performance Standards

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.

15.04.130.070 Parking and Loading Requirements

In addition to the number of parking spaces which follow, all parking and loading must comply with the provisions contained in Section 15.04.850.

- Single-family: 2 spaces per unit
- Duplexes: 2 spaces per unit
- Other Uses: Refer to Section 15.04.850

15.04.130.080 Signs

All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.
15.04.130

15.04.130.090 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance No. 31-97 N.S. and 5-04 N.S.)
15.04.140 MFR-1-Multifamily Residential District.

SECTIONS
15.04.140.010 Title, Purpose and Applicability.
15.04.140.020 Permitted Uses.
15.04.140.030 Accessory Uses.
15.04.140.040 Conditional Uses.
15.04.140.050 Development Standards.
15.04.140.060 Performance Standards.
15.04.140.070 Parking and Loading Requirements.
15.04.140.080 Signs.
15.04.140.090 Administrative and Enforcement Procedures.

15.04.140.010 Title, Purpose and Applicability.

The provisions of Section 15.04.140 shall be known as the MFR-1-multifamily residential district. The MFR-1 zone is intended to create, preserve and enhance apartment, townhouse and duplex areas for multifamily living at medium densities. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly the medium density residential land use category.

15.04.140.020 Permitted Uses.

The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

Residential Uses.
- Single-family residential
- Duplexes
- Multifamily residential
- Second dwelling units

Civic, Public and Semipublic Uses.
- Community centers
- Congregate care, limited*
- Day care home, limited and general*
- Homeless shelters/transitional housing**
- Recovery facilities, limited*

Commercial Uses.
- Home occupations

Industrial Uses.
- Public utilities, minor
Temporary Uses.
Street fairs

* Primary use of property remains residential.

** For 10 persons or fewer only.

15.04.140.030 Accessory Uses.

Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property, and which are sited within the property boundaries of the primary use, such as garages, swimming pools and gazebos. Refer to Section 15.04.880 for details.

15.04.140.040 Conditional Uses.

The following uses may be permitted by conditional use permit and must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

Residential Uses Planned.
Residential Group

Agricultural Uses.
Landscape and horticultural services

Civic, Public and Semipublic Uses.
Colleges, universities, vocational schools, and educational facilities
Congregate care, general
Day care center
Elementary and secondary schools
Public safety facilities
Recovery facilities, general
Religious assembly

Commercial Uses.
Convenience stores
Automobile service station
Hotels and other lodging places:
   bed and breakfast inns
Medical and dental offices***
Membership organizations, clubs and lodges

Industrial Uses.
Public utilities, major

Open Space and Recreational Uses.
Parks, open space and trails

*** Permitted as a transitional use within a residential structure.
15.04.140.050 Development Standards.

The following is a partial listing of standards that shall apply in the MFR-1, multifamily residential district. For a complete delineation of all development standards applicable refer to Section 15.04.830.

Minimum lot size is 5,000 square feet.

Exceptions: Where a lot has a width of less than fifty feet (50') or an area of less than five thousand (5,000) square feet and was recorded under one ownership at the time this chapter became effective and has not subsequently been merged nor consolidated (through recordation) with an abutting lot under one ownership, nor provides required interior yard space, parking or other required amenities to an existing dwelling, such lot may be occupied by any use permitted in this section (refer to Sections 15.04.830.030(E) and 15.04.940.030(A)(3) for further details) except that:

(a) Any such lot that is thirty-three (33) feet or less in average width shall constitute a residential building site for no more than one single-family dwelling unit; and

(b) Any such lot that is wider than thirty-three (33) feet but less than thirty-seven and one-half (37.5) feet in average width, shall constitute a residential building site for no more than two dwelling units. Refer to Section 15.04.830 for details.

<table>
<thead>
<tr>
<th>Minimum lot area per unit (sq. ft.)</th>
<th>Maximum building height (ft.)</th>
<th>Minimum lot width (ft.)</th>
<th>Typical* setbacks and yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Front</td>
</tr>
<tr>
<td>Per dwelling unit</td>
<td>1,650</td>
<td>35</td>
<td>50</td>
</tr>
</tbody>
</table>

* Unless otherwise specified, front setbacks are 15% of the lot depth with a maximum of 15' required and rear setbacks are 20% of the lot depth with a maximum of 20' required. Interior side yard setbacks are 10% of the lot width with a 3' minimum and 5' maximum as in the example above. See Section 15.04.830 for details. Accessory buildings and structures must comply with requirements specified under Section 15.04.880.

Where at least 80% of the block frontage, exclusive of reversed corner lots, is developed, then the front yard requirements shall be as follows:

1. The minimum front yard setback shall be 10 feet where the average front yard setback thereof is 10 feet or less.

2. The minimum front yard setback shall be 20 feet where the average front yard is 20 feet or more.

3. Where an existing building has a front yard setback of less than 10 feet, any addition to the property along the frontage shall have a minimum front yard setback of no less than 10 feet.

Open Space Requirements.

For single-family dwellings and duplexes on lots over 30' in width and 3,000 square feet in area, IYS equal to 16% of the lot area shall be provided. On smaller lots, IYS equal to 20% of lot area shall be provided. Required minimum interior yard space (IYS) for two detached multifamily units is 20% of lot area.

For multifamily dwelling with three or more units, the following shall apply:
15.04.140.060 Performance Standards.

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.

15.04.140.070 Parking and Loading Requirements.

In addition to the number of parking spaces which follow, all parking and loading must comply with the provisions contained in Section 15.04.850.

<table>
<thead>
<tr>
<th></th>
<th>Private Open Space—square feet per dwelling unit</th>
<th>Common Open Space—square feet per dwelling unit</th>
<th>Required Additional—square feet per dwelling unit (2+ bedroom units)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>75</td>
<td>200</td>
<td>100 common or private</td>
</tr>
</tbody>
</table>

**Single-family**

2 spaces per unit

**Duplexes**

2 spaces per unit

**Multifamily**

3 or more units

(Note: For multifamily units, any room that can be considered as a bedroom per Uniform Building Code (UBC) standards shall be used for the purposes of calculating parking. At least one required parking space per unit must be covered)

- 1 bedroom: 1 space per unit
- 2 bedrooms: 1.5 spaces per unit
- 3 or more bedrooms: 2 spaces per unit

**Guest Parking**

1 guest space per five units

**Other Uses**

Refer to Section 15.04.850

15.04.140.080 Signs.

All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

15.04.140.090 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance No. 31-97 N.S., 5-04 N.S. and 27-05 N.S.)
15.04.150 MFR-2-Multifamily Medium Density Residential District.

SECTIONS
15.04.150.010 Title, Purpose and Applicability.
15.04.150.020 Permitted Uses.
15.04.150.030 Accessory Uses.
15.04.150.040 Conditional Uses.
15.04.150.050 Development Standards.
15.04.150.060 Performance Standards.
15.04.150.070 Parking and Loading Requirements.
15.04.150.080 Signs.
15.04.150.090 Administrative and Enforcement Procedures.

15.04.150.010 Title, Purpose and Applicability.

The provisions of Section 15.04.150 shall be known as the MFR-2-multifamily medium density residential district. MFR-2 zone is intended to create, preserve and enhance apartment living in areas with accessibility to major transportation routes, shopping and community centers. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly the medium density residential land use category.

15.04.150.020 Permitted Uses.

The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

Residential Uses.
Single-family residential
Duplexes
Multifamily residential
Second dwelling units

Civic, Public and Semipublic Uses.
Community centers
Congregate care, limited*
Day care home, limited and general*
Homeless shelters/transitional housing**
Recovery facilities, limited*

Commercial Uses.
Home occupations

Industrial Uses.
Public utilities, minor
Temporary Uses.
Arts and crafts shows, outdoors
Outdoor exhibits
Street fairs

* Primary use of property remains residential.

** For 10 persons or fewer only.

15.04.150.030 Accessory Uses.
Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property and which are sited within the property boundaries of the primary use, such as garages, swimming pools and gazebos. Refer to Section 15.04.880 for details.

15.04.150.040 Conditional Uses.
The following uses may be permitted by conditional use permit and must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

Residential Uses.
Senior housing
Planned residential group

Civic, Public and Semipublic Uses.
Colleges, universities, vocational schools and educational facilities
Congregate care, general
Day care center
Elementary and secondary schools
Hospitals
Public safety facilities
Recovery facilities, general
Religious assembly

Commercial Uses.
Business services
Convenience stores
Automobile service station
Engineering, management, public administration and related offices and services hotels and other lodging places:
   bed and breakfast inns
   rooming and boarding houses
Medical and dental offices***
Membership organizations, clubs and lodges
Industrial Uses.
Public utilities, major

Open Space and Recreational Uses.
Parks, open space and trails

Temporary Uses.
Circuses and carnivals
Flea markets/swap meets, nonrecurring
Live entertainment events
Recreation events
Retail sales, outdoors
Seasonal sales lots, for example, Christmas trees and pumpkins
Trade fairs
Religious assembly

*** Permitted as a transitional use within a residential structure.

15.04.150.050 Development Standards.

The following is a partial listing of standards that shall apply in the MFR-2, multifamily medium density residential district. For a complete delineation of all development standards applicable, refer to Section 15.04.830.

Minimum lot size is 5,000 square feet.

Exceptions: Where a lot has a width of less than fifty feet (50') or an area of less than five thousand (5,000) square feet and was recorded under one ownership at the time this chapter became effective and has not subsequently been consolidated with an abutting lot under one ownership, nor provides required interior yard space, parking or other required amenities to an existing dwelling, such lot may be occupied by any use permitted in this section, (refer to Sections 15.04.830.030(E) and 15.04.940.030(A)(3) for further details) except that:

(a) Any such lot that is three thousand three hundred (3,300) square feet or less in area or is thirty-three (33) feet or less in average width shall constitute a residential building site for no more than one single-family dwelling unit.

(b) Any such lot that exceeds the dimensions and area enumerated above, but which is three thousand seven hundred fifty (3,750) square feet or less in area, or is thirty-seven and one-half (37.5) feet or less in average width, shall constitute a residential building site for no more than one two-family dwelling unit.

<table>
<thead>
<tr>
<th>Per dwelling unit</th>
<th>Minimum lot area per unit (sq. ft.)</th>
<th>Maximum building height (ft.)</th>
<th>Minimum lot width (ft.)</th>
<th>Typical* setbacks and yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,250</td>
<td>35</td>
<td>50</td>
<td>Front: 10</td>
</tr>
</tbody>
</table>

* Unless otherwise specified, front setbacks are 10% of the lot depth with a minimum of 10' required and rear setbacks are 20% of the lot depth.
depth with a maximum of 20' required. Interior side yard setbacks are 10% of the lot width with a 3' minimum and 5' maximum as in the example above. See Section 15.04.830 for details. Accessory buildings and structures must comply with requirements specified under Section 15.04.880.

Open Space Requirements.

For single-family dwellings and duplexes on lots over 30' in width and 3,000 square feet in area, IYS equal to 16% of the lot area shall be provided. On smaller lots, IYS equal to 20% of lot area shall be provided. Required minimum interior yard space (IYS) for two detached, multifamily units is 20% of lot area.

For multifamily dwellings with three or more units, the following shall apply:

<table>
<thead>
<tr>
<th>Private Open Space—square feet per dwelling unit</th>
<th>Common Open Space—square feet per dwelling unit</th>
<th>Required Additional—square feet per dwelling unit (2+ bedroom units)</th>
</tr>
</thead>
<tbody>
<tr>
<td>60</td>
<td>200</td>
<td>100 common or private</td>
</tr>
</tbody>
</table>

15.04.150.060 Performance Standards.

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.

15.04.150.070 Parking and Loading Requirements.

In addition to the number of parking spaces which follow, all parking and loading must comply with the provisions contained in Section 15.04.850.

- Single-family
  - 2 spaces per unit
- Duplexes
  - 2 spaces per unit
- Multifamily
  - 3 or more units (Note: For multifamily units, any room that can be considered as a bedroom per Uniform Building Code (UBC) standards shall be used for the purposes of calculating parking. At least one required parking space per unit must be covered)
  - 1 bedroom
    - 1 space per unit
  - 2 bedrooms
    - 1.5 spaces per unit
  - 3 or more bedrooms
    - 2 spaces per unit
  - Guest Parking
    - 1 guest space per five units
- Other Uses
  - Refer to Section 15.04.850

15.04.150.080 Signs.

All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.
All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance No. 31-97 N.S., 5-04 N.S. and 27-05 N.S.)
15.04.160   MFR-3-Multifamily High Density Residential District.

SECTIONS
15.04.160.010   Title, Purpose and Applicability.
15.04.160.020   Permitted Uses.
15.04.160.030   Accessory Uses.
15.04.160.040   Conditional Uses.
15.04.160.050   Development Standards.
15.04.160.060   Performance Standards.
15.04.160.070   Parking and Loading Requirements.
15.04.160.080   Signs.
15.04.160.090   Administrative and Enforcement Procedures.

15.04.160.010   Title, Purpose and Applicability.

The provisions of Section 15.04.160 shall be known as the MFR-3-multifamily high density residential district. MFR-3 zone is intended to create, preserve, and enhance high rise apartment living in areas with accessibility to major transportation routes, shopping and community centers. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly the high density land use category.

15.04.160.020   Permitted Uses.

The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

   Residential Uses.
   Single-family residential
   Duplexes
   Multifamily residential
   Second dwelling units

   Civic, Public and Semipublic Uses.
   Community centers
   Congregate care, limited*
   Day care home, limited and general*
   Elementary and secondary schools
   Homeless shelters/transitional housing**
   Recovery facilities, limited*

   Commercial Uses.
   Home occupations

   Industrial Uses.
   Public utilities, minor
Temporary Uses.
Arts and crafts shows, outdoors
Outdoor exhibits
Religious assembly
Street fairs

* Primary use of property remains residential.

** For 10 persons or fewer only.

15.04.160.030 Accessory Uses.
Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property and which are sited within the property boundaries of the primary use, such as garages, swimming pools and gazebos. Refer to Section 15.04.880 for details.

15.04.160.040 Conditional Uses.
The following uses may be permitted by conditional use permit and then must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

Residential Uses.
Senior housing
Planned residential groups

Civic, Public and Semipublic Uses.
Colleges, universities, vocational schools, and educational facilities
Congregate care, general
Hospitals
Public safety facilities
Recovery facilities, general
Religious assembly

Commercial Uses.
Business services
Convenience stores
Engineering, management, public administration and related offices and services
Hotels and other lodging places:
  - bed and breakfast inns
  - hotels or motels
  - rooming and boarding houses
Medical and dental offices***
Membership organizations, clubs and lodges

Industrial Uses.
Public utilities, major
Open Space and Recreational Uses.
Parks, open space and trails
Flea markets/swap meets, nonrecurring

Temporary Uses.
Live entertainment events
Recreation events
Retail sales, outdoors
Seasonal sales lots, for example Christmas trees and pumpkins
Trade fairs

*** Permitted as a transitional use within a residential structure.

15.04.160.050 Development Standards.

The following is a partial listing of standards that shall apply in the MFR-3, multifamily high density residential district. For a complete delineation of all development standards applicable refer to Section 15.04.830.

Minimum lot size is 5,000 square feet.

Exceptions: Where a lot has a width of less than fifty feet (50') or an area of less than five thousand (5,000) square feet and was recorded under one ownership at the time this chapter became effective and has not subsequently been consolidated with an abutting lot under one ownership, nor provides required interior yard space, parking or other required amenities to an existing dwelling, such lot may be occupied by any use permitted in this section, (refer to Sections 15.04.830.030(E) and 15.04.940.030(A)(3) for further details) except that:

(a) Any such lot that is three thousand three hundred (3,300) square feet or less in area or is thirty-three (33) feet or less in average width shall constitute a residential building site for no more than one single-family dwelling unit.

(b) Any such lot that exceeds the dimensions and area enumerated above, but which is three thousand seven hundred fifty (3,750) square feet or less in area, or is thirty-seven and one-half (37.5) feet or less in average width, shall constitute a residential building site for no more than one two-family dwelling unit.

<table>
<thead>
<tr>
<th>Per dwelling unit</th>
<th>Minimum lot area per unit (sq. ft.)</th>
<th>Maximum building height (ft.)</th>
<th>Minimum lot width (ft.)</th>
<th>Typical* setbacks and yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>800</td>
<td>45¹</td>
<td>50</td>
<td>Front</td>
</tr>
</tbody>
</table>

* Unless otherwise specified, front setbacks are 10% of the lot depth with a minimum of 10' required and rear setbacks are 20% of the lot depth with a maximum of 20' required. Interior side yard setbacks are 10% of the lot width with a 3' minimum and 5' maximum as in the example above. Accessory buildings and structures must comply with requirements specified under Section 15.04.880.

¹ Planning Commission may allow up to 75' height limit on larger parcels (7500+ square feet) with the approval of a conditional use permit.
For buildings two and one-half (2½) stories or less in height. For buildings more than two and a half stories in height, one foot shall be added for each additional story from the third story and above.

Open Space Requirements.

For single-family dwellings and duplexes on lots over 30' in width and 3,000 square feet in area, IYS equal to 16% of the lot area shall be proved. On smaller lots, IYS equal to 20% of lot area shall be provided. Required minimum interior yard space (IYS) for two detached, multifamily units is 20% of lot area.

For multifamily dwellings with three or more units, the following shall apply:

<table>
<thead>
<tr>
<th>Private Open Space—square feet per dwelling unit</th>
<th>Common Open Space—square feet per dwelling unit</th>
<th>Required Additional—square feet per dwelling unit (2+ bedroom units)</th>
</tr>
</thead>
<tbody>
<tr>
<td>60</td>
<td>100</td>
<td>100 common or private</td>
</tr>
</tbody>
</table>

15.04.160.060 Performance Standards.

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.

15.04.160.070 Parking and Loading Requirements.

In addition to the number of parking spaces which follow, all parking and loading must comply with the provisions contained in Section 15.04.850.

<table>
<thead>
<tr>
<th>Single-family</th>
<th>2 spaces per unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplexes</td>
<td>2 spaces per unit</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Multifamily</th>
<th>1 bedroom</th>
<th>2 spaces per unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 or more units</td>
<td>2 bedrooms</td>
<td>1.5 spaces per unit</td>
</tr>
<tr>
<td>(Note: For multifamily units, any room that can be considered as a bedroom per Uniform Building Code (UBC) standards shall be used for the purposes of calculating parking. At least one required parking space per unit must be covered)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Guest Parking</th>
<th>1 guest space per five units</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Other Uses</th>
<th>Refer to Section 15.04.850</th>
</tr>
</thead>
</table>

15.04.160.080 Signs.

All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.
15.04.160.090 Administrative and Enforcement Procedures.

Administrative activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance No. 31-97 N.S. and 5-04 N.S.)
15.04.170 MFR-4-Multifamily Very High Density Residential District.

SECTIONS
15.04.170.010 Title, Purpose and Applicability.
15.04.170.020 Permitted Uses.
15.04.170.030 Accessory Uses.
15.04.170.040 Conditional Uses.
15.04.170.050 Development Standards.
15.04.170.060 Performance Standards.
15.04.170.070 Parking and Loading Requirements.
15.04.170.080 Signs.
15.04.170.090 Administrative and Enforcement Procedures.

15.04.170.010 Title, Purpose and Applicability.

The provisions of Section 15.04.170 shall be known as the MFR-4-multifamily very high density residential district. MFR-4 zone is intended to create, preserve, and enhance high rise apartment living in areas with accessibility to major transportation routes, shopping and community centers. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly the very high density land use category.

15.04.170.020 Permitted Uses.

The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

Residential Uses.
Single-family residential
Duplexes
Multifamily residential
Second dwelling units

Civic, Public and Semipublic Uses.
Community centers
Congregate care, limited*
Day care home, limited and general*
Elementary and secondary schools
Homeless shelters/transitional housing**
Recovery facilities, limited*

Commercial Uses.
Home occupations

Industrial Uses.
Public utilities, minor
Temporary Uses.
- Arts and crafts shows, outdoors
- Outdoor exhibits
- Religious assembly
- Street fairs

* Primary use of property remains residential.
** For 10 persons or fewer only.

15.04.170.030 Accessory Uses.

Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property and which are sited within the property boundaries of the primary use, such as garages, swimming pools and gazebos. Refer to Section 15.04.880 for details.

15.04.170.040 Conditional Uses.

The following uses may be permitted by conditional use permit and then must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

Residential Uses.
- Senior housing
- Planned residential groups

Civic, Public and Semipublic Uses.
- Colleges, universities, vocational schools, and educational facilities
- Congregate care, general
- Hospitals
- Public safety facilities
- Recovery facilities, general
- Religious assembly

Commercial Uses.
- Business services
- Convenience stores
- Engineering, management, public administration and related offices and services
- Hotels and other lodging places:
  - bed and breakfast inns
  - hotels or motels
  - rooming and boarding houses
- Medical and dental offices***
- Membership organizations, clubs and lodges

Industrial Uses.
- Public utilities, major
Open Space and Recreational Uses.
Parks, open space and trails
Flea markets/swap meets, nonrecurring

Temporary Uses.
Live entertainment events
Recreation events
Retail sales, outdoors
Seasonal sales lots, for example Christmas trees and pumpkins
Trade fairs

*** Permitted as a transitional use within a residential structure.

15.04.170.050 Development Standards

The following is a partial listing of standards that shall apply in the MFR-4, multifamily very high density residential district. For a complete delineation of all development standards applicable refer to Section 15.04.830.

Minimum lot size is 5,000 square feet.

Exceptions: Where a lot has a width of less than fifty feet (50') or an area of less than five thousand (5,000) square feet and was recorded under one ownership at the time this chapter became effective and has not subsequently been consolidated with an abutting lot under one ownership, nor provides required interior yard space, parking or other required amenities to an existing dwelling, such lot may be occupied by any use permitted in this section, (refer to Sections 15.04.830.030(E) and 15.04.940.030(A)(3) for further details) except that:

(a) Any such lot that is three thousand three hundred (3,300) square feet or less in area or is thirty-three (33) feet or less in average width shall constitute a residential building site for no more than one single-family dwelling unit.

(b) Any such lot that exceeds the dimensions and area enumerated above, but which is three thousand seven hundred fifty (3,750) square feet or less in area, or is thirty-seven and one-half (37.5) feet or less in average width, shall constitute a residential building site for no more than one two-family dwelling unit.

<table>
<thead>
<tr>
<th>Per dwelling unit</th>
<th>Minimum lot area per unit (sq. ft.)</th>
<th>Maximum building height (ft.)</th>
<th>Minimum lot width (ft.)</th>
<th>Typical* setbacks and yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>750</td>
<td>45¹</td>
<td>50</td>
<td>Front</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10</td>
</tr>
</tbody>
</table>

* Unless otherwise specified, front setbacks are 10% of the lot depth with a minimum of 10’ required and rear setbacks are 20% of the lot depth with a maximum of 20’ required. Interior side yard setbacks are 10% of the lot width with a 3’ minimum and 5’ maximum as in the example above. Accessory buildings and structures must comply with requirements specified under Section 15.04.880.

¹ Planning Commission may allow up to 75' height limit on larger parcels (7500+ square feet) with the approval of a conditional use permit.
2 For buildings two and one-half (2½) stories or less in height. For buildings more than two and a half stories in height, one foot shall be added for each additional story from the third story and above.

Open Space Requirements.

For single-family dwellings and duplexes on lots over 30' in width and 3,000 square feet in area, IYS equal to 16% of the lot area shall be proved. On smaller lots, IYS equal to 20% of lot area shall be provided. Required minimum interior yard space (IYS) for two detached, multifamily units is 20% of lot area.

For multifamily dwellings with three or more units, the following shall apply:

<table>
<thead>
<tr>
<th>Private Open Space—square feet per dwelling unit</th>
<th>Common Open Space—square feet per dwelling unit</th>
<th>Required Additional—square feet per dwelling unit (2+ bedroom units)</th>
</tr>
</thead>
<tbody>
<tr>
<td>60</td>
<td>100</td>
<td>100 common or private</td>
</tr>
</tbody>
</table>

15.04.170.060 Performance Standards.

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.

15.04.170.070 Parking and Loading Requirements.

In addition to the number of parking spaces which follow, all parking and loading must comply with the provisions contained in Section 15.04.850.

- Single-family: 2 spaces per unit
- Duplexes: 2 spaces per unit
- Multifamily: 3 or more units (Note: For multifamily units, any room that can be considered as a bedroom per Uniform Building Code (UBC) standards shall be used for the purposes of calculating parking. At least one required parking space per unit must be covered)
  - 1 bedroom: 1 space per unit
  - 2 bedrooms: 1.5 spaces per unit
  - 3 or more bedrooms: 2 spaces per unit
- Guest Parking: 1 guest space per five units
- Other Uses: Refer to Section 15.04.850

15.04.170.080 Signs.

All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.
15.04.170.090 Administrative and Enforcement Procedures.

Administrative activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance No. 31-97 N.S., 5-04 N.S. and 1-09 N.S.)
ARTICLE 15.04.200 COMMERCIAL ZONING DISTRICTS

15.04.210 C-1-Neighborhood Commercial District.*

SECTIONS
15.04.210.010 Title, Purpose and Applicability.

15.04.210.010 Title, Purpose and Applicability.

The provisions of Section 15.04.210 shall be known as the C-1-neighborhood commercial district. The C-1 zone is intended to create, preserve and enhance areas of small-scale retail establishments serving immediate neighborhoods, such as small groceries, barber shops, cleaners, etc. C-1-neighborhood commercial uses are generally found in small shopping clusters located within residential communities and are of a scale and character that is consistent with surrounding residential neighborhoods. Any applicable overlay district described in Sections 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly the neighborhood retail land use category.


The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

Commercial Uses—Retail Sales.
Food stores:*
   retail bakers, meat, fish, fruit and vegetable markets, miscellaneous food stores

Commercial Uses—Retail Services.
Business services
Engineering, management and public administration and related offices and services
Hotels and other lodging places:
   bed and breakfast inns
Medical and dental offices

*Editor's note—Ord. No. 05-11 N.S., § 3, adopted Feb. 1, 2011, places a temporary moratorium on the acceptance, processing and approval of applications to establish formula restaurants in the Point Richmond Neighborhood Commercial (C-1) District until Tuesday, January 3, 2012, or until such time as a general plan and zoning amendment addressing formula restaurants becomes effective. Per § 2 of said ordinance, "formula restaurants" shall be defined as, "restaurants offering food and beverage for sale to the public for consumption either on or off the premises and which are required by contractual or other arrangement to offer any of the following: standardized menus, ingredients, food preparation, decor, uniforms, architecture, or similar standardized features."
Personal services:
  beauty salons
  barber shops
  laundry services
  photo studios
  shoe repair
Real estate, insurance agents, brokers and services

Residential Uses.
Residential uses permitted in the MFR-2-medium density residential district
Live/work

Open Space and Recreational.
Parks, open space and trails

Civic, Public and Semipublic Uses.
Community centers
Congregate care, limited
Day care center
Day care home, limited and general
Government services
Recovery facilities, limited
Religious assembly

Industrial Uses.
Public utilities, minor
Recycling facilities:
  reverse vending machines

Temporary Uses.
Arts and crafts shows, outdoors
Seasonal sales lots, for example, Christmas trees and pumpkins
Street fairs

* Off-premises sale of alcoholic beverages requires approval of a conditional use permit.


Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property and which are sited within the property boundaries of the primary use. Refer to Section 15.04.880 for details.

The following uses may be permitted by conditional use permit and then must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

Commercial Uses.

Retail Sales.
Convenience stores
Food stores:
  groceries/supermarkets
Home and garden supply stores
Kennels
Liquor stores
Miscellaneous retail stores
Specialty retail, for example, antiques, jewelry and sporting goods
Used merchandise stores

Industrial Uses.
Recycling facilities:
  small collection facility

Retail Services.
Amusement/recreational services:
  dance/art studios
  miscellaneous amusement services
Auto parking service
Auto repair (within a completely enclosed building)
Banks/depository institutions
Bars
Eating establishment
Eating establishment (fast food)
Eating establishment with alcoholic beverage sales
Gasoline service stations
Hotels and other lodging places:
  rooming and boarding houses
Massage establishments
Medical and dental clinics
Membership organizations, clubs and lodges
Miscellaneous repair services

Civic, Public and Semipublic Uses.
Colleges, universities, vocational schools, educational facilities
Congregate care, general
Elementary and secondary schools
Hospitals
Museum, botanical, zoological, garden and cultural centers
Public safety facilities
Recovery facilities, general

Temporary Uses.
Circuses and carnivals
Flea markets/swap meets, nonrecurring
Live entertainment events
Outdoor exhibits
Recreation events
Religious assembly
Retail sales, outdoor
Trade fairs


The following is a partial listing of standards that shall apply in the C-1-neighborhood commercial districts. When abutting residential districts or residentially developed lots buildings should be designed to fit the specific site and to minimize potential impacts to adjacent homes. Ground floor uses should be primarily retail; retail and nonretail (i.e., office or residential) are allowed on or above the second floor. For a complete delineation of all development standards applicable, refer to Section 15.04.830.

<table>
<thead>
<tr>
<th>Min. Lot Area (sq. ft.)</th>
<th>Building Height (ft.)</th>
<th>FAR</th>
<th>Setbacks and Yards</th>
</tr>
</thead>
<tbody>
<tr>
<td>None required</td>
<td>35</td>
<td>2.0</td>
<td>None required¹</td>
</tr>
</tbody>
</table>

¹ Except when abutting R-district, same as R-district.
² If provided adjacent to nonresidential use must be at least 3'. When abutting R-district 5' setback required.
³ 10 foot setback required when abutting residential.

Where residential is developed in a commercial zone, apply MFR-2, multifamily medium density residential district development standards per Sections 15.04.150.050 and 15.04.150.070 for parking, setback, yard area and open space requirements.


The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.


All parking and loading must comply with the provisions contained in Section 15.04.850.


All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance Nos. 37-96 N.S., 31-97 N.S., 9-04 N.S., 05-11 N.S. and 08-11 N.S.)
15.04.220 C-2-General Commercial District.

SECTIONS
15.04.220.010 Title, Purpose and Applicability.
15.04.220.020 Permitted Uses.
15.04.220.030 Accessory Uses.
15.04.220.040 Conditional Uses.
15.04.220.050 Development Standards.
15.04.220.060 Performance Standards.
15.04.220.070 Parking and Loading Standards.
15.04.220.080 Signs.
15.04.220.090 Administrative and Enforcement Procedures.

15.04.220.010 Title, Purpose and Applicability.

The provisions of Section 15.04.220 shall be known as the C-2-general commercial district. The C-2 zone is intended to create, preserve and enhance areas with a diverse variety of office, consumer and business service activities needing visually-prominent and attractive locations and abundant vehicular access. C-2-general commercial districts are characterized by their linear facade configuration along major thoroughfares with 100 to 150 foot deep lots abutting residential districts. Allowed uses should generate minimal noise, odor or traffic nuisance impacts to adjacent residential. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly policies prescribed by the general commercial land use category.

15.04.220.020 Permitted Uses.

The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

**Commercial Uses.**

**Retail Sales.**
Automotive dealers, excluding on-site service or repair facility and amplified notification system
Auto supply stores
Building materials, home and garden supply stores:
  - hardware stores
  - nurseries and garden supply stores
Domestic animals sales and services:
  - grooming
  - retail sales
Food stores:*
  - grocery stores
  - retail bakers, meat, fish, fruit and vegetable markets, miscellaneous food stores
Furniture and home furnishing stores:
  - computer and computer software stores
record and tape stores
General merchandise stores
Miscellaneous retail stores
Non-store retailers:
  catalog and mail-order houses

Retail Services.
Business services
Engineering, management, public administration and related offices and services
Medical and dental offices
Miscellaneous repair services
Personal services:
  beauty salons
  barber shops
  laundry services, includes dry cleaning and pressing
  photo studios
Shoe repair
Real estate, insurance agents, brokers and services
Transportation services:
  travel agencies

Residential Uses.
Residential uses permitted in the MFR-2-medium density residential district
Live/work

Civic, Public and Semipublic Uses.
Community centers
Congregate care, limited
Day care center
Day care, limited and general
Elementary and secondary schools
Government services
Recovery facilities, limited
Religious assembly

Agricultural Uses.
Landscape and horticultural services

Open Space and Recreational Uses.
Parks, open space and trails

Industrial Uses.
Public utilities, minor
Recycling facilities:
  reverse vending machines
Temporary Uses.
Arts and crafts shows, outdoors
Circuses and carnivals
Religious assembly
Seasonal sales lots, for example, Christmas trees and pumpkins

* Off-premises sale of alcoholic beverages requires approval of a conditional use permit.

15.04.220.030 Accessory Uses.

Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property and which are sited within the property boundaries of the primary use. Refer to Section 15.04.880 for details.

15.04.220.040 Conditional Uses.

The following uses may be permitted by conditional use permit and then must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

Commercial Uses.

Retail Sales.
Automotive, camper dealers with on-site service or repair facility and amplified notification system
Convenience stores
Domestic animal sales and services:
clinics/hospitals
Food stores:
supermarkets
Furniture and home furnishing stores
Kennels
Liquor stores

Retail Services.
Amusement/recreational services:
dance/art studios
miscellaneous amusement services
Auto parking services
Auto repairs (within completely enclosed buildings)
Banks/depository institutions
Bars
Commercial filming and recording studios
Eating establishment
Eating establishment (fast food)
Eating establishment with alcoholic beverage sales
Live entertainment
Funeral home/chapel
Gasoline service stations
Hotels and other lodging places:
   bed and breakfast inns
   hotels or motels
   rooming and boarding houses
Massage establishments
Medical and dental clinics
Membership organizations, clubs and lodges
Nondepository institutions, for example, check cashing
Personal services

Civic, Public and Semipublic Uses.
Colleges, universities, vocational schools, educational facilities
Congregate care, general
Hospitals
Public safety facilities
Recovery facilities, general

Industrial Uses.
Public utilities, major
Recycling facilities:
   small collection facility
   large collection facility
Special trade contractors:
   carpentry
   electrical
   plumbing, heating, air conditioning

Temporary Uses.
Flea markets/swap meets, nonrecurring
Live entertainment events
Outdoor exhibits
Recreational events
Retail sales, outdoors
Street fairs
Trade fairs

The following additional uses may be permitted by conditional use permit when located adjacent to
shoreline areas. Uses must comply with all the terms and conditions of the permit as provided for in
Section 15.04.910. Similar uses may be conditionally permitted by interpretation of the Planning Director
or designee.
Commercial Uses.
- Boat dealers
- Canvas shop
- Marinas
- Sail making and repairs
- Ship chandlery

15.04.220.050 Development Standards.

The following is a partial listing of standards that shall apply in the C-2-general commercial districts. For a complete delineation of all development standards applicable refer to Section 15.04.830.

<table>
<thead>
<tr>
<th>Min. Lot Area (sq. ft.)</th>
<th>Building Height (ft.)</th>
<th>FAR</th>
<th>Setbacks and Yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None required</td>
<td>45¹</td>
<td>2.0</td>
<td>None required²</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>None required³</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>None required⁴</td>
</tr>
</tbody>
</table>

¹ 35 feet building height limit on properties abutting residential.
² Except when abutting R-district, same as residential.
³ If provided adjacent to nonresidential use must be at least 3'. When abutting R-district 5' setback required.
⁴ 10 foot setback required when abutting residential.

Where residential is developed in a commercial zone, apply MFR-2, multifamily medium density residential district development standards per Sections 15.04.150.050 and 15.04.150.070 for parking, setback, yard area and open space requirements.

15.04.220.060 Performance Standards.

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.

15.04.220.070 Parking and Loading Standards.

All parking and loading must comply with the provisions contained in Section 15.04.850.

15.04.220.080 Signs.

All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

15.04.220.090 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance No. 31-97 N.S., 9-04 N.S. and 08-11 N.S.)
15.04.230  C-3-Regional Commercial District.

SECTIONS
15.04.230.010  Title, Purpose and Applicability.
15.04.230.020  Permitted Uses.
15.04.230.030  Accessory Uses.
15.04.230.040  Conditional Uses.
15.04.230.050  Development Standards.
15.04.230.060  Performance Standards.
15.04.230.070  Parking and Loading Standards.
15.04.230.080  Signs.
15.04.230.090  Administrative and Enforcement Procedures.

15.04.230.010  Title, Purpose and Applicability.
The provisions of Section 15.04.240 shall be known as the C-3-regional commercial district. The C-3 zone is intended to create, preserve and enhance areas with a wide range of both retail and wholesale establishments serving both long and short-term needs in compact locations oriented toward pedestrian comparison shopping including both malls and plazas. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly policies prescribed by the regional shopping/office land use category.

15.04.230.020  Permitted Uses.
The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

**Commercial Uses.**

- Retail Sales.
  - Automotive, boat, camper dealers
  - Building materials, home and garden supply stores
  - Convenience stores*
  - Domestic animals sales and services:
    - clinics/hospitals
    - grooming
    - retail sales
  - Food stores:*  
    - grocery stores/supermarkets
    - retail bakers, meat, fish, fruit and vegetable markets
    - miscellaneous food stores
  - Furniture and home furnishings stores
  - General merchandise stores
  - Miscellaneous retail stores
Non-store retailers:
- catalog and mail order houses
- Specialty retail stores

Retail Services
Amusement/recreational services:
- concert, orchestra, movie or theatrical halls/ auditoriums
- dance/art studios, schools and halls
Auto parking services
Banks, depository institutions
Business services
Commercial filming and recording studios
Eating establishments
Engineering, management, public administration and related offices and services
Hotels and other lodging places:
- bed and breakfast inns
- hotels or motels
Medical and dental offices and clinics
Membership organizations, clubs and lodges
Nondepository institutions, for example, check cashing
Miscellaneous repair services
Personal services
Real estate, insurance agents, brokers and services

Residential Uses as Part of a Mixed-Use Development.
Residential uses as permitted in the MFR-2-medium density residential district
Live/work

Civic, Public and Semipublic Uses.
Colleges, universities, vocational schools and educational facilities
Community centers
Day care center
Day care, limited and general
Elementary and secondary schools
Government services
Museum, botanical, zoological, garden and cultural centers
Public safety facilities
Recovery facilities, limited
Religious assembly

Agricultural Uses.
Landscape and horticultural services
Open Space and Recreational Uses.
Parks, open space and trails

Industrial Uses.
Printing and publishing
Public utilities, minor
Recycling facilities:
   reverse vending machines

Temporary Uses.
Arts and crafts shows, outdoor
Circuses and carnivals
Outdoor exhibits
Religious assembly
Seasonal sales lots, for example, Christmas trees and pumpkins

* Off-premises sale of alcoholic beverages requires approval of a conditional use permit.

15.04.230.030 Accessory Uses.
Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property and which are sited within the property boundaries of the primary use. Refer to Section 15.04.880 for details.

15.04.230.040 Conditional Uses.
The following uses may be permitted by conditional use permit and then must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

Commercial Uses.
Retail Sales.
Domestic animals sales and services:
   boarding
Kennels
Liquor stores
Used merchandise stores

Retail Services.
Amusement/recreational services:
   commercial sports
   miscellaneous amusement services
Auto repairs (within completely enclosed buildings)
Bars
Commercial filming and recording studios
Eating establishment (fast food)
Eating establishment with alcoholic beverage sales
Funeral home/chapel
Gasoline service stations
Hotels and other lodging places:
    rooming and boarding houses
Live entertainment
Massage establishments

Civic, Public and Semipublic Uses.
Congregate care, limited and general
Correctional and rehabilitation facilities
Hospitals
Recovery facilities, general

Industrial Uses.
Public utilities, major
Recycling facilities:
    small collection facility
    large collection facility
Special trade contractors:
    carpentry
    electrical
    plumbing, heating, air conditioning

Temporary Uses.
Flea markets/swap meets
Live entertainment events
Recreation events
Retail sales, outdoor
Street fairs
Trade fairs

15.04.230.050 Development Standards.

The following is a partial listing of standards that shall apply in the C-3-regional commercial district. For a complete delineation of all development standards applicable refer to Section 15.04.830.

<table>
<thead>
<tr>
<th>Min. Lot Area (sq. ft.)</th>
<th>Building Height (ft.)</th>
<th>FAR</th>
<th>Setbacks and Yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>65</td>
<td>1.5¹</td>
<td>Front: None²</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Side: None²</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rear: None²</td>
</tr>
</tbody>
</table>

¹ Where residential is a component of a mixed use development, the FAR may be increased to 2.0.
2 5 feet abutting residential.
See MFR-2 multifamily medium density residential district development standards per Sections 15.04.150.050 and 15.04.150.070 for parking, setback, yard area and open space requirements.

15.04.230.060 Performance Standards.
The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.

15.04.230.070 Parking and Loading Standards.
All parking and loading must comply with the provisions contained in Section 15.04.850.

15.04.230.080 Signs.
All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

15.04.230.090 Administrative and Enforcement Procedures
All development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance Nos. 37-96 N.S., 31-97 N.S., 9-04 N.S. and 08-11 N.S.)
15.04.240 C-B-Central Business District.

SECTIONS
15.04.240.010 Title, Purpose and Applicability.
15.04.240.020 Permitted Uses.
15.04.240.030 Accessory Uses.
15.04.240.040 Conditional Uses.
15.04.240.050 Development Standards.
15.04.240.060 Performance Standards.
15.04.240.070 Parking and Loading Standards.
15.04.240.080 Signs.
15.04.240.090 Administrative and Enforcement Procedures.

15.04.240.010 Title, Purpose and Applicability.

The provisions of Section 15.04.230 shall be known as the C-B-central business districts. The C-B zone is intended to create, preserve and enhance areas for high intensity multiple uses with an urban character. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly policies prescribed by the city center land use category.

15.04.240.020 Permitted Uses.

The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

Commercial Uses.
Retail Sales.
Building materials, home and garden supply stores
Convenience stores*
Food stores:*
grocery stores/supermarkets
retail bakers, meat, fish, fruit and vegetable markets, miscellaneous food stores
Furniture and home furnishings stores
General merchandise stores
Miscellaneous retail stores
Non-store retailers:
catalog and mail order houses
Specialty retail stores

Retail Services.
Amusement/recreational services:
concert, orchestra, movie or theatrical halls/auditoriums
dance/art studios, schools and halls
Auto parking services
Banks/depository institutions
Business services
Eating and drinking establishments, except fast food with drive-through
Engineering, management, public administration and related offices and services
Medical, dental offices and clinics
Miscellaneous repair services
Personal services
Real estate, insurance agents, brokers and services

Residential Uses.
Residential uses permitted in the MFR-2-medium density residential district
Live/work

Industrial Uses.
Printing and publishing
Public utilities, minor

Temporary Uses.
Arts and crafts shows, outdoors
Religious assembly

* Off-premises sale of alcoholic beverages requires approval of a conditional use permit.

15.04.240.030 Accessory Uses.

Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property and which are sited within the property boundaries of the primary use. Refer to Section 15.04.880 for details.

15.04.240.040 Conditional Uses.

The following uses may be permitted by conditional use permit and then must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

Commercial Uses.

Retail Sales.
Automotive, boat, camper dealers
Domestic animals sales and services:
  grooming
  retail sales
Kennels
Liquor stores
Used merchandise stores
Retail Services.
Amusement/recreational services:
   commercial sports
   miscellaneous amusement services
Auto repair (within completely enclosed buildings)
Bars
Commercial filming and recording studios
Eating establishment
Eating establishment (fast food)
Eating establishment with alcoholic beverage sales
Funeral home/chapel
Gasoline service stations
Hotels and other lodging places:
   bed and breakfast inns
   hotels or motels
   rooming and boarding houses
Live entertainment
Massage establishments
Membership organizations, clubs and lodges
Nondepository institutions, for example, check cashing

Civic, Public and Semipublic Uses.
Congregate care, limited and general
Hospitals
Colleges, universities, vocational schools and educational facilities
Community centers
Day care center
Day care, limited and general
Elementary and secondary schools
Government services
Museum, botanical, zoological, garden and cultural centers
Public safety facilities
Recovery facilities, limited and general
Religious assembly

Industrial Uses.
Public utilities, major
Recycling facilities:
   small collection facility
   large collection facility
Special trade contractors:
   carpentry
Electrical
Temporary Uses.
- Circuses and carnivals
- Flea markets/swap meets, nonrecurring
- Live entertainment events
- Outdoor exhibits
- Recreation events
- Retail sales, outdoor
- Seasonal sales lots, for example, Christmas trees and pumpkins
- Trade fairs

15.04.240.050 Development Standards.

The following is a partial listing of standards that shall apply in the C-B-central business districts. The city center specific plan requirements are applicable to all properties within the planning area. For a complete delineation of all development standards applicable, refer to Section 15.04.830.

<table>
<thead>
<tr>
<th>Min. Lot Area (sq. ft.)</th>
<th>Building Height (ft.)</th>
<th>FAR</th>
<th>Setbacks and Yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>75 or 7 stories²</td>
<td>1</td>
<td>Front: Varies¹</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Side: Varies¹</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rear: Varies¹</td>
</tr>
</tbody>
</table>

¹ Refer to urban design standards in city center specific plan.
² 12 feet height restriction within 10 feet of a residential lot or district.

15.04.240.060 Performance Standards.

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.

15.04.240.070 Parking and Loading Standards.

All parking and loading must comply with the provisions contained in Section 15.04.850 and the city center specific plan.

15.04.240.080 Signs.

All signs must comply with the applicable provisions of Section 15.04.860 in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

15.04.240.090 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance Nos. 31-97 N.S., 9-04 N.S. and 08-11 N.S.)
15.04.250  C-C-Coastline Commercial District.

SECTIONS
15.04.250.010  Title, Purpose and Applicability.
15.04.250.020  Permitted Uses.
15.04.250.030  Accessory Uses.
15.04.250.040  Conditional Uses.
15.04.250.050  Development Standards.
15.04.250.060  Performance Standards.
15.04.250.070  Parking and Loading Standards.
15.04.250.080  Signs.
15.04.250.090  Administrative and Enforcement Procedures.

15.04.250.010  Title, Purpose and Applicability.

The provisions of Section 15.04.260 shall be known as the C-C-coastline commercial district. The C-C zone is intended to create, preserve and enhance areas with a selective range of retail establishments serving both short and long-term needs of water oriented uses, most often marinas and the needs of shoreline residents and visitors. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly policies prescribed by the water related commerce and commercial recreation land use category.

15.04.250.020  Permitted Uses.

The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

Commercial Uses.
Retail Services.
Bait shops
Business services
Sail makers and ship chandlers
Marine supply stores

Residential Uses.
Live/work

Open Space and Recreational Uses.
Marinas, public or private
Parks, open space and trails

Civic, Public and Semipublic Uses.
Aquariums
Museum, botanical, zoological, garden and cultural centers
Boat club facilities
Industrial Uses.
Public utilities, minor
Recycling facilities:
reverse vending machines

Agricultural Uses.
Commercial fishing
Fish hatcheries and preserves

15.04.250.030 Accessory Uses.
Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property and which are sited within the property boundaries of the primary use. Refer to Section 15.04.880 for details.

15.04.250.040 Conditional Uses.
The following uses may be permitted by conditional use permit and then must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

Commercial Uses.
Retail Sales.
Boat dealers and supply stores
Building materials, home and garden supply stores
Convenience stores*
Food stores:*
    retail bakers, meat, fish, fruit and vegetable markets, grocery stores/supermarkets
Liquor stores

Retail Services.
Bars
Eating establishment
Eating establishment (fast food)
Eating establishment with alcoholic beverage sales
Gasoline service stations
Hotels and other lodging places:
    bed and breakfast inns
    hotels or motels
Live entertainment
Massage establishments
Membership organizations, clubs and lodges
Miscellaneous repair services
Nondepository institutions, for example, check cashing
Residential Uses.
Residential uses permitted in MFR-2-medium density residential district
Floating homes

Civic, Public and Semipublic Uses.
Colleges, universities, vocational schools and educational facilities
Community centers
Congregate care, limited and general
Day care, limited and general
Elementary and secondary schools
Government services, related to port uses
Public safety facilities
Recovery facilities, limited and general
Religious assembly

Agricultural Uses.
Landscape and horticultural services

Industrial Uses.
Public utilities, major
Recycling facilities:
  small collection facility
  large collection facility

Temporary Uses.
Arts and crafts show, outdoors
Circuses and carnivals
Flea markets/swap meets, nonrecurring
Live entertainment events
Outdoor exhibits
Recreation events
Religious assembly
Retail sales, outdoor
Seasonal sales lots, for example, Christmas trees and pumpkins
Street fairs
Trade fairs

* Off-premises sale of alcoholic beverages requires approval of a conditional use permit.

15.04.250.050 Development Standards.
The following is a partial listing of standards that shall apply in the C-C-coastline commercial districts. For a complete delineation of all development standards applicable refer to Section 15.04.830.
15.04.250

<table>
<thead>
<tr>
<th>Min. Lot Area (sq. ft.)</th>
<th>Building Height (ft.)</th>
<th>FAR</th>
<th>Setbacks and Yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>35</td>
<td>0.6</td>
<td>Front: None¹ Side: None² Rear: None³</td>
</tr>
</tbody>
</table>

¹ Except when abutting R-district, same as R-district.
² If provided, must be at least 3 feet, 5 feet required when abutting residential.
³ 10-foot setback required when abutting a residential lot or district.

15.04.250.060 Performance Standards.

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.

15.04.250.070 Parking and Loading Standards.

All parking and loading must comply with the provisions contained in Section 15.04.850.

15.04.250.080 Signs.

All signs must comply with the applicable provisions of Section 15.04.850, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

15.04.250.090 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance Nos. 9-04 N.S. and 08-11 N.S.)
ARTICLE 15.04.300 INDUSTRIAL ZONING DISTRICTS

15.04.310 M-1-Industrial/Office Flex District.

SECTIONS

15.04.310.010 Title, Purpose and Applicability.

The provisions of Section 15.04.310 shall be known as the M-1-industrial/office flex district. The M-1 zone is intended to create, preserve and enhance areas containing establishments primarily engaged in research, product development, testing and administration, and controlled production of high technology electronic, industrial or scientific products or commodities. Manufacturing activities are limited to non-nuisance light manufacturing and assembly and pilot plant operations for construction and testing of prototype products. Commercial offices and limited retail uses providing support services or which are regional serving and sell in bulk warehouse quantities are permitted. Typically industrial/office flex uses are located in warehouse-like buildings with over 10% of floor space devoted to office uses and minimal trucking and distribution activities using small delivery trucks. The intent is to allow uses appropriate for the district to operate without the prospect of intrusion from incompatible activities and to provide the proper safeguards for industrial development consistent with the desires and needs of the City. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly policies prescribed by the industrial/office flex land use category.

15.04.310.020 Permitted Uses.

The following uses shall be permitted: (Uses involving chemicals may also be subject to Section 15.04.820.020, Hazardous Materials, in which case the more restrictive requirements shall apply). Similar uses may be permitted by interpretation of the Planning Director or designee.

**Industrial Uses.**

**Construction.**

Special trade contractors:
- carpentry
- electrical
- plumbing, heating, air conditioning
Manufacturing.
Apparel and other finished products (small scale manufacturing only)
Computer and office equipment
Furniture and fixture (small scale manufacturing only)
Miscellaneous manufacturing industries (small scale manufacturing only):
   jewelry, silverware and plated ware
   musical instruments
   dolls, toys, games and sporting and athletic goods
   artists' materials
   costume jewelry and novelties, etc.
Printing and publishing
Professional, scientific and precision equipment:
   laboratory apparatus and analytical, optical, measuring and controlling instruments
   photographic equipment and supplies
Research and development activities (laboratory requirements to Biosafety Levels 1 and 2 only)
Stone, clay and glass products (small scale manufacturing only)

Transportation, Communications, and Public Utilities.
Public utilities, minor
Sanitary waste and recycling services:
   recycling facilities, small
   reverse vending machines

Residential Uses.
Caretaker's residence
Live/work

Commercial Uses.
Auto parking service
Business services
Bulk sales distribution
Engineering, management, public administration and related offices and services
Gasoline service stations

Civic, Public and Semipublic Uses.
Public safety facilities

15.04.310.030 Accessory Uses.

Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property and which are sited within the property boundaries of the primary use. Refer to Section 15.04.880 for details.
15.04.310.040  Conditional Uses.

The following uses may be permitted by conditional use permit and then must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. (Uses involving chemicals may also be subject to Section 15.04.820.020, Hazardous Materials; in which case the more restrictive requirements shall apply). Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

Industrial Uses.

Construction.
General building contractors
Landscape contractors

Manufacturing.
Chemicals and allied products:
detergents, cleaning preparations, cosmetics, drugs, including medicinal/pharmaceuticals and biological products (laboratory requirements to Biosafety Levels 1 and 2 only)

Electronics and other electronic equipment (excluding computer equipment, semiconductors and related devices):
electric transmission and distribution equipment (voltage regulators)
household appliances
electric lighting and wiring equipment
communications equipment

Food and kindred products

Furniture and fixtures

Leather and leather products, except tanning and finishing

Stone, clay and glass products (except quarrying and rock crushing)

Transportation, Communications, and Public Utilities.

Communications facilities:
cable and other pay television services
radiotelephone communications
Local and interurban passenger transit
Public utilities, major
Sanitary waste and recycling services:
recycling facilities, large

Warehousing

Commercial Uses.
Auto body shop
Auto repair (within a totally enclosed building)
Bars
Commercial filming and recording studios
15.04.310

Civic, Public and Semipublic Uses.
Colleges, universities, vocational schools, educational facilities
Day care center
Eating establishment
Eating establishment (fast food)
Eating establishment with alcoholic beverage sales
Mini-storage warehouse
Massage establishments
Recreational facilities (need not be in enclosed buildings)

15.04.310.050 Development Standards.

All activities in this district shall be conducted within totally enclosed buildings. Only storage may be permitted outdoors, if effectively enclosed and screened by solid fencing (refer to Section 15.04.820.013).

The following is a partial listing of standards that shall apply in the M-1 industrial/office flex districts. For a complete delineation of all development standards applicable refer to Section 15.04.830. If the property is located within an area governed by a specific plan, then its provisions would apply.

<table>
<thead>
<tr>
<th>Min. Lot Area (sq. ft.)</th>
<th>Building Height (ft.)</th>
<th>FAR</th>
<th>Setbacks and Yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>50&lt;sup&gt;1&lt;/sup&gt;, 35&lt;sup&gt;2&lt;/sup&gt;</td>
<td>0.5</td>
<td>Minor Street 10</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Collector Street 25</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>10&lt;sup&gt;3&lt;/sup&gt; (8 with solid fence)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rear</td>
</tr>
</tbody>
</table>

1. Up to 75 feet plus appurtenances may be allowed with a conditional use permit.
2. Thirty-five foot height limit required when located within 100 feet of shoreline, public park, recreational trail, recreational right-of-way or residential development. The Planning Commission may allow up to 75 feet plus appurtenances with the approval of a conditional use permit.
3. Only when abutting residential, public park, recreational trail or recreational right-of-way or shoreline.
4. Except when abutting street, then street setbacks apply.

15.04.310.060 Performance Standards.

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.

15.04.310.070 Parking and Loading Standards.

In addition to the number of parking spaces which follow, all parking and loading must comply with the provisions contained in Section 15.04.850.

| Research and Development | 3/1,000 gross square feet |
| Other Uses               | Refer to Section 15.04.850 |

15.04.310.080 Signs.

All signs must comply with the applicable provision of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

2011 90
Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance No. 31-97 N.S., 9-04 N.S. and 8-08 N.S.)
15.04.320 M-2-Light Industrial District.

SECTIONS
15.04.320.010 Title, Purpose and Applicability.
15.04.320.020 Permitted Uses.
15.04.320.030 Accessory Uses.
15.04.320.040 Conditional Uses.
15.04.320.050 Development Standards.
15.04.320.060 Performance Standards.
15.04.320.070 Parking and Loading Standards.
15.04.320.080 Signs.
15.04.320.090 Administrative and Enforcement Procedures.

15.04.320.010 Title, Purpose and Applicability.

The provisions of Section 15.04.320 shall be known as the M-2-light industrial district. The M-2 zone is intended to create, preserve and enhance areas containing manufacturing, warehousing, trucking and distribution oriented uses, and related establishments with limited external impact on the surrounding areas within an open and attractive setting. On-site administrative offices or company headquarters and support retail services may be found in this district. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly policies prescribed by the light industry land use category.

15.04.320.020 Permitted Uses.

The following uses shall be permitted: (Uses involving chemicals may also be subject to Section 15.04.820.020, Hazardous Materials, in which case the more restrictive requirements shall apply). Similar uses may be permitted by interpretation of the Planning Director or designee.

Industrial Uses.

Construction.
Special trade contractors:
carpentry
electrical
plumbing, heating, air conditioning

Manufacturing.
Apparel and other finished products
Chemicals and allied products:
detergents, cleaning preparations, cosmetics, drugs, including medicinal/pharmaceuticals and biological products (laboratory requirements to Biosafety Levels 1 and 2 only)

Computer and office equipment
Electronics and other electronic equipment (excluding computer equipment, semiconductors and related devices):
electric transmission and distribution equipment (voltage regulators)
household appliances
   electric lighting and wiring equipment
   communications equipment
Fabricated metal products:
   metal cans and shipping containers
   cutlery, handtools, and general hardware
   sheet metal
Food and kindred products
Furniture and fixtures
Leather and leather products, except tanning and finishing
Miscellaneous manufacturing industries except:
   linoleum, asphalted felt-based and other hard surface floor coverings
Paper and allied products (finished products only):
   converted paper and paperboard products (except containers and boxes)
   paperboard containers and boxes
Printing and publishing
Professional, scientific and precision equipment:
   laboratory apparatus and analytical, optical, measuring and controlling instruments
   photographic equipment and supplies
Research and development activities (laboratory requirements to Biosafety Levels 1 and 2 only)
Stone, clay and glass products (small scale manufacturing only)

Residential Uses
Caretaker's residence (except in the transition zone)

Transportation, Communications, and Public Utilities.
Local and interurban passenger transit (except maintenance yards)
Motor freight, railroad and truck transportation
Public utilities, minor
Sanitary waste and recycling services:
   recycling facilities
   small
   reverse vending machines
Warehousing

Wholesale Trade—Durable Goods.
Furniture and home furnishings
Lumber and other construction materials except:
   brick, stone, and related construction materials
Motor vehicles and motor vehicle parts and supplies except:
   establishments engaged in dismantling of motor vehicles for the purpose of selling parts
Professional and commercial equipment and supplies
Electrical goods
Hardware and plumbing and heating equipment and supplies
Machinery, equipment and supplies:
   industrial supplies
   service establishment equipment and supplies
Miscellaneous durable goods except:
   scrap and waste materials

Wholesale Trade—Nondurable Goods.
Paper and paper products
Drugs, drug proprietaries, and druggists' sundries
Apparel, piece goods and notions
Groceries and related products
Miscellaneous nondurable goods:
   books, periodicals, and newspapers
   flowers, nursery stock, and florist's supplies
   tobacco and tobacco products
   paints, varnishes, and supplies

Miscellaneous Repair Services.
Electrical repair shops
Reupholstery and furniture repair
Miscellaneous repair shops

Civic, Public and Semipublic Uses.
Day care center (except in the transition zone)
Public safety facilities

Commercial Uses.
Auto body shop
Auto repair service (within totally enclosed buildings)
Auto parking service
Bulk sales distribution
Business services
Commercial filming and recording studios
Domestic animals sales and services
Gasoline service stations

Agricultural Uses.
Commercial nurseries

Temporary Uses.
Flea markets/swap meets, nonrecurring
Seasonal sales lots
15.04.320.030 Accessory Uses.

Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property and which are sited within the property boundaries of the primary use. Refer to Section 15.04.880 for details.

15.04.320.040 Conditional Uses.

The following uses may be permitted by conditional use permit and then must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. (Uses involving chemicals may also be subject to Section 15.04.820.020, Hazardous Materials, in which case the more restrictive requirements shall apply). Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

- **Industrial use.**
  - Mini-storage warehouse

- **Construction.**
  - General building contractor
  - Landscape contractor

- **Manufacturing.**
  - Architectural and ornamental metal work
  - Industrial and commercial machinery:
    - engines and turbines
  - Farm and garden machinery and equipment
  - Metal working machinery and equipment
  - Converted paper and paperboard products, except containers and boxes
  - Stone, clay and glass products (except quarrying and rock crushing)

- **Transportation, Communications, and Public Utilities.**
  - Communications facilities*
  - Public utilities, major
  - Sanitary waste and recycling services:
    - recycling facilities, large

- **Residential Uses.**
  - Live/work (except in the transition zone)

- **Commercial Uses.**
  - Adult businesses
  - Amusement enterprises
  - Eating establishment
  - Eating establishment (fast food)
  - Eating establishment with alcoholic beverage sales
  - Engineering, management, public administration and related offices and services
Massage establishments

Civic, Public and Semipublic Uses.
Adult vocational school
Colleges, universities, vocational schools, and educational facilities
Correctional and rehabilitation facilities (except in the transition zone)

* See Section 15.04.820.030 for height limits and CUP requirements.

15.04.320.050 Development Standards.

The following is a partial listing of standards that shall apply in the M-2 light industrial districts. For a complete delineation of all development standards applicable refer to Section 15.04.830. If the property is located within an area governed by a specific plan, then its provision would apply.

(Received by Ordinance No. 37-96 N.S.)

<table>
<thead>
<tr>
<th>Min. Lot Area (sq. ft.)</th>
<th>Building Height (ft.)</th>
<th>FAR</th>
<th>Setbacks and Yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>75(^1), 35(^2)</td>
<td>0.65</td>
<td>Front Collector street 10</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Side Collector street 25</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rear None 15(^3)</td>
</tr>
</tbody>
</table>

\(^1\) Additional height for appurtenances may be allowed with a conditional use permit.
\(^2\) Thirty-five foot height limit required when located within 100 feet of shoreline, of a public park, recreational trail, recreational right-of-way or residential development. The Planning Commission may allow up to 75 feet plus appurtenances with the approval of a conditional use permit.
\(^3\) Only when abutting residential, public park, recreational trail or recreational right-of-way or shoreline.

15.04.320.060 Performance Standards.

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.

15.04.320.070 Parking and Loading Standards.

In addition to the number of parking spaces which follow, all parking and loading must comply with the provisions contained in Section 15.04.850.

<table>
<thead>
<tr>
<th>Light Industrial Manufacturing Uses</th>
<th>1/1,500 gross square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Uses</td>
<td>Refer to Section 15.04.850</td>
</tr>
</tbody>
</table>

15.04.320.080 Signs.

All signs must comply with the applicable provision of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.
15.04.320

15.04.320.090 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance No. 31-97 N.S., 9-04 N.S., 8-08 N.S. and 18-08 N.S.)
15.04.330 M-3-Heavy Industrial District.

SECTIONS
15.04.330.010 Title, Purpose and Applicability.
15.04.330.020 Permitted Uses.
15.04.330.030 Accessory Uses.
15.04.330.040 Conditional Uses.
15.04.330.050 Development Standards.
15.04.330.060 Performance Standards.
15.04.330.070 Parking and Loading Standards.
15.04.330.080 Signs.
15.04.330.090 Administrative and Enforcement Procedures.

15.04.330.010 Title, Purpose and Applicability.

The provisions of Section 15.04.330 shall be known as the M-3-heavy industrial district. The M-3 zone is intended to create, preserve and enhance areas containing a wide variety of industrial uses including but not limited to manufacturing and related establishments which are potentially incompatible with most other establishments, and is generally found in areas which are distant from residential areas and which provide a wide variety of sites with good rail and highway access. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly policies prescribed by the heavy industrial land use category.

15.04.330.020 Permitted Uses.

The following uses shall be permitted: (Uses involving chemicals may also be subject to Section 15.04.820.020, Hazardous Materials, in which case the more restrictive requirements shall apply). Similar uses may be permitted by interpretation of the Planning Director or designee. To support existing uses, facilities such as tanks, pipes, blending, packaging, and ancillary and supporting facilities are considered permitted as long as there is no increase in approved capacity program.

    Industrial Uses.

    Construction.
    General building contractors
    Landscape contractors
    Heavy construction contractors
    Special trade contractors:
      carpentry
      electrical
      plumbing, heating, air conditioning

    Manufacturing.
    Apparel and other finished products
Chemicals and allied products:
   - detergents, cleaning preparations, cosmetics, drugs, including medicinal/pharmaceuticals and biological products (laboratory requirements to Biosafety Levels 1 and 2 only)
   - industrial inorganic chemicals
   - industrial organic chemicals
   - paints, varnishes
   - plastic material, synthetic rubber

Computers and office equipment

Electronics and other electronic equipment (excluding computer equipment, semiconductors and related devices):
   - electric transmission and distribution equipment (voltage regulators)
   - household appliances
   - electric lighting and wiring equipment
   - communications equipment

Fabricated metals industries

Food and kindred products

Furniture and fixtures

Industrial and commercial machinery:
   - engines and turbines
   - farm and garden machinery and equipment
   - metal working machinery and equipment

Leather and leather products, except tanning and finishing

Miscellaneous manufacturing industries

Paper and allied products (finished products only):
   - paperboard containers and boxes,
   - converted paper and paperboard products, except containers and boxes

Printing and publishing

Professional, scientific and precision equipment:
   - laboratory apparatus and analytical, optical, measuring and controlling instruments

Photographic equipment and supplies

Research and development activities (laboratory requirements to Biosafety Levels 1 and 2 only)

Rubber and miscellaneous plastic products

Stone, clay and glass products (except quarrying and rock crushing)

Textile mill products:
   - fabric mills
   - knitting mills

Transportation equipment:
   - ship and boat building and repair

Transportation, Communications and Public Utilities

Communications facilities

Local and interurban passenger transit

Maintenance yards
Motor freight, railroad and truck transportation
Public utilities, major and minor
Sanitary waste and recycling services:
  recycling facilities, small
  reverse vending machines
Warehousing

**Wholesale Trade—Durable Goods.**
Furniture and home furnishings
Lumber and other construction materials
Motor vehicles and motor vehicle parts and supplies
Professional and commercial equipment and supplies
Electrical goods
Hardware and plumbing and heating equipment and supplies
Machinery, equipment and supplies
Miscellaneous durable goods except:
  scrap and waste materials

**Wholesale Trade—Nondurable Goods.**
Paper and paper products
Apparel, piece goods and notions
Groceries and related products
Drugs, drug proprietaries, and druggist's sundries
Miscellaneous nondurable goods:
  books, periodicals, and newspapers
  flowers, nursery stock, and florist's supplies
  tobacco and tobacco products
  paints, varnishes, and supplies

**Miscellaneous Repair Services.**
Electrical repair shops
Reupholstery and furniture repair
Miscellaneous repair shops

**Civic, Public and Semipublic Uses.**
Public safety facilities

**Agricultural Uses.**
Commercial nurseries

**Commercial Uses.**
Auto body shop
Auto repair service (within completely enclosed buildings)
Auto parking services
Business services
Commercial filming and recording studios
Gasoline service stations

Temporary Uses.
Flea markets/swap meets, nonrecurring
Seasonal sales lots

15.04.330.030 Accessory Uses.

Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property and which are sited within the property boundaries of the primary use. Refer to Section 15.04.880 for details.

15.04.330.040 Conditional Uses.

The following uses may be permitted by conditional use permit and then must comply with all the terms and conditions of the permit as provided for in Section 15.04.910 (Uses involving chemicals may also be subject to Section 15.04.820.020, Hazardous Materials, in which case the more restrictive requirements shall apply). Similar uses may be conditionally permitted by interpretation of the Planning Director or designee.

Industrial Uses.
Biodiesel and related industries storage and distribution
Mini-storage warehouse

Manufacturing.
Agricultural chemicals
Leather tanning and finishing
Lumber and wood products
Paper and allied products:
  pulp mills
  paper mills
Petroleum refining and related industries:
  petroleum refining
  biodiesel refining and related industries
  asphalt paving and roofing materials
  miscellaneous products of petroleum and coal
Primary metal industries:
  iron and steel foundries
  nonferrous foundries (castings)
Pyroxyline and explosives:
  blasting powder
  gunpowder
Transportation equipment:
  motor vehicles and motor vehicle equipment

2011
aircraft and parts
ship and boat building and repairing
railroad equipment
Quarrying and rock crushing

Transportation, Communications, and Public Utilities.
Recycling facilities:
reverse vending machines
small collection facility
large collection facility
light processing facility
heavy processing facilities
Sanitary waste and recycling services:
solid waste treatment
hazardous waste treatment (off site treatment and storage)
garbage and dead animal treatment
recycling facilities, large
Water transportation:
marine cargo handling
marina
deep sea transportation of freight

Wholesale Trade—Durable Goods.
Miscellaneous durable goods:
scrap and waste materials

Residential Uses.
Caretaker’s residence

Commercial Uses.
Adult businesses
Amusement enterprises
Eating establishment
Eating establishment (fast food)
Eating establishment with alcoholic beverage sales
Massage establishments

15.04.330.050  Development Standards.

The following is a partial listing of standards that shall apply in the M-3-heavy industrial districts. For a complete delineation of all development standards applicable refer to Section 15.04.830. If the property is located within an area governed by a specific plan, then its provisions would apply.


### 15.04.330.055 Exterior Development Standards

Exterior development is permitted in this industrial district (M-3) subject to the following minimum setbacks and landscaping requirements. Exterior development allowed includes:

1. Exterior activities: outdoor processing, assembly, or fabrication of goods, maintenance, repair and salvage of equipment;

2. Exterior storage: outdoor storage of raw or finished goods, including gases, ore, chemicals, gravel, etc., building materials, packing materials, salvage goods, machinery, equipment, damaged vehicles, etc.

<table>
<thead>
<tr>
<th>Min. Lot Area (sq. ft.)</th>
<th>Building Height (ft.)</th>
<th>FAR</th>
<th>Setbacks and Yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>75 plus 30 for appurtenances (35')</td>
<td>0.65</td>
<td>Front</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Minor street 10</td>
</tr>
</tbody>
</table>

1. Thirty-five foot height limit required when located within 100 feet of shoreline, of a public park, recreational trail, recreational right-of-way or residential development. The Planning Commission may allow up to 75 feet plus appurtenances with the approval of a conditional use permit.

2. Only when abutting residential, public park, recreational trail, recreational right-of-way or shoreline.

3. Height limits do not apply to processing equipment and structures.

Exterior development subject to vehicular traffic and accessible by driveway and/or curb cut shall be paved per the requirements of the Department of Public Works.

### 15.04.330.060 Performance Standards

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.

### 15.04.330.070 Parking and Loading Standards

In addition to the number of parking spaces which follow, all parking and loading must comply with the provisions contained in Section 15.04.850.
Heavy Industrial Manufacturing

1/1,500 gross square feet for first 30,000 square feet, then 1/2,000 gross square feet

Other Uses

Refer to Section 15.04.850

15.04.330.080 Signs

All signs must comply with the applicable provision of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

15.04.330.090 Administrative and Enforcement Procedures

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance No. 31-97 N.S., 9-04 N.S., 8-08 N.S. and 24-09 N.S.)
15.04.340 M-4-Marine Industrial.

SECTIONS
15.04.340.010 Title, Purpose and Applicability.
15.04.340.020 Permitted Uses.
15.04.340.030 Accessory Uses.
15.04.340.050 Development Standards.
15.04.340.060 Performance Standards.
15.04.340.080 Signs.
15.04.340.090 Administrative and Enforcement Procedures.

15.04.340.010 Title, Purpose and Applicability.

The provisions of Section 15.04.340 shall be known as the M-4-marine industrial district. The M-4 zone is intended to create, preserve and enhance areas containing a wide range of municipal or private maritime uses such as marine terminals, cargo handling, ancillary manufacturing or related establishments in areas having extensive rail or transport facilities. Manufacturing uses that are dependent on direct port access for import and export of raw materials and finished products are also found in the M-4 district. The M-4 zone encompasses land area around the Santa Fe and Harbour Channels and these regulations are intended to strengthen the unique physical and environmental quality of these areas, as extensions of the San Francisco Bay; ensure the aesthetic quality of development and ensure compatibility of development with nearby residential areas. Adjacent zoning districts should provide buffering between residential districts and the M-4 district. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly policies prescribed by the port/marine terminal/ship repair land use category.

15.04.340.020 Permitted Uses.

The following uses shall be permitted: (Uses involving chemicals may also be subject to Section 15.04.820.020, Hazardous Materials, in which case the more restrictive requirements shall apply). Similar use may be permitted by interpretation of the Planning Director or designee.

**Industrial Uses.**
Port/marine terminal (including petroleum, biodiesel and related industries storage facilities)

**Manufacturing (Dependent on Port Access).**
Apparel and other finished products
Food and kindred products
Leather and leather products, except tanning and finishing
Lumber and wood products
Miscellaneous manufacturing industries
Printing and publishing
Professional, scientific and precision equipment:
  laboratory apparatus and analytical, optical, measuring and controlling instruments
  photographic equipment and supplies
Stone, clay and glass products
Transportation equipment:
  ship and boat building and repairing (small scale, custom work only)

Transportation, Communications, and Public Utilities.
Motor freight, railroad and truck transportation
Public utilities, major or minor
Sanitary waste and recycling services:
  recycling facilities, small (no oil waste separators)
  reverse vending machines
Water transportation:
  marine cargo handling
  marina
  deep sea transportation of freight

Wholesale Trade—Durable Goods.
Furniture and home furnishings
Lumber and other construction materials
Miscellaneous durable goods:
  scrap and waste materials
Motor vehicles and motor vehicle parts and supplies

Civic, Public and Semipublic Uses.
Public safety facilities:
  police/fire boat facilities

15.04.340.030 Accessory Uses.

Accessory uses and buildings shall be limited to those uses that are clearly incidental to the primary use of the property and which are sited within the property boundaries of the primary use. Refer to Section 15.04.880 for details.


The following uses may be permitted by conditional use permit and then must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. (Uses involving chemicals may also be subject to Section 15.04.820.020, Hazardous Materials, in which case the more restrictive requirements shall apply.)

Industrial Uses.
  Biodiesel and related industries storage and distribution
  Mini-storage warehouse
Construction.
General building contractors
Special trade contractors:
  - carpentry
  - electrical
  - plumbing, heating, air conditioning

Manufacturing (Dependent on Port Access).
Biodiesel refining and related industries
Fabricated metals industries:
  - metal cans and shipping containers
  - cutlery, hand-tools and general hardware
  - heating equipment
  - fabricated structural metal products

Furniture and fixtures
Industrial and commercial machinery:
  - engines and turbines
  - farm and garden machinery and equipment
  - metal working machinery and equipment

Paper and allied products:
  - paperboard containers and boxes
  - converted paper and paperboard products, except containers and boxes

Textile mill products:
  - fabric mills
  - knitting mills

Transportation equipment:
  - ship and boat building and repairing

Transportation, Communications and Public Utilities.
Communications
Local and interurban passenger transit
Warehousing

Residential Uses.
Caretaker's residence (except in the transition zone)

Commercial Uses.
Business services
Commercial filming and recording studios
Eating establishment
Eating establishment (fast food)
Eating establishment with alcoholic beverage sales
Massage establishments
15.04.340.050 Development Standards.

Uses and structures located within the M-4-marine industrial district shall be designed and operated so as to minimize impacts on adjacent properties and surrounding residential and recreational areas.

Uses located within the M-4-marine industrial district shall provide public access to shoreline as follows:

1. Free, permanently guaranteed, public, pedestrian access to the shoreline shall be provided to the greatest extent possible in all new developments, as specified in the McAteer-Petris Act of 1965. Access may not be required in new developments where:
   a. Water-oriented uses such as docks, shipping terminals, pipelines between ship and shore, require use of the bay and cannot reasonably allow for public access;
   b. Public pedestrian access would create a safety hazard.

2. All shoreline pedestrian access points shall be linked with onshore sidewalks, paths, passageways, roads or other links to the greatest extent possible. If no other on-shore link to another shoreline access point is possible, access must be provided to a public right-of-way.

The following is a partial listing of standards that shall apply in the M-4-marine industrial districts. For a complete delineation of all development standards applicable refer to Section 15.04.830. If the property is located within an area governed by a specific plan, then its provisions would apply.

<table>
<thead>
<tr>
<th>Min. Lot Area (sq. ft.)</th>
<th>Building Height (ft.)&lt;sup&gt;4&lt;/sup&gt;</th>
<th>FAR</th>
<th>Side</th>
<th>Rear</th>
<th>Collector Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>None Required</td>
<td>75 plus 30 for appurtenances (35&lt;sup&gt;2&lt;/sup&gt;)</td>
<td>0.5</td>
<td>10 (5 with a solid fence&lt;sup&gt;1&lt;/sup&gt;)</td>
<td>None (15&lt;sup&gt;1&lt;/sup&gt;)</td>
<td>10</td>
</tr>
</tbody>
</table>

1. Only when abutting residential, public park, recreational trail or recreational right-of-way or shoreline.
2. Thirty-five foot height limit required when located within 100 feet of shoreline, public park, recreational trail, recreational right-of-way or residential development. The Planning Commission may allow up to 75 feet plus appurtenances with the approval of a conditional use permit.
3. Except when abutting street, then street setbacks apply.
4. Height limits do not apply to marine terminal equipment, e.g. cranes.


1. Exterior Activities. Outdoor processing assembly, or fabrication of goods, maintenance, repair and salvage of equipment.

2. Exterior Storage. Outdoor storage of raw or finished goods, including gases, ore, chemicals, gravel, etc., building materials, packing materials, salvage goods, machinery, equipment, damaged vehicles, etc.
Minor Street Collector Street Side and Rear Property Lines, except where they abut a street, then street setbacks apply Abutting Residential Parcels and Recreational Amenities

<table>
<thead>
<tr>
<th>Setbacks (ft.)</th>
<th>10</th>
<th>25</th>
<th>0</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscaping (see Section 15.04.820 for definitions)</td>
<td>Green growing ground cover, and high solid screen</td>
<td>Green growing ground cover, low hedge, and high solid screen</td>
<td>High solid screen</td>
<td>Solid wall</td>
</tr>
</tbody>
</table>

Exterior development subject to vehicular traffic and accessible by driveway and/or curb cut shall be paved per the requirements of the Department of Public Works.

15.04.340.060 Performance Standards.

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.


In addition to the number of parking spaces which follow, all parking and loading must comply with the provisions contained in Section 15.04.850.

- **Heavy Industrial Uses**: 1 space/1,500 gross square feet for first 30,000 square feet then 1 space/2,000 gross square feet plus berthing facilities
- **Other Uses**: Refer to Section 15.04.850

15.04.340.080 Signs.

All signs must comply with the applicable provision of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

15.04.340.090 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance No. 9-04 N.S., 8-08 N.S., 18-08 N.S. and 24-09 N.S.)
ARTICLE 15.04.400 OPEN SPACE AND RECREATIONAL DISTRICTS

15.04.410 EA-Exclusive Agricultural District.

SECTIONS

15.04.410.010 Title, Purpose and Applicability.
15.04.410.020 Permitted Uses.
15.04.410.030 Conditional Uses.
15.04.410.040 Development Standards.
15.04.410.050 Performance Standards.
15.04.410.060 Parking and Loading Standards.
15.04.410.070 Signs.
15.04.410.080 Administrative and Enforcement Procedures.

15.04.410.010 Title, Purpose and Applicability.

The provisions of Section 15.04.410 shall be known as the EA-exclusive agricultural district. The EA district is intended to create, preserve and enhance agricultural uses and activities in areas which are capable of and generally used for livestock and/or the production of food, fiber and plant materials. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly the policies contained in the open space and agricultural resource land use categories.

15.04.410.020 Permitted Uses.

The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

Agricultural Uses.
General farming, primarily crops
Landscape and horticultural services
Veterinary services
Livestock

Residential Uses.*
Caretaker's residence
Single-family residential
Home occupations

Open Space and Recreational Uses.
Parks, open space and trails

* Maximum 1 dwelling unit per 5 acres in accordance with general plan.
15.04.410.030  Conditional Uses.

The following uses may be permitted by conditional use permit and then must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be permitted by interpretation of the Planning Director or designee.

Agricultural Uses.
Animal services
Animal specialties
Commercial agriculture
Commercial fishing
Fish hatcheries and preserves

Residential Uses.
Second dwelling units

Commercial Uses.
Domestic animal sales and services:
boarding
Food stores:
  retail bakers, meat, fish, fruit and vegetable markets

Temporary Uses.
Seasonal fruit/vegetable stands
Outdoor exhibits
Seasonal sale lots, for example, Christmas trees and pumpkins

15.04.410.040  Development Standards.

The following is a partial listing of standards that shall apply in the EA-exclusive agriculture zoning district. For a complete delineation of all development standards applicable, refer to Section 15.04.830.

<table>
<thead>
<tr>
<th>Min. Lot Size (sq. ft.)</th>
<th>Building Height (maximum)</th>
<th>Minimum Lot Width (ft.)</th>
<th>Minimum Lot Depth (ft.)</th>
<th>Setbacks and Yards (ft.) (minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/2 acre¹</td>
<td>None</td>
<td>150</td>
<td>100</td>
<td>Front 7.5  Side 7.5  Rear 7.5</td>
</tr>
</tbody>
</table>

¹ The keeping of livestock is limited to property 1 acre or more in size, no more than 2 head of livestock may be maintained per acre. Barns, stables and other buildings or structures used to house livestock shall not be located or maintained within one hundred feet of the boundary line of any street or public right-of-way.

15.04.410.050  Performance Standards.

The uses in the district must comply with all applicable performance standards delineated in Section 15.04.840.
15.04.410.060 Parking and Loading Standards.

In addition to the number of parking spaces which follow, all parking and loading must comply with the provisions contained in Section 15.04.850.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td>2 spaces per single family unit</td>
</tr>
<tr>
<td>Other Uses</td>
<td>Refer to Section 15.04.850</td>
</tr>
</tbody>
</table>

15.04.410.070 Signs.

All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

15.04.410.080 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.
15.04.420 CRR-Community and Regional Recreational District.

SECTIONS
15.04.420.010 Title, Purpose and Applicability.
15.04.420.020 Permitted Uses.
15.04.420.030 Conditional Uses.
15.04.420.040 Development Standards.
15.04.420.050 Performance Standards.
15.04.420.060 Parking and Loading Standards.
15.04.420.070 Signs.
15.04.420.080 Administrative and Enforcement Procedures.

15.04.420.010 Title, Purpose and Applicability.

The provisions of Section 15.04.420 shall be known as the CRR-community and regional recreational district. The CRR district is intended to create, preserve and enhance local, neighborhood, community and regional areas of outstanding scenic, historic and cultural values including parks and related facilities such as swimming pools, playing fields, recreational buildings, trails and associated parking. The CRR district consists of predominantly open land uses which, in the public interest, should retain this character. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations for this district is to implement policies contained in the Richmond general plan, particularly the policies contained in the recreation lands and preservation/resource land use categories of the Richmond general plan.

15.04.420.020 Permitted Uses.

The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee. To support existing uses, facilities such as tanks, pipes, blending, packaging, and ancillary and supporting facilities are considered permitted as long as there is no increase in approved capacity program.

- **Civic, Public and Semipublic Uses.**
  - Cemeteries

- **Residential Uses.**
  - Caretaker’s residence

- **Open Space and Recreational Uses.**
  - Marina, public or private
  - Parks, open space and trails
  - Saltmarshes, mudflats and creek corridors

15.04.420.030 Conditional Uses.

The following uses may be permitted by conditional use permit and then must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be permitted by interpretation of the Planning Director or designee.
Agricultural Uses.
Fish hatcheries and preserves
General farming, primarily crops
Landscape and horticultural services
Veterinary services
Animal services
Animal specialties

Civic, Public and Semipublic Uses.
Community centers
Museum, botanical or zoological garden, and cultural centers
Public safety facilities

Open Space and Recreations Uses.
Mineral resources, includes extraction, quarrying and rock crushing activities
Storage tank farms adjacent to industrial uses
Sanitary landfill

Temporary Uses.
Arts and crafts shows
Live entertainment events
Outdoor exhibits
Recreation events
Retail sales, outdoors
Seasonal sales lots, for example, Christmas trees and pumpkins

15.04.420.040 Development Standards.

The following is a partial listing of standards that shall apply in the CRR-community and regional recreational districts. For a complete delineation of all development standards applicable refer to Section 15.04.830.

<table>
<thead>
<tr>
<th>Min. Lot Area (sq. ft.)</th>
<th>Building Height (ft.)(^1)</th>
<th>FAR</th>
<th>Setbacks and Yards (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>55</td>
<td>None</td>
<td>Front: 20% of depth of lot, need not exceed 40 ft. Side: 10% of lot width, need not exceed 20 ft. Rear: None</td>
</tr>
</tbody>
</table>

\(^1\) Height limit does not apply to processing equipment or structures.

15.04.420.050 Performance Standards.

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.
15.04.420.060  Parking and Loading Standards.

All parking and loading must comply with the provisions contained in Section 15.04.850.

15.04.420.070  Signs.

All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

15.04.420.080  Administrative and Enforcement Procedures.

All activities, development and uses allowed in the district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions as set forth in Sections 15.04.950 and 15.04.990.
15.04.430   PC-Public And Civic Uses.

SECTIONS

15.04.430.010   Title, Purpose and Applicability.
15.04.430.020   Permitted Uses.
15.04.430.030   Conditional Uses.
15.04.430.040   Development Standards.
15.04.430.050   Performance Standards.
15.04.430.060   Parking and Loading Standards.
15.04.430.070   Signs.
15.04.430.080   Administrative and Enforcement Procedures.

15.04.430.010   Title, Purpose and Applicability.

The provisions of Section 15.04.430 shall be known as the PC-public and civic uses district. The PC zone is intended to create, preserve and enhance areas with a variety of public, semipublic and educational uses such as public offices, libraries, schools, colleges, hospitals, clubs and halls which are generally owned or operated by governmental or nonprofit or charitable agencies. Any applicable overlay district described in Section 15.04.500 may impose additional regulations for this district. The purpose of the regulations of this district is to implement policies contained in the Richmond general plan, particularly policies prescribed by the public facilities and community land use category.

15.04.430.020   Permitted Uses.

The following uses shall be permitted. Similar uses may be permitted by interpretation of the Planning Director or designee.

   Civic, Public and Semipublic Uses.
   Community centers
   Museum, botanical or zoological garden, and cultural centers
   Public safety facilities
   Religious assembly
   Government services

   Commercial Uses.
   Business services
   Eating establishments, except fast food
   Engineering, management, public administration and related offices and services
   Personal services

   Open Space.
   Parks, open space and trails
15.04.430.030  Conditional Uses.

The following uses may be permitted by conditional use permit and then must comply with all the terms and conditions of the permit as provided for in Section 15.04.910. Similar uses may be permitted by interpretation of the Planning Director or designee.

Commercial Uses.
Banks/depository institutions
Bars
Convenience stores
Eating establishment (fast food)
Eating establishment with alcoholic beverage sales
Food stores:
  grocery stores/supermarkets
  retail bakers, meat, fish, fruit and vegetable markets
Medical and dental offices

Civic, Public and Semipublic Uses.
Colleges, universities, vocational schools, educational facilities
Congregate care, limited and general
Correctional and rehabilitation facilities
Day care center
Day care, limited and general
Elementary and secondary schools
Hospitals

Temporary Uses.
Arts and crafts shows, outdoors
Circuses and carnivals
Flea markets/swap meets
Live entertainment events
Outdoor exhibits
Recreation events
Religious assembly
Retail sales, outdoor
Seasonal sales lots, for example, Christmas trees and pumpkins
Street fairs
Trade fairs

15.04.430.040  Development Standards.

The following is a partial listing of standards that shall apply in the PC-public and civic uses district. For a complete listing of all other applicable development standards, refer to Section 15.04.830.
15.04.430

<table>
<thead>
<tr>
<th>Min. Lot Area (sq. ft.)</th>
<th>Building Height (ft.) (maximum)</th>
<th>FAR</th>
<th>Setbacks and Yards (ft.) (minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Front</td>
</tr>
<tr>
<td>10,000</td>
<td>45</td>
<td>0.6</td>
<td>5^{1}</td>
</tr>
</tbody>
</table>

^{1} When abutting R-district same as R-district.

15.04.430.050 Performance Standards.

The uses in this district must comply with all applicable performance standards delineated in Section 15.04.840.

15.04.430.060 Parking and Loading Standards.

All parking and loading requirements must comply with the provisions contained in Section 15.04.850.

15.04.430.070 Signs.

All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

15.04.430.080 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance No. 9-04 N.S.)
ARTICLE 15.04.500  OVERLAY DISTRICTS

15.04.510  RMO-Resource Management Overlay District.

SECTIONS

15.04.510.010  Title, Purpose and Applicability.
15.04.510.020  General Standards Pertaining to the RMO District.
15.04.510.030  Regulations.
15.04.510.040  Procedures.
15.04.510.050  Signs.
15.04.510.060  Administrative and Enforcement Procedures.

15.04.510.010  Title, Purpose and Applicability.
A. The provisions of Section 15.04.510 shall be known as the RMO-resource management overlay district. The regulations contained in the RMO district are intended to be applied to physical restraint areas where additional controls to supplement or to modify those of the base district are required. The specific purposes of the RMO district are:

1. To implement the policies of the Richmond general plan;
2. To avoid development that would result in an undue hazard to public health and safety due to the existence of hazards such as fire, flood or landslide;
3. To guide development in order to make wise and prudent use of the City's natural resources;
4. To achieve a harmonious and visually pleasing relationship between the man-made and the natural environment; and
5. To promote the public health, safety and welfare of all residents of the City by improving the quality of their lives.

B. An RMO district shall consist of those lands included within an adopted physical constraint area as follows:

1. All shoreline areas with the exception of private port uses, public marinas and public port-related uses in the water areas immediately adjacent to the Bay Conservation and Development Commission (BCDC)-designated port-priority areas;
2. Areas identified as having liquefaction potential during an earthquake or those areas with fire hazards.

All physical constraint areas as designated on maps shall be prepared and adopted by the City Council pursuant to Section 15.04.960. Each RMO district shall be shown on the Zoning Map by adding the designator "RMO" to the base district designation and development in areas designated "RMO" shall be in compliance with the regulations of the RMO district.

15.04.510.020  General Standards Pertaining to the RMO District.
A. Minimum Site Area. Same as base zoning district.
B. Performance Standards. The performance standards prescribed in Section 15.04.840 shall apply. In case of conflict with other regulations of this chapter, the regulations prescribed by the RMO district shall take precedence.

C. Relation to Other Overlay Districts. The RMO district shall be an overlay district that may be combined with any zoning district. The RMO district may abut another overlay district, overlap or be superimposed over another overlay district. Where a parcel or portion of a parcel includes two or more physical constraint areas, then the parcel shall be subject to the provisions of each area.

D. Other Standards. Permits for development may attach such conditions as shall be deemed necessary to fulfill the purposes of this district and may include, but shall not be limited to: building siting, height, bulk and coverage; landscaping; excavation, grading or fill; placement and configuration of roadways; and related development controls.

15.04.510.030 Regulations.

A. Shoreline and Tideland Areas. The following additional regulations apply to shoreline and tideland areas in the RMO district. The purpose of the shoreline/tideland physical constraint area regulations is to provide for orderly and harmonious development of the shoreline and tideland areas in order to protect water quality, wildlife habitats and native or naturalized vegetation, and to provide maximum public access to and along the shoreline.

1. All uses and development(s) shall obtain a conditional use permit pursuant to Section 15.04.910.

2. In addition to the requirements for a grading permit contained in the excavation, grading and earthwork ordinance of this Code, Chapter 12.44, a grading permit also shall be required for grading work on all industrially zoned lands.

3. No use, development or alteration shall:
   a. Create uniform and/or terraced building sites which are contrary to the existing land forms, including the shape of the shoreline;
   b. Substantially change the existing characteristics of the following: existing watercourses, established and mature trees or other native shrub or coastal shrub, marshes or primary wildlife habitats.

4. Filling of the San Francisco Bay and all areas subject to tidal action shall be permitted only if all of the following conditions are satisfied:
   a. The fill is the minimum necessary to achieve the purpose of the project and no alternative upland location is available for such purpose;
   b. The fill is approved by BCDC;
   c. The fill consists of small amounts of earth fill used solely to improve shoreline appearance or provide new public access to the bay;
   d. Fill content and placement is consistent with a soils report prepared by a licensed soils engineer stating that no greater risk to persons or property would occur than on inland, stable sites.
5. Dredging of the bottom of San Francisco Bay, including mud flats, tidelands, marshes, and all wetland areas subject to tidal action, shall be permitted only if the following conditions are satisfied:
   a. Additional area is created which is the minimum necessary to safely provide water access to an approved use;
   b. New water surface or marsh is created by removal of bay fill;
   c. Existing navigation channels, basins or areas are maintained;
   d. Drainage or an outfall pipe or similar structure is provided;
   e. The location and depth of dredging minimizes shoaling and the need for maintenance dredging;
   f. An approved plan exists for the disposal of dredge spoils and all subsequent maintenance dredging for the life of the project; and
   g. Approval is obtained from BCDC.

6. Development shall be sited so that it is harmonious with the character of the site and the surrounding environmental setting to the maximum extent feasible. This includes utilizing sensitive site planning, minimizing the area used for vehicle access and minimizing the impact of development of plant and animal habitats.

7. Underground utilities shall be required unless such underground installation would have a substantial adverse impact on the environment.

8. Provide maximum feasible public access to shoreline areas.

9. All land which is not developed or altered shall be maintained in a manner that protects, conserves and enhances the natural resources of the site.

10. Buildings shall be sited to be harmonious with the site, the surrounding area and the shoreline. The maximum height of buildings shall not exceed 35 feet, except that the Planning Commission may increase or decrease the height of buildings upon making a finding that this action is necessary to protect views and/or enhance public access to shoreline areas.

B. Liquefaction Physical Constraint Areas. The following additional regulations apply to the area identified in map entitled "Liquefaction/Foundation Physical Constraint Area in the Richmond General Plan." The purpose of these regulations is to minimize danger to public health and safety caused by building in an area with a high risk of liquefaction resulting from seismic activity.

1. All the following uses and development(s) shall require a conditional use permit pursuant to Section 15.04.910:
   a. Educational institutions (e.g. schools);
   b. Congregate care homes, general;
c. Motel-hotel transient accommodations over thirty-five (35) feet in height;
d. Multiple dwellings, including rooming houses, over thirty-five (35) feet in height;
e. Hospitals; and
f. Commercial and industrial buildings which are over thirty-five (35) feet in height.

2. The Planning Director may require, as a part of a development application, a geologic report determining the specific hazard at the site prepared by a California-registered engineering geologist or a California-licensed soils engineer, mutually agreed upon by the applicant and the City from the City's list of approved geologists or soils engineers. Payment for geologic reports shall be made by project applicant.

Selection of the registered professional to prepare said report shall be made by the City.

3. In granting any permit for development, the Planning Commission shall attach such conditions as may be deemed necessary to fulfill the purposes of this district. Such conditions may include, but shall not be limited to, alternative location of structures, special foundation design, and special structural design of equipment which will facilitate restoration of utility service in the event of displacement. If a geologic report is required, the Planning Commission shall determine the specific geologic hazard at the site and shall evaluate the suitability of the proposed use in relation to the hazard. A permit shall be denied if the Planning Commission finds that the site is unsuitable for the proposed use because of geologic hazards which cannot be mitigated.

4. The height of any building shall not exceed 75 feet unless the geologic report concludes that a greater height will not increase the risk to human life and such height conforms with the height restrictions for the base district.

5. Optional Conditions. The following optional conditions shall be considered by the Planning Commission when an application is made for any conditional use permit required by this subsection. In approving such applications, the Planning Commission may require that:

a. A foundation investigation be prepared, except for those uses which the City determines have no potential for harming the environment in the event of liquefaction or which have no potential for increased risk to human life in the event of liquefaction. The foundation investigation shall include an evaluation of liquefaction potential prepared by a California registered engineering geologist and a California licensed civil engineer qualified in foundation analysis. Costs to the city of retaining a geologist and/or engineer to evaluate the foundation report shall be paid by the applicant;

b. The height of any building shall not exceed seventy-five feet unless the evaluation of liquefaction potential required under subsection B(5)(a) of this section concludes that a greater height will not increase the risk to human life and such building height conforms with the height restrictions of the applicable basic use district;

c. The density or intensity of use specified in the applicable basic use district may be modified as necessary to protect the public health and safety from liquefaction hazards.
C. Fire Physical Constraint Areas. The following additional regulations apply to the area identified in map entitled "Fire Physical Constraint Area" on file at the Richmond Fire Department. The purpose of these regulations is to minimize danger to public health and safety caused by building in an area with a high risk of grass or brush fire.

1. All development proposals shall be reviewed by the Fire Chief and additional conditions imposed regarding the construction and maintenance of firebreaks, placement and type of landscaping; specifications regarding the materials used for the exterior and roof of structures; construction of fire resistant walls; installation of sprinkler system; auxiliary water tanks and any other conditions to protect public health and safety.

2. All development within the fire physical constraint area shall be designed and maintained to include as a minimum the following:
   a. A fuel (fire) break around each building at a distance from the building's perimeter of not less than 30 feet or to the property line, whichever is nearer;
   b. The roof and other areas designed so as to be kept free of leaves, needles and other dead vegetative growth. Roof areas are to be fire retardant as specified in the latest version of the Uniform Building Code adopted by the City of Richmond;
   c. The chimney or stovepipe outlet located no closer than 10 feet to any shrubbery, brush or trees.

D. Hillside Physical Constraint Area. The following additional regulations apply to the area identified on map entitled "Hillside Physical Constraint Area" on file at the Richmond Planning Department.

1. Purpose. The purpose of these regulations is to preserve the hills and ridges, and their natural features, and to maintain a harmonious visual and functional relationship between the existing natural environment and future development. Therefore, it is the intent of the City to place more restrictive development regulations on hillside areas of fifteen percent or greater slope in order to:
   a. Minimize grading and cut and fill operations consistent with retaining the natural character of the hill areas;
   b. Preserve significant features of a sloping and elevated hill area in an essentially natural state;
   c. Facilitate protection of existing views from vantage points within public open spaces, rights-of-way, public parks, and private development from encroachment upon by new development;
   d. Minimize the water runoff and soil erosion problems incurred in adjusting to the terrain to meet on-site and off-site development needs;
   e. Achieve land use densities that are in keeping with the General Plan. However, in order to retain the significant natural features of the hill areas, densities will diminish as the slope of the terrain increases;
f. Protect the general public from geologic and hydrologic hazards including damage to property from landslides, erosion, earth creep, and storm water runoff, wildland fires, and other hazards in and near hillside areas;

g. To preserve and enhance the hillside areas and natural resources as identified in the Richmond General Plan;

h. To implement the policies of this Richmond General Plan.

2. Applicability. The provisions of this subsection shall apply to:

   a. All parcels or portions of parcels greater than one (1) acre in area with an average slope of 15% or greater over any horizontal distance of 25 feet or more, except mineral resource extraction and quarrying and as hereinafter set forth in this subsection.

   b. Any application for a grading permit to construct or alter roadways or driveways on properties with an average slope of 15% or greater over any horizontal distance of 25 feet or more. This is in addition to the requirements of any other provisions of this Municipal Code or any ordinance of the City of Richmond.

   This subsection 15.04.510.030D shall not apply to any project with a current and valid building permit or tentative subdivision map approved and issued by the City on or before the effective date of this subsection 15.04.510.030D, but shall apply upon any application to renew or substantially modify such a building permit or subdivision map unless construction work is substantially complete on the project at the time of the application for renewal or substantial modification. Tentative subdivision map extensions requested prior to the date of expiration are not considered to be a renewal.

3. Permit Requirements.

   a. Conditional Use Permit Requirements. All developments subject to this section shall obtain a conditional use permit pursuant to Section 15.04.910 (application submittals shall be in conformance with application requirements adopted by the Planning Commission). In addition to the requirements of Section 15.04.910, before approving the issuance of a conditional use permit, the Planning Commission, and City Council on appeal, shall consider:

      (1) A site analysis of existing conditions on and adjacent to the site which examines a site's physical properties, natural features, special problems, visual character and the neighboring environment.

      (2) Density. The maximum number of dwelling units allowed shall be controlled by the density provisions of the base zoning designation. However, the Planning Commission may reduce the maximum number of dwelling units as necessary to achieve any of the following:

          (a) To minimize the need for harmful grading and/or significant alteration of the natural topography of the site;
(b) To preserve vistas;

(c) To minimize the construction of unnecessary roadways;

(d) To protect the health, safety and general welfare of persons living in the immediate vicinity of the development;

(e) To preserve environmental resources.

The proposed density shall not exceed the maximum allowed density permitted by the base zoning designation except that portions of the permitted density can be transferred to portions of the site that would require less grading or are more buildable, provided that required zoning setbacks are observed. Never shall the total number of units permitted for any project exceed the total number of units that would have been permitted without any transfer of density. Areas from which density is transferred shall meet the criteria for Exclusion of Areas from Slope Calculations (see definition of Slope in Section 15.04.020).

(3) General Site Design Criteria. The proposed development:

(a) Reflects the City's design goals and policies as expressed in the General Plan;

(b) Preserves or protects unique or special natural features of the site, such as land forms, rock outcroppings, mature trees and vegetation, drainage courses, hilltops and ridge lines;

(c) Is compatible with the natural features, building location, and existing open spaces of neighboring properties;

(d) Preserves or minimizes impacts on existing views, privacy, and access to light and safety of neighboring properties;

(e) Avoids the unstable or hazardous portions of the site;

(f) Minimizes the removal of natural vegetation.

(4) Preservation of Existing Natural Features. The proposed development integrates significant natural features by retaining and integrating the following features into the development plans:

(a) Retains and integrates mature trees into the development. (Note: Removal of undesirable trees is permitted. See Criteria for Removal);

(b) Retains and integrates into the development significant or unique vegetation groupings which contribute to the character of the site;

(c) Minimizes grading and alteration of natural land forms;

(d) Balances cut and fill volumes;
(e) Provides adequate drainage on-site and surface drainage that does not impact neighboring properties;

(f) (i) Preserves creeks, stream beds, water courses, and channels, which are shown as solid or dashed blue lines on the latest USGS maps, in their natural state except where needed to mitigate existing flood and erosion problems as identified in a project specific environmental impact report or as verified and recommended in a study by a registered civil engineer specializing in hydrology (alterations for purposes of flood or erosion control maintain courses as close as possible to their natural location and appearance or designs them to reflect a natural appearance),

(ii) Preserves other natural drainage courses as close as possible to their natural location and appearance or designs them to reflect a natural appearance. "Dry stream" effects (manufactured drainage courses designed to simulate natural ones) are preferred over channeling or undergrounding.

(5) Circulation and Parking. The proposed development:

(a) Provides a clearly organized circulation plan for automobiles, pedestrians, and service vehicles;

(b) Locates and landscapes roads and streets so as to minimize their being seen from the Valley floor, roads and neighboring properties. (Road widths may be reduced to the minimum acceptable to the City Engineer and Fire Department if site impacts are minimized);

(c) Provides access to existing open space areas and, as appropriate, adjacent off-street parking.

b. Planning Commission Findings. In addition to the findings outlined in Section 15.04.910, the Planning Commission, and City Council on appeal, shall approve or conditionally approve a conditional use permit if on the basis of the application, plans, materials, and testimony submitted at the hearing, the Planning Commission or City Council finds:

(1) The project is consistent with the City's hillside development regulations and design criteria;

(2) Any grading to be performed within the project boundaries takes into account the existing natural features of the property, including but not limited to mature trees, significant or unique vegetation groupings, prominent geological features, and natural drainage courses, and is designed in keeping with the best engineering practices as determined by the City Engineer to avoid erosion, slides or flooding, in order to minimize effects on that environment;

(3) Adequate fire safety measures have been incorporated into the design of the project.

a. Tree Preservation. Significant trees are important aesthetic and ecological resources that contribute to the character of an area. Site development plans should demonstrate that diligent effort has been made to retain as many significant trees as possible.

1. Definitions.

   (a) "Tree alteration" means any proposed trenching, grading, filling, paving structural development, change in ground elevation within the dripline of a significant tree, and change in watering practices from natural rainfall to supplemental irrigation. Tree alteration also includes removal of a branch, pruning, or trimming by topping the upper 25% or more of a trunk or primary leader.

   (b) "Tree, significant" means any tree which is in good health and form, and is more than 12 inches in diameter as measured 4 feet-6 inches above the root crown. In addition, any tree of the Quercus (OAK) genus which is in good health and form and more than 6 inches in diameter as measured 4 feet-6 inches above the root crown shall be a significant tree. Other trees may be designated as significant by the Planning Commission based on an arborist/forester's report.

2. Methods to Preserve Trees During Construction.

   (a) No fill, grading, or construction shall be permitted within the drip line of tree (or within six (6) feet of the trunk, whichever is greater) designated for preservation except as may be recommended by an arborist or forester.

   (b) Trenching shall be prohibited within the tree drip line, and any required utility line within the protected zone shall be installed by boring or drilling through the soil.

   (c) Where necessary for access in the vicinity of trees designated for preservation, paving within the drip line shall use porous materials such as gravel, loose boulders, cobbles, wood chips, or bark mulch.
(3) **Criteria for Removal.** In assessing the number of trees and specific trees that may be removed, the applicant and Planning Commission should consider the following criteria as identified in an arborist report:

(a) The tree is in poor health and cannot be saved;

(b) The tree is a public nuisance, causing damage to public utilities or streets and sidewalks that cannot be mitigated by some other means (such as root barriers etc.);

(c) The tree is in danger of falling and cannot be saved by some other means (such as pruning);

(d) The tree is damaging existing private improvements on the lot (e.g., building foundation, wall, patio, deck, roof, retaining wall, etc.);

(e) The tree species is known to be highly combustible and is determined to be a fire hazard;

(f) The tree species or the form of the tree does not merit saving (e.g., non-native, growth stunted, poorly formed, etc.);

(g) Reasonable development of the property would require the alteration or removal of the tree and could not be reasonably accommodated elsewhere on the lot;

(h) The tree species is known to develop weaknesses that affect its health or the safety of people and property (e.g., short-lived, weak-wooded and subject to limb breakage, shallow-rooted and subject to toppling).

(4) **Whenever Significant Trees Are Removed.**

(a) Replanting and irrigation shall be consistent with both the City's Urban Forest Management Plan and Landscape Design and Development Guidelines. Designers of each site should take responsibility for the correct tree selection and compatible site conditions for each type of tree.

(b) Trees shall be replaced at a ratio of 3 new trees for every tree removed. Replacement trees shall be planted in the following order of priority: (i) on the project site; (ii) on adjacent private or public land, or along public streets, or (iii) within five miles of the site of the removal.

(c) Minimum tree size shall be 15 gallon. Exception to this requirement may be allowed by the Planning Commission when site conditions warrant.

(d) To protect trees during construction one or both of the following measures shall be taken: (i) construct fencing around the drip line of each tree or group of trees to be retained; and (ii) establish an incentive program in the construction contract to encourage workers, particularly bulldozer drivers, to maximize
caution when working near trees (such as a fine for each damaged tree or subtract the fine from a bonus to be divided among all construction workers at the end of the project).

b. Hillside Grading and Drainage. Changes to the existing natural terrain through grading should be kept to a minimum in order to preserve the inherent characteristics of sloping hillsides.

(1) Grading. Grading should be kept to a minimum and should be performed in a way that preserves significant natural features and visually blends with adjacent properties. Factors to be considered include the natural features of the site, slope and soil characteristics, vegetative cover, access to the site, and orientation and visibility of both the site and the proposed development.

In addition to the standards in the City's Subdivision and Grading Ordinances, the proposed development shall:

(a) Minimize grading at areas with greater than 26% slope except that required exclusively for foundations. Grading of any site shall conform to the following grading standards, based upon the percent of the natural slope:

(i) 0-15%. Redistribution of earth over large areas may be permitted,

(ii) 15-26%. Some grading may occur, but landforms should retain their natural character. Padded building sites may be allowed, but custom foundations, split level designs, stacking and clustering are expected to mitigate the need for large padded building areas,

(iii) 26-30%. Limited grading may occur; however, major topographic features shall retain their natural landforms. Special hillside architectural and design techniques are expected in order to conform to the natural landform, by using techniques such as split level foundations, stem walls, stacking and clustering,

(iv) Over 30%. Development and limited grading can only occur if it is clearly done so that detrimental safety, environmental, and visual impacts are avoided. Use of larger lots, variable setbacks, and variable building structural techniques such as stepped or pole foundations are expected. Structures shall blend with the natural environment through their shape, materials and colors. Traffic and roadway impacts are to be minimized by following natural contours or using grade separations;

(b) Avoid creating graded areas where there is a 30 feet or greater difference in height between terraces or benches; if the difference is more than 30 feet then benches with concrete drainage channels shall be placed every 20 feet. Terracing should be designed with small incremental steps, avoiding wide step terracing and large areas of flat pads;
(c) Grade new building sites such that they appear to emerge from the slope. Minimize creation of flat areas on slopes greater than 26%;

(d) Avoid a manufactured appearance by creating smooth flowing contours of varying gradients. Slopes created by grading of the site shall not exceed 50%, without a soils report and stabilization study justifying it. Avoid sharp cuts and fills and long linear slopes that have uniform grade; sculpture grading to blend slopes and benches with natural topography;

(e) Minimize pad size to accommodate the structure and a reasonable amount of open space. Pads for tennis courts, swimming pools and lawns are discouraged. A maximum of the remaining lot area should be kept in the natural state of the original slope;

(f) Sloping lot designs, such as split level building terraces, are encouraged to reduce pad size;

(g) Avoid hazardous or unstable portions of the site. The City's geotechnical review process will verify the presence and extent of these areas;

(h) Mitigate geotechnical site constraints when needed so that the measures do not cause negative visual impact;

(i) Minimize grading within 20 feet of all perimeter property lines of the project site, unless the grading is similar to the existing adjacent slopes or to the planned grading of the adjacent slopes;

(j) Have all retaining walls designed by a registered engineer and reviewed by the City. Retaining walls and pony walls visible from off site should be of minimum height. Retaining walls faced with stone or earth-colored materials are encouraged. Those associated with lots are limited to and should be designed in accordance with the following:

(i) Upslope (from the structure) walls not to exceed four (4) feet in height unless approved by the Planning Commission. Terraced retaining structures may be utilized which are separated by minimum of three (3) feet and appropriate landscaping. Overall combined height of walls shall not exceed eight (8) feet in height unless approved by the Planning Commission,
(ii) Downslope (from the structure) walls not to exceed a combined total of 42" in height unless approved by the Planning Commission,

(iii) Lots sloping with the street of access or other conditions: one retaining wall on each side of the lot may be used not exceeding 42" in height,

(iv) Retaining walls shall be designed with smooth, continuous lines that conform to the topography. Maximum wall height at the base of slopes along roadways shall not exceed 4 feet in order to avoid a contained, channel-like effect,

(v) Retaining walls to accommodate a patio or terrace shall conform to the natural hillside profile as much as possible.

(2) Drainage. In addition to adherence to the standards in the City's Subdivision and Grading Ordinances, proposed development shall:

(a) Collect and convey storm water to off-site systems in a manner which will avoid erosion and damage to on-site and adjacent properties. (Hydrology plans of off-site impacts shall be developed with input from neighboring property owners and submitted to the City with the proposed site development plans);

(b) Design necessary storm drainage improvements to create a natural rather than a manufactured appearance;

(c) Minimize on-site areas of impervious surfaces to reduce runoff;

(d) Collect and convey stormwater from building roofs to a comprehensive site drainage system;

(e) Provide adequate drainage control devices to prevent flooding of below grade floor slabs and subterranean water from seeping into structures;

(f) Drainage devices such as terrace drains, benches or down drains should be placed in locations of least visibility on slopes. The side of a drain may be bermed to conceal it. Natural swales leading downhill are a good location for down drains. Visible concrete drains are discouraged; but if required, they should be color tinted and screened with planting to be less obtrusive;
(g) Runoff and Subsoil Discharge. Passage for bulked-flow and subsoil runoff shall be provided to a safe point of discharge, such as a street, channel or debris basin, so that damage to improvements or slopes will not result (e.g., energy dissipators on closed drainage pipe openings). Natural stream gradients should not be flattened;

(h) Debris Collection. Where applicable, lot designs and the location of proposed improvements shall permit accommodation of debris from potential land slippage and/or erosion without damage to improvements or other properties downslope, and with access to a street to provide for cleanup and removal;

(i) Emergency Overflow. A route for flood and debris flows which exceeds the design capacity of planned drainage, flood control and debris facilities and devices shall be provided. Overflow routes shall direct overflows away from slopes and improvements and toward safe points of discharge.

(3) Erosion Control. In addition to adherence to the standards in the City's Subdivision and Grading Ordinances, the proposed development shall:

(a) Include erosion control and revegetation programs in grading plans, where applicable;

(b) Control the timing of grading and construction to avoid failure during construction. When detention basins and other storm and erosion control facilities are required, any negative visual impact to the natural hillside character must be evaluated as to the appropriateness of erosion control facilities.

(4) Geologic Hazards.

(a) Geotechnical review is required on all sites to identify hazardous areas, including debris flows (see Table OSC-1, Recommended Guidelines for Geotechnical Investigations, Volume I of the Richmond General Plan).

(b) Areas determined through the geotechnical review process to be too hazardous for development shall not be developed.

(c) The following methods for mitigating geologic hazards are not acceptable:

(i) Exposure of slopes that cannot be suitably re-vegetated;

(ii) Removal of large areas of existing mature vegetation that substantially contribute to the natural character of a site.

(d) Existing geologic hazards shall be corrected when they pose a threat to on or off-site development or properties.

(e) Subdivisions. To ensure that slope stability is adequately maintained in an approved subdivision, for 10 years following granting of the final occupancy permit the applicant shall warrant and be solely responsible for slope maintenance and stabilization on the site. In addition, the applicant shall deposit a
bond with the City, or other equivalent assurance as approved by the City Attorney, in an amount as determined by the City Engineer to insure compliance with this condition. Following the expiration of the warranty period, impacts due to soils failure shall be the sole responsibility of the property owners' association.

The applicant shall also implement and fund a ten-year monitoring program for slope stability which shall include instrumentation such as settlement monuments and inclinometer installed in fills and slide repairs. Slope monitoring by a Certified Engineering Geologist (CEG) shall be conducted bi-monthly for the first two years and annually thereafter. Monitoring shall be conducted more often if significant slope movement, as defined by the project geotechnical engineer, is detected or conditions such as heavy rains or ground shaking occur. The CEG shall make written report of findings to the City Engineer. The property owners' association, shall assume responsibility for monitoring at the end of the ten-year period and may choose to continue monitoring on an annual or as needed basis. Provisions for maintenance of slopes and retaining walls with instruction for recognizing conditions that require professional evaluation and potential mitigation shall be incorporated in the codes and covenants of the property owners' association. A copy of such codes, covenants and instructions shall be submitted to the Planning Director and City Engineer for review and approval prior to issuance of building permits.

c. Lot Configuration, Building Setbacks, and Location. The layout of lots in a residential development should be adapted to existing topography and natural features, avoiding unnecessary alteration of land forms.

(1) Lot Configurations.

(a) Lot patterns which offer a variety of lot shapes corresponding to topography and natural features are encouraged.

(b) Lot lines should be placed at the top of major slope areas to ensure that the slope maintenance and planting will not be neglected by an uphill owner and to minimize drainage crossing lot lines. A flat area with a minimum dimension of 18" should be provided between the property line and the top of slope.
(c) Flag lots with parking located adjacent to roadways to encourage terracing of buildings while minimizing roadway cut and fill are allowed.

(2) Building Setbacks.

(a) Front building setbacks are encouraged to be varied and staggered beyond the minimum required setback in residential subdivision layout, consistent with the natural hillside character and to reduce the monotony of repetitive setbacks. In order to review proposed setbacks, building locations and pads, if used, should be indicated on grading plans submitted with site plans.

(b) Each dwelling shall have at least one five (5) feet sideyard without any impediments (e.g., chimneys or A/C units) extending into that area.

(3) Building Locations.

(a) Buildings shall not be located near visually prominent ridgelines when a choice of building location is available. Building rooflines must be located below the ridgeline so that views to the hillside from public roadways retain the natural ridgeline.

(b) New hillside residential development should be located so as to minimize interference with views from adjacent residences.

(c) Downhill placement shall minimize front yard setback to reduce building mass hanging over the slope. Building bulk should step down with the slope.

d. Street Layout, Driveway, and Parking Design. In addition to adherence to the standards in the City's Subdivision Ordinance, street, drives, parking and emergency vehicle access should be aligned to conform closely to existing grades and minimize the need for the grading of slopes. They should not greatly alter the physical and visual character of the
hillside by creating large notches in ridge lines or by defining wide straight alignments on
hillsides. Natural land forms may often be retained by introducing gentle horizontal and
vertical curves in road alignments.

(1) Street Layout. Where street construction is proposed in hillside areas, the extent of
visual disruption must be minimized by the combined use of retaining structures and
regarding to approximate the natural slope.

(a) Use narrower street widths to reduce grading impact, where acceptable to
Engineering and the Fire Department, when the topography of the small
number of lots served and the probable future traffic development justifies it,
and when safety will not be compromised.

(b) Reduce the visual and safety impacts of hillside street design by use of terraced
retaining walls and landscaping.

(c) Split roadways increase the amount and appearance of landscaping and the
median can be used to handle drainage. They also allow the integration of
natural features into the street design. Split roadways, depending on their
length, can impact Fire Department response times.

(d) Street layout shall be aligned to conform closely to the natural grades. Long
stretches of straight steep roads shall be avoided by use of gentle horizontal and
vertical curves.

(e) Proper sight distances shall be maintained.

(2) Driveways.

(a) Driveway grades should not exceed 15%. The finished grade of driveways shall
conform to the finished grade of the lot. Proper design consideration shall be
given to vertical curves and parking landings. Hillside concrete driveway ap-
proaches from property line to parking space shall be engineered and rein-
fored, as appropriate. Hillside driveway plans should be reviewed and ap-
proved by the Fire Department.

(b) On substandard streets, two (2) guest parking spaces shall be provided (not
tandem). These spaces should be conveniently placed relative to the dwelling
unit. This requirement may be waived when the size and shape of the lot or the
need for excessive grading or tree removal make the requirement infeasible.

(c) Driveway and parking designs that force vehicles to back out into substandard
roadway widths are prohibited.

(d) Common drives in single family hillside residential development should be
considered if grading is reduced by their use. Common easement maintenance
agreements are required for common driveways.

(3) Parking. On-street parking should be provided in parking bays where topography
allows.
e. Reduction of Building Bulk in Multi-Building Projects. Most sloping sites large enough for multi-building projects are highly visible from distant locations. Views of the site from off-site locations should be carefully considered.

(1) Use split pads, pier foundations, stepped footings, and grade separations to permit dwellings to step down or up the natural slope.

(2) Site buildings with different floor elevations to achieve height variation.

(3) Site buildings that are located near the top of hillsides in a staggered arrangement and screen with planting to minimize wall effect.

(4) Avoid long or tall, continuous building masses that create a wall or tower effect and inhibit views.

(5) Articulate facades to produce shadows through wall setbacks, recessed openings, porches, verandas, moderate overhangs, projecting windows.

(6) Avoid extended horizontal rooflines.


(1) Use planting designs that effectively buffer existing hillside residential neighborhoods from the impacts of new hillside development projects.

(2) Revegetate scarred or graded areas.

(3) On slopes of 2:1 or greater, select plant materials with deep rooting characteristics that will minimize erosion and reduce surface runoff. A series of low retaining walls, with sub-drain lines, will provide increased planting area on the slope. This will also reduce runoff and potential erosion.

(4) Use irregular planting spacing to achieve a natural appearance on graded slopes. Plant trees along contour lines in undulating groups to create grove effects which blur the distinctive line of the graded slopes. Shrubs of varying height may be planted between tree strands. Ground covers of native and introduced species are appropriate for slope erosion control.

(5) Plant all landscaping in accordance with the City's Fire Hazard Reduction Vegetation Management Standards.

(6) Applicant shall deposit a three (3) year maintenance bond with the City, or other equivalent assurance as approved by the Director of Public Works, to insure establishment of all public and common area landscaping.

(Ordinance No. 15-97 N.S.)

15.04.510.040 Procedures

A. Initiation. The procedure to establish a RMO district shall be initiated by the Planning Commission or the City Council and shall be the same as for a Zoning Map amendment as specified in Section 15.04.960.
B. Required Application Materials. The RMO district shall be defined by text and graphic materials in sufficient detail to provide the public with clear information regarding the location and characteristics of the physical constraint areas.

C. Required Findings. Approval of an RMO district shall be in compliance with Section 15.04.900 and shall include the following findings:

1. The RMO district conforms to the Richmond general plan; and

2. The RMO district will minimize the dangers to public health and safety from flooding, geologic hazards, or fire.

15.04.510.050 Signs.

All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

15.04.510.060 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions of Sections 15.04.950 and 15.04.990.
15.04.520 SFO-Special Features Overlay District.

SECTIONS
15.04.520.010 Title, Purpose and Applicability.
15.04.520.020 General Standards Pertaining to the SFO District.
15.04.520.030 Procedures.
15.04.520.040 Signs.
15.04.520.050 Administrative and Enforcement Procedures.
15.04.520.060 Special Features Overlay District No. 1, Brickyard Cove Area.
15.04.520.070 Special Features Overlay District No. 3, Point San Pablo Peninsula Area.

15.04.520.010 Title, Purpose and Applicability.

The provisions of Section 15.04.520 shall be known as the SFO-special features overlay district. The regulations contained in the SFO district are intended to apply to specific areas where additional controls to supplement or modify those contained in the base district are required. The specific purposes of the SFO-special features district are:

A. To implement policies of the general plan;
B. To promote the conservation, preservation, protection and enhancement of natural resource and historic, cultural or architecturally significant buildings or areas;
C. To provide desirable incentives for and essential controls over development with unique physical features;
D. To insure aesthetic quality and strengthen the identifying physical qualities and cultural attributes of subareas designated within the district, particularly buildings or sites with historic, cultural or architecturally significant characteristics;
E. To conform the Brickyard Cove special features additive district #1 and San Pablo Peninsula additive district #3 overlay districts.

The SFO district is an overlay district that must be combined with any base zoning district. Each SFO district shall be shown on the Zoning Map by adding the designator "SFO" to the area designated and development in this area shall be in compliance with provisions of this section.

15.04.520.020 General Standards Pertaining to the SFO District.

A. Minimum Site Area. Same as base zoning district.
B. Supplementary Regulations. Regulations imposed in designating a SFO district can be in the form of supplementary regulations which apply to a specific area and/or graphic delineation of the specific area. Area(s) designated SFO shall be shown on the Zoning Map.
C. Performance Standards. The performance standards prescribed in Section 15.04.840 shall apply.
D. Relation to Other Overlay Districts. A SFO district may abut another SFO district but shall not overlap or be superimposed over an area covered by another SFO district.
E. Other Standards. The City Council may adopt any plan, development or conservation policy resolution deemed necessary to fulfill the purposes of this district and may include, but shall not be limited to, building height, bulk, siting and coverage; open space and landscaping; excavation, grading or filling; and related development controls.

F. Conflict. In case of conflict with other regulations of this chapter, Chapter 12.44 or Chapter 15.08, the regulations prescribed by the special feature district shall take precedence.

15.04.520.030 Procedures.

A. Initiation. A special feature overlay district shall be initiated by the Planning Commission or the City Council and shall be adopted pursuant to the procedure specified in Section 15.04.960 pertaining to a Zoning Map amendment.

B. Required Findings. Approval of a SFO district shall be in compliance with Zoning Map amendments pursuant to Section 15.04.960 and shall require making the following findings:

1. The SFO district conforms to the general plan;
2. The SFO district will protect, conserve and enhance specific natural or cultural resources of the community.

15.04.520.040 Signs.

All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

15.04.520.050 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

15.04.520.060 Special Features Overlay District No. 1, Brickyard Cove Area.

Purpose. To preserve the unique physical features and guide development so as to enhance the environmental characteristics of Brickyard Cove and the surrounding hills and ridges. These regulations are enacted to aid in effectuating the Richmond General Plan and the following Council Resolutions:

No. 8676 re: policy and development concepts for shoreline areas and submerged land reclamation in the vicinity of Point Richmond, Brickyard Cove and Brooks Island;

No. 8620 re: guiding policies pertaining to hill area development; and

No. 8627 re: support for establishment of regionwide regulations over Bay filling.

Findings. The removal of earth material from the hill slopes, possible lowering of the ridge crest, and diking or filling within Brickyard Cove without appropriate city control can result in irreparable injury to the public peace, health, safety and general welfare and to the orderly growth of this area.
Regulations and Legend. The following three regulations shall apply to property within the Special Features Additive District No. 1, pertaining to the Brickyard Cove Area, as specified below and as shown on the attached map.

Regulation #1. Preservation of the Ridge Crests.

A. Application. The regulations contained herein under Regulation No. 1 shall apply to all areas within this District. These regulations are established in reference to the ridge crests designated by the symbol shown to the left.

B. Structures. A conditional use permit is required if any portion of a structure is proposed to extend above thirty (30) feet or two (2) stories in height unless such structure is in conformity with any plan of development, approved by the Planning Commission, in accordance with the zoning or subdivision ordinances. A limited number of structures may be permitted within fifty (50) feet of a ridge crest as measured along the ground upon the issuance of a conditional use permit.

C. Other Controls. The following requirements along ridge crests shall be met:

   (1) Quarrying and excavation are generally prohibited within fifty (50) feet of a crest as measured along the ground; exceptions require the issuance of a conditional use permit.

   (2) In considering the issuance of a use permit and in establishing appropriate conditions, the Planning Commission shall be guided by the following development concepts:

       (a) The objective shall be to preserve, enhance and promote the existing and future appearance and resources of these hill areas and shall embody the maximum retention of natural topographic features which include the ridgetop while permitting their development for appropriate permitted uses.

       (b) Views from the ridge crests shall be protected for the enjoyment of all.

       (c) Development of a public access way shall be promoted so that it may take the form of a scenic vehicular drive and/or a hiking trail.


A. Application. The regulations contained herein under Regulation No. 2 shall apply to all areas within this District.

B. Controlling Principle. New development and the continuing operation of existing land use or activities shall be done in a manner which will avoid creating visible scars or otherwise marring the landscape by means of excavation, placement of fill, permanent removal of top soil or native vegetation, grading of roads and driveways, routing and placement of utility lines and poles, or erection of structures.

   Conditional use permit proceedings may be initiated by the Planning Commission in regard to any existing or future types of development or activities if the Planning Commission finds such development or activities may be detrimental to the purposes and intent of these regulations.
C. Specific Controls. The following specific standards relative to changing the hill slopes shall be observed:

(1) Following the date of enactment of this Special Features Additive District, quarrying, excavation or filling which involves moving a volume of earth or other fill material that exceeds 1,000 cubic yards within any single ownership requires a conditional use permit. The land ownership pattern to which this regulation shall apply is shown by the existing property lines on this map. Existing property lines for August 1965 designated by the symbol shown to the left.

(2) Maintenance of existing slopes or creation of new slopes which do not conform with the map slopes and result from the movement of earth or other fill material in excess of 1,000 cubic yards shall require a conditional use permit or an approved plan of development. Typical horizontal and vertical ratios are shown as examples in cross section for portions of this map.

(3) In considering the issuance of a use permit and in establishing appropriate conditions, the Planning Commission shall be guided by the following development concepts:

(a) The precipitous and angular hillside slopes formed by quarrying operations should be utilized as sites for apartment structures which step down the hillside wherever this is feasible. Other portions of these raw and scarred slopes should be shaped or otherwise treated so as to create a less hazardous and more natural land form.

(b) The objective shall be to preserve, enhance and promote the existing and future appearance and resources of these hill areas embodying the maximum retention of natural topographic features which include: rolling and grassy landforms, knolls and ridges, topsoil, rock outcroppings, and drainage swales.

Regulation #3: Preservation of Brickyard Cove as a Water Body of Scenic Interest.

A. Application. The regulations contained herein under Regulation No. 3 shall apply to all areas encompassed by the boundary symbol shown to the left.

B. Diking and Filling. Prior to placement of any more fill material within this area, other than the designated area for a mud dike, the following must be obtained:

(1) A Tentative Subdivision Map or a plan of development which is approved by the Planning Commission. In approving such map or plan the Planning Commission shall be guided by the following development concepts:

(a) Brickyard Cove should be preserved as a distinctive water mass and all forms of offshore use, reclamation or development should be undertaken in a conservation context in order to maximize the potential enjoyment of this primary focal point for the entire surrounding peninsular area. Any potentially conflicting offshore developments should be curtailed unless they are clearly of greater public necessity and interest than the overall need to preserve this water body and its shoreline.

(b) The recognized foreshortening and magnification of visual effect over water should be considered in evaluating the environmental and aesthetic impact of any offshore develop-
ment, and determining the permitted distance of such development from the shore and from each other. Specifically, objects or developments on or above the water appear closer and larger than at the same geographical distance on land, and thus have greater effect upon the visual environmental scene.

(c) Offshore developments should be made more compatible with bayside recreational and residential use by utilizing:

(i) Islands, narrow spits or other simulated natural features of a coastline landscape.

(ii) A limited percentage of the predominantly water area for man-made structures which are artificial in material or form. The bulk and number of all piers, jetties, causeways, bridges or other connective structures should be kept to a minimum.

(2) Any plans pertaining to diking and filling not approved by the Planning Commission prior to the effective date of operation for the San Francisco Bay Conservation and Development Commission shall also be subject to their review and approval.

C. Mud Dike Permitted. A mud dike shall be permitted within the area designated by the symbol show to the left. However, this dike must eventually be altered in accordance with the approved Development Plan specified in B(1) above.

D. Use Permits. Conditional use permits may be issued in accordance with the regulations contained in Regulation No. 2 above and shall be noted on the Development Plan.

Administrative Procedure.

Conformity of Existing Uses. The Planning Commission may initiate proceedings and a property owner may make application relative to issuing a conditional use permit. The Planning Commission may establish necessary conditions in order to achieve better conformity by existing uses and activities with the purpose of these regulations as stated above.

In considering the issuance of a use permit and in establishing appropriate conditions, the Planning Commission shall be guided by the following development concept except as implied by the above specified regulations for this additive district:

1. The burden of alleviating any problems of intrusion, hazards to public safety or annoyance that may occur between new and existing installations shall be placed upon the developers of new or expanding facilities.

15.04.520.070 Special Features Overlay District No. 3, Point San Pablo Peninsula Area.

Purpose. This Special Features Additive District is being established to fulfill the following objectives:

1. To preserve the strong and unique form of the Point San Pablo Peninsula by:

   (a) Minimizing the visual impact of structures on the sides of the ridge and protecting the physical form of the ridge crest.

   (b) Minimizing scarring of the hills due to grading.
2. To guide development in a manner that will result in maximum use and enjoyment of the San Francisco Bay by residents of Richmond and the region by:

(a) Providing the maximum, feasible public pedestrian access to the Bay shoreline of the Point San Pablo Peninsula.

(b) Preserving and enhancing views of the Bay from shoreline access points, scenic highways, and vista points on the Point San Pablo Peninsula.

These objectives are included as policies in the Richmond Coastline Plan and in the Open Space and Conservation Element, both adopted as portions of the Richmond General Plan.

Regulations and Legend. The following three regulations shall apply to property within the Special Features Additive District No. 3, pertaining to the Point San Pablo Peninsula, as specified below and as shown on the attached map.

Regulation No. 1: Preservation of Ridge Crests.

A. Application. The regulations contained herein under Regulation No. 1 shall apply to all areas within the District. These regulations are established in reference to the ridge crest designated by the symbol shown to the left.

B. Structures. No heavy structures (including but not limited to buildings, tanks, and towers) shall rise vertically beyond the top of the ridge crest. However, this does not apply to communication equipment such as antennae, etc., which must be above the ridge crest to be effective.

C. Excavation. No quarrying, grading, or other excavation may reduce the elevation of the ridge crest. Alterations which raise the ridge crest must be made in a manner to blend with the natural contours.

Regulation No. 2: Preservation of Ridge Slopes and Ridge Form.

A. Application. The regulations contained herein under Regulation No. 2 shall apply to sub-area 1 as shown on the accompanying map.

B. Structures. Structures on the ridge slopes shall be designed, placed, and grouped to complement the natural landscape to the maximum extent feasible. Where geologic and soil conditions primarily dictate placement of heavy structures, such as tanks, etc., care should be taken to minimize defacement of natural features of the topography. Paint colors should be selected which will tend to blend the structures into the natural background.

C. Landscaping. Where practical, visible scars created by grading, quarrying, and other excavation shall be revegetated and otherwise landscaped to blend with the natural landscape of the Point San Pablo Peninsula.


A. Application. The regulations contained herein under Regulation No. 3 shall apply to sub-area 1 as shown on the accompanying map.
B. Pedestrian Access.

1. Free, permanently guaranteed, public, pedestrian access to the shoreline shall be provided to the greatest extent possible in all new developments, as specified in the McAteer-Petris Act of 1965. Access may not be required in new developments where:
   a. Water-oriented uses such as docks, shipping terminals, industries requiring deep water, and pipelines between ship and shore, require use of the Bay and cannot reasonably provide public access.
   b. Public pedestrian access would create a safety hazard.

2. All shoreline pedestrian access points shall be linked with on-shore sidewalks, paths, passageways, roads, or other links to the greatest extent possible. If no other on-shore link to another shoreline access point is possible, access must be provided to a public right-of-way. An interruption of public pedestrian access greater than 1,500 feet measured parallel to the shore or requiring going more than 500 feet inland may be permitted if a conditional use permit is issued, therefore, by the Planning Commission in accordance with Section 15.04.910.

3. Adequate provision shall be made for automobile and bicycle parking at or near shoreline access points. Any actual installation would be the responsibility of the appropriate public agency.

C. Visual Access.

1. Application. These regulations contained herein under Regulation 3(c) are established in reference to the vista points designated by the symbol at left. The symbols on the map designate the general location of a vista point and not a specific site.

2. Any new structures erected between Western Drive and San Francisco Bay or between a vista point and San Francisco Bay shall be planned to preserve as much as is feasible the view directly outward from Western Drive or the vista point to San Francisco Bay. Any structure that obstructs a view for more than 500 feet or that does not provide an area between structures equal to at least one-half the width of the structure may be permitted if a conditional use permit is issued therefore by the Planning Commission in accordance with Section 15.04.910.
15.04.530 Transition Zone Overlay District.

The regulations contained within the transition zone overlay district are intended to be applied to the transition zone (as defined at Section 15.04.020) to implement the following:

(1) To implement policies of the General Plan and Knox Freeway Cutting Boulevard Corridor Specific Plan;

(2) To guide development in order to avoid physically conflicting land uses, between residential land users, light-industrial office-flex land users, and heavy-industrial or marine-port land users which may generate heavy-truck traffic, noise, vibrations, glare, odors, dust, hazardous pollutants and fumes; and

(3) To promote the public health, safety and welfare of all residents, occupants of property within the transition zone by improving the quality of their environment.

The transition zone overlay district (TZOD) shall prohibit the following:

(1) Residential use types of any kind, i.e. single-family, duplex or multifamily, live-work, work-live, mixed-use, caretaker residence, residential care facilities and dormitory facilities related to an educational use, including all forms of transitional housing or transient lodging, i.e., overnight accommodation such as hotels and motels, bed and breakfast inns, and rooming and boarding houses; and any use in which people reside.

(Added by Ordinance No. 18-08 N.S.)
ARTICLE 15.04.600 PA-PLANNED AREA DISTRICT

15.04.610 PA-Planned Area District.

SECTIONS

15.04.610.010 Title, Purpose and Applicability.

The provisions of Section 15.04.610 shall be known as the PA-planned area district. The purpose of this district is to promote development of large areas in substantial compliance with the principles and standards of the Richmond general plan. This includes permitting appropriate variety and diversity in the composition and relationship of land uses, building types, structures, lot sizes and open spaces. The specific purposes of the PA district are to:

A. Establish a procedure for the development of large parcels of land (2 acres or more) in order to reduce or eliminate the rigidity, delays and conflicts that otherwise may result from application of zoning standards and procedures designed primarily for small parcels;

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

C. Establish a review procedure for large residential developments including condominium developments;

D. Provide the allocation and improvement of common open space in residential areas, and provide the mechanisms for the maintenance of open space by those who will most directly benefit from it;

E. Permit the development of commercial and industrial developments in appropriate locations to obtain a coherent design, increased public amenities, and protection and buffering for adjacent land uses;

F. Establish review procedures for any project utilizing atypical design concepts, and/or not conforming with the standards of the base zoning district;

G. To facilitate implementation of the City's affordable housing policies.

15.04.610.020 General Standards Pertaining to the PA District.

A. Minimum Area. The minimum area of a PA district shall be two acres of contiguous land.

B. Density. The maximum number of dwelling units or density in a PA district shall not exceed the maximum permitted by the Richmond general plan designation for the total area of parcels designated for the specific use and for open space. This excludes areas devoted to public and private streets and areas with a slope in excess of 30%. Maximum residential density and/or commercial floor area ratio in a PA district shall not exceed the maximum permitted by the Richmond general plan designation for the total area of parcels designated for PA use.
C. Performance Standards. The performance standards prescribed in Section 15.04.840 shall apply.

D. Other Standards. Minimum lot areas, setbacks, building height limits, other development standards and similar regulations of the base zoning districts may be modified as a part of an approved PA district. Regulations of other sections of this chapter are applicable.

15.04.610.030 Procedures

A. Initiation. An amendment to the zoning ordinance to rezone property to a PA district shall be initiated by a property owner or authorized agent, the Planning Commission or the City Council. If the property is not under single ownership, all owners shall join in an application, and a map showing the extent of ownerships shall be submitted with the application materials specified in subsection 15.04.610.040 of this section.

B. Rezoning and Subdivision. Rezoning property to the PA district shall be carried out as specified in Section 15.04.960. If the development in a planned area district includes the subdividing of land, initial review and approval in principle of a subdivision preliminary plan by the Subdivision Review Committee of the Planning Commission is required. The PA plan shall be in conformance with Chapter 15.08, Subdivisions, but shall be processed through the City Council prior to any subdivision tentative map pursuant to Section 15.08.070. Subsequent approval of the subdivision tentative map by the Planning Commission shall be consistent with the approved planned area plan.

C. Required Application Materials. All of the following materials shall be required to be submitted for an amendment to the zoning ordinance and map for a PA-planned area district:

1. A map at a scale no smaller than 1 inch = 100 feet showing proposed district boundaries, existing contours at no greater than 10 feet intervals, and the relationship of the district to uses and structures within 300 feet of district boundaries;

2. A description of what is being proposed, a statement as to its conformance to the Richmond general plan or adopted local area plan, and the proposal's relationship to future land use(s) in the surrounding area;

3. A plot plan, at no smaller than 1 inch = 100 feet including building locations and types, existing and finished contours at no greater than 5 foot intervals, and other appropriate site details including provisions for circulation and parking;

4. The proposed land use or uses and acreage of each separate grouping within the subject area and proposed population densities;

5. The existing natural land features, topography, rock outcrops, tree masses and watercourses on and adjacent to the proposed development;

6. The location and boundaries of the subject property;

7. The metes and bounds of the boundary of the subject property together with dimensions of lands to be divided;

8. A preliminary landscape and recreational plan;
9. Preliminary soils report;

10. Preliminary grading plan, or principles and standards;

11. An analysis of all public, quasi-public and recreational areas and facilities proposed to be located within the development. This analysis shall include a statement of anticipated financing, development and maintenance;

12. A justification of the need for commercial and industrial uses, if any, proposed to be located within the development;

13. A market analysis of proposed commercial uses, if the property is not zoned for commercial purposes at the time of submittal of the development plan;

14. A residential density analysis of the subject area, and the estimated population resulting therefrom;

15. Delineation of the progressive schedule of construction of units, if the entire development is not to be constructed at one time.

D. Approval of PA. The Planning Commission shall consider an application for rezoning to PA district as prescribed in Section 15.04.960. A recommendation of the commission to the City Council to rezone to a PA district shall be accompanied by a resolution which shall include the following findings:

1. The PA plan is consistent with the Richmond general plan and other applicable policies and is compatible with surrounding development;

2. The PA plan will result in superior urban design in comparison with the development under the base zoning district regulations that would apply if the plan were not approved; and

3. The PA plan includes adequate provision for utilities, public services, emergency vehicle access that will not exceed the capacity of existing and planned public services and infrastructure.

Denial of the application by the Planning Commission shall be final unless an appeal is filed to the city council within ten days pursuant to Section 15.04.980 of this chapter.

Upon receipt of a Planning Commission recommendation of approval, or approval subject to conditions, within sixty days the City Council shall hold a public hearing on the application to rezone to PA district. Following the public hearing, the Council may adopt an ordinance changing the zoning on the subject property to the PA district and approving the PA plans, such approval being subject to such conditions as the Council deems appropriate; or the Council may deny the application.

E. Status of PA Plan. A PA plan shall be effective on the same date as the ordinance creating the PA district for which it was approved and shall expire four years after the effective date unless a building permit has been issued and construction diligently pursued. An approved PA plan may specify a development stage exceeding four years.

The Planning Commission may renew a PA plan for three years subject to a review of the conditions and a finding of consistency with the Richmond general plan is made. Application for renewal shall
be made to the Planning Director in writing prior to the expiration of the PA plan. Upon such application, the PA plan shall automatically be extended for 60 days or until the application for extension is considered at a public hearing with notice given as specified in Section 15.04.910, whichever comes first.

Design Review Board: Design Review Board review and recommendation to the Planning Commission is required. The Planning Director or his/her designee shall review the building permit applications to ensure compliance with the conditions of the PA district approval.

15.04.610.050 Signs.

All signs must comply with the applicable provisions of Section 15.04.860, in addition to Chapter 15.06, Sign Ordinance, and Chapter 4.04, Sign Code.

15.04.610.060 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions prescribed in Section 15.04.900. Provisions of this section and any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.

(Amended by Ordinance Nos. 37-96 N.S. and 7-99 N.S.)
ARTICLE 15.04.700 OUTDOOR VENDORS

SECTIONS
15.04.710 Purpose and Applicability.
15.04.720 Definitions.
15.04.730 Permits Required.
15.04.740 Exemptions.
15.04.750 Contents of Application.
15.04.760 Site Criteria/Operational Characteristics.
15.04.770 Design Standards.
15.04.780 Enforcement.
15.04.790 Performance Standards.

15.04.710 Purpose and Applicability.

This section provides guidelines to implement policies as to the operation of outdoor vendors (motorized and nonmotorized) located in C (Commercial), M (Industrial), and PC (Public and Civic Uses) zoning districts, on private and public properties. While outdoor vending is primarily viewed as a transitional alternative for small business incubators, this article seeks to balance the present and future demand for such activities with the orderly development of underutilized properties throughout the City, and to acknowledge the social benefits and competitive advantages that outdoor vending activities may enjoy, and the influences they may exert on our community.

15.04.720 Definitions.

(a) **Commissary** means a food establishment in which food, containers, equipment, or supplies are stored or handled for use in mobile food facilities, mobile food preparation units, stationary mobile food preparation units, or vending machines.

(b) **Outdoor vendor** means a person who sells or displays for sale any type of goods or services on private property, but not within a structure constructed on a permanent foundation. Persons engaged in a business conducted from a structure constructed on a permanent foundation that involves outdoor display, sale, or storage of the same type of goods sold as part of the primary business activity on those premises shall not be considered outdoor vendors under this chapter provided that all sales transactions occur within the permanent structure. Businesses located within the public right-of-way shall not be included in this article, and they shall be regulated under Chapter 7.40 of the Richmond Municipal Code (Peddlers and Solicitors).

(c) **Mobile vending unit** means any vehicle (e.g., track, trailer, wagon) or structure not permanently fixed to a permanent foundation and which may be moved under its own power, moved by hand, towed by a motor vehicle or carried upon or in a motor vehicle or trailer. A mobile vending unit does not include news racks or vending machines but does include mobile vending food preparation units and vehicles. A motorized mobile vending unit is one which can move under its own power; a nonmotorized mobile vending unit is one which may not be moved under its own power.
15.04.730  **Permits Required.*  

The following permits/licenses must be obtained as part of the conditional use permit process for new applications or if there is a change in operator(s) at any time during the term of an existing conditional use permit. Proof of compliance with all required permits/licenses shall be submitted to Planning Department to be kept on file for the subject location:

1. **Zoning.** A conditional use permit shall be required for outdoor vendors and shall comply with all terms and conditions as provided in Section 15.04.910.

2. **Other.**
   
   (A) **Business License.** Every outdoor vendor shall obtain a City business license prior to operation.
   
   (B) **County Health Department.** If food and/or beverages are being sold, a valid permit from the County Health Department is required for the commissary as well as for the mobile vending unit.
   
   (C) **Department of Housing and Community Development.** Any mobile food vending unit owner shall provide proof that the vehicle is State certified for operation as a mobile food preparation truck, including compliance with Department of Housing and Community Development plumbing and electrical standards.
   
   (D) **Vehicle Insurance and Registration.** Proof of current insurance and registration of the vehicle shall be required at the time of the CUP application or at any time that there is a change of operator during the term of the CUP.
   
   (E) **Police Department.** Outdoor vendors shall obtain a picture identification card at the City Police Department.

3. **Permit and License Display.** All permits and licenses shall be displayed at the place of business all times.

15.04.740  **Exemptions.**  

The following activities shall be excluded from the requirements of this outdoor vendors ordinance:

1. **Outdoor activities that take place within the public right-of-way (e.g.; peddler businesses);**

2. **Pumpkin sales from October 1 to October 31, inclusive;**

3. **Christmas tree sales from November 1 to December 25, inclusive;**

4. **Residential yard sales activities up to three days within any three month period;**

*Editor's note—Ord. No. 07-11 N.S., §§ 2, 3, adopted Feb. 15, 2011, places a temporary moratorium on the acceptance, processing and approval of applications to establish outdoor vendors in any zoning district within the City of Richmond until April 1, 2011, or until such time as a zoning ordinance amendment addressing outdoor vendors becomes effective. "Outdoor vendor" shall have the same definition as in Section 15.04.720(b) of the Richmond Zoning Ordinance.

Subsequently, Ord. No. 10-11 N.S., § 3, adopted March 15, 2011, extends said temporary moratorium until February 16, 2012, or until such time before then as a zoning ordinance amendment addressing outdoor vendors becomes effective.
(5) Nonprofit activities related to religious establishments, community events, and fundraisers up to three days within any three-month period;

(6) Special events that take place on land within public and civic uses zoning districts for no more than a maximum of 30 calendar days within any twelve-month period.

15.04.750 Contents of Application.

The following additional information shall be submitted with a use permit application:

(1) A plot plan of the site, drawn to scale, showing the location of the proposed vending operation and identifying all building entrances/exits, hydrants, handicapped access ramps, and pedestrian crosswalks in the immediate vicinity of the proposed vendor location;

(2) Specifications and details of the proposed mobile vending unit or equipment;

(3) Written authorization from the property owner to operate the vending business and apply for a conditional use permit at the proposed location;

(4) A detailed description of the proposed vending operation including a list of merchandise, type of food/beverages offered for sale, and proposed hours of operation.

15.04.760 Site Criteria/Operational Characteristics.

The following criteria shall apply to the siting and operational characteristics of outdoor vendors:

(1) Outdoor vending activities shall be allowed only in C (Commercial), M (industrial), and PC (Public and Civic Uses) zoning districts, and with a conditional use permit only.

(2) There shall be a minimum 300’ distance between outdoor vendors in order to limit undue proliferation.

(3) Only one sign is allowed per property, unless otherwise permitted through CUP approval.

(4) The CUP shall be specific for each property location.

(5) Vendors shall obtain and display a valid health certificate from the County Health Department on vending equipment at all times.

(6) Hours of operation shall be established as part of CUP approval.

(7) Outdoor vendors located on the premises of an already established business shall be allowed to operate their business on that location only if it can be shown that there is adequate parking for both the established business and adequate parking for customers of the outdoor vendor business.

(8) The mobile vending unit shall be located on the site so as not to impede on-site traffic flow or impact safe sight lines as determined by the City Public Works Department.

(9) The off-site location where the mobile vending unit is to be stored overnight must be identified part of the use permit review. Mobile vending units may not be parked in residentially zoned areas within
Richmond and any proposed site within the City must be approved as part of the CUP. All vending equipment including the mobile vending unit, shall be removed from the subject site at the end of each business day.

(10) Wash down of the mobile vending unit shall be only permitted at an approved facility that will capture the waste water in an approved sanitary sewer.

(11) The outdoor vendor(s) shall be responsible for cleaning up the site and adjacent surrounding area of the trash and debris generated by the business during and at the end of each business day.

(12) Disposal of cooking waste may only occur at County Health Department approved facilities.

(13) The mobile vending unit shall not be located within a twelve (12) foot radius of the outer edge of any entranceway to any building or facility used by the public, including but not limited to doors, driveways, and emergency exits.

(14) The mobile vending unit shall not be located where space for pedestrian passage will be reduced to less than six feet, or within ten (10) feet of any residential unit.

(15) A CUP for outdoor vendors shall be considered temporary and granted only for a maximum of two years. New CUP applications, for additional two-year periods, may be considered by the Planning Commission.

(16) Operators shall provide restroom facilities in compliance with County Health Department requirements.

(17) All structures, equipment or vehicles related to the mobile vendor business shall be located on a paved surface that meets the City Public Works Department standards.

(18) Outdoor vendors shall provide adequate (glare-free) lighting for all structures, equipment or vehicles related to the business as necessary to maintain a safe environment for their customers and employees.

15.04.770  Design Standards.

(1) Signage. One sign per property. Maximum display area shall not exceed 20 SF; sign shall be no taller than 12'.

(2) Provision of at least two litter receptacles.

(3) If provided, canopy or shelter structures shall be subject to Development Review Organization (DRO) review and approval.

(4) Additional requirements including but not limited to the above listed, shall be determined on a case by case basis by the Planning Commission through the conditional use permit process.

15.04.780  Enforcement.

(1) City Police and Building Inspectors shall work with County Environmental Health Inspectors to inspect food-related businesses on an annual basis. Whenever possible, random inspection shall be coordinated between Police, Building, and Environmental Health Inspectors.
(2) Approval letter with CUP conditions of approval shall be displayed on the mobile vending unit at all times.

(3) If applicant decides to relocate business to a new property, a new CUP shall be obtained for the new location.

(4) Compliance with CUP conditions of approval is a requirement of continuing operation.

(5) Existing outdoor vendors that have not obtained a CUP as of the date of adoption of the ordinance codified in this article shall be granted for 6 months from the date of adoption of the proposed ordinance in which to apply for and obtain approval of a conditional use permit.

15.04.790  Performance Standards.

Outdoor vendors shall comply with all applicable performance standards delineated in Section 15.04.840.

(Source: Ordinance No. 8-99 N.S., amended by 07-11 N.S. and 10-11 N.S.)
ARTICLE 15.04.800 GENERAL STANDARDS


SECTIONS

15.04.810.010 Home Occupations in Residential Districts.
15.04.810.020 Second Dwelling Units.
15.04.810.030 Fencing and Landscaping Standards.
15.04.810.040 Homeless Shelters and Transitional Housing.
15.04.810.050 Housing Density Bonus.
15.04.810.060 Inclusionary Housing.

15.04.810.010 Home Occupations in Residential Districts.

SECTIONS

15.04.810.011 Definitions.
15.04.810.013 Procedures.
15.04.810.014 Administrative and Enforcement Procedures.

15.04.810.011 Definitions.

A home occupation is a business enterprise conducted in a dwelling unit, garage or accessory building in a residential district that is incidental to the principal residential use and which is consistent with the criteria below.


A. Criteria. A home occupation in a residential district shall require a certificate of home occupation authorization. No certificate shall be granted unless the use conforms to all of the criteria listed below.

1. Primary use must be the residence of the person conducting the occupation;

2. The home occupation is conducted entirely within the principal dwelling. A garage shall not be used in connection with a home occupation, if such use interferes with its primary use as vehicular storage;

3. No outdoor storage or display of vehicles, equipment, materials or supplies related to the home occupation shall be permitted. Exception: one business vehicle, up to one-ton capacity, with signage, used for the home occupation shall be permitted. The applicant shall describe all materials, including hazardous materials and how they would be used;

4. No more than one person other than resident(s) of the dwelling shall be employed on-site or report to work at the site of the home occupation except for other employees of licensed child care facilities. This prohibition also applies to independent contractors;
5. The home occupation shall not generate vehicular or pedestrian traffic in excess of that which is normally associated with residential uses in the same district. Exceptions:
   a. Child care up to 12 children;
   b. Individual instruction or tutoring, professional services, consulting, and single-chair barber or beauty shops provided they serve one client at a time;
6. There shall be no exterior indication of home occupation, including signs;
7. The home occupation shall not create noise, odor, dust, vibration, smoke, electrical disturbance, or any other interference with residential uses of adjacent property;
8. Home occupations shall comply with all other applicable City codes and ordinances;
9. Child care up to 12 children, individual instruction or tutoring, counseling, consulting and single-chair barber or beauty shops [if they are receiving clients in the home as allowed under (5) above] will be permitted as home occupations in single-family dwellings only.

B. Content of Application. An application for a home occupation authorization shall contain:

1. The name, address and telephone number of the applicant;
2. A complete written description of the proposed home occupation, including number of persons employed, in the case of child care facilities or consistent with exceptions noted above in A.5., or retained as independent contractors, amount of floor space occupied, provisions for storage of materials, and number and type of vehicles used. Additionally, the description shall include a discussion of how the home occupation will comply with the required conditions listed above.

15.04.810.013 Procedures.

A request for a certificate of home occupation authorization for a home occupation shall be obtained by filling out a completed application form with the Planning Director or designee. The Planning Director or designee shall issue the permit after making a determination that the proposed home occupation complies with all of the requirements of this section. If a conditional use permit is required, then the application and procedures for applying for same shall be pursuant to Section 15.04.910.

Decisions of the Planning Director may be appealed to the Planning Commission as specified in Section 15.04.900.

15.04.810.014 Administrative and Enforcement Procedures.

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Violations of the provisions of this section and one or any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.
15.04.810.020 Second Dwelling Units.

SECTIONS

15.04.810.021 Applicability.
15.04.810.022 Definitions.
15.04.810.023 Location.
15.04.810.024 Permitting Procedures.
15.04.810.025 Second Dwelling Unit Permit.
15.04.810.026 Development Standards.
15.04.810.027 Submittal Requirements and Application Processing.
15.04.810.028 Deed Restrictions.
15.04.810.029 Expiration and Renewal.
15.04.810.029.010 Existing Nonconforming Second Dwelling Units.
15.04.810.029.020 Administrative and Enforcement Procedures.

15.04.810.021 Applicability.

This section is intended to implement the policies contained in the housing element of the Richmond general plan and is in compliance with Government Code State Law Section 65852.2, by allowing second dwelling units in all Residential Districts, Planned Area Districts and in the exclusive agriculture District as a permitted use in compliance with the requirements of this section.

This section provides standards for the development of second dwelling units and ensures that they remain compatible with the existing neighborhood. It is not the intent of this section to override lawful use restrictions as set forth in conditions, covenants and restrictions of any subdivision.

15.04.810.022 Definitions.

A second dwelling unit is an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as a legally created dwelling unit. A second dwelling unit may be created by:

A. Alteration of an existing residential structure whereby separate cooking, eating, sleeping and sanitation facilities are created, and includes a separate entrance/exit door from the main residential structure;

B. Conversion of an attic, basement, or other previously uninhabited portion of a residential structure, as specified in this section, that includes a separate entrance/exit door from the main residential structure;

C. Creation of a separate residential unit onto an existing residential structure;

D. Creation of a detached residential unit, no larger than 640 square feet, within the building envelope or in the rear yard of the lot and subordinate to the main residential structure;

E. Manufactured housing may be permitted.
15.04.810

15.04.810.023  Location.

A. One second dwelling unit may be located on any residentially zoned lot that permits single-family dwellings, which is either undeveloped or contains only a legal single-family detached dwelling, and meets the minimum lot size required for the zoning district.

B. Second dwelling units shall not be allowed where roadways, public utilities and services are inadequate.

C. Second dwelling units shall be a residential use that is consistent with the current general plan and zoning designation for the lot.

15.04.810.024  Permitting Procedures.

Any application for an attached second dwelling unit that meets the location and development standards contained in this Code shall be approved ministerially without discretionary review or public hearing. Attached second dwelling units that are exempt from design review will be approved only if they meet the criteria outlined below, Section 15.04.810.026, Development Standards.

Design Review. If the creation of a second dwelling unit requires external alterations or additions (other than doors and windows) to the primary dwelling unit, is above 250 square feet in area or above 22 feet in height, or involves the construction, renovation or reuse of a detached structure on the lot, then the application shall be subject to design review pursuant to Section 15.04.930. In approving the design of second dwelling units, the Design Review Board shall make findings that a second dwelling unit conforms to general standards for second dwelling units established by this section and the design review ordinance (Section 15.04.930).

15.04.810.025  Second Dwelling Unit Permit.

Second dwelling unit permit required. A second dwelling unit permit is required for all second dwelling units. Applications for a second dwelling unit permit shall be submitted to the Planning Department accompanied by the required fee and all the supporting documents outlined in Section 15.04.810.027, Submittal Requirements and Application Processing.

15.04.810.026  Development Standards.

A second dwelling unit permit will only be issued if it complies with the following development standards:

A. Setbacks.

1. Residential Districts. For attached second dwelling units, all requirements and regulations of the zoning district in which the lot is situated shall apply, including but not limited to height, lot and yard requirements, and lot coverage. Detached second dwelling units are subject to the height, setbacks and yard area requirements set forth in this section.

No detached second dwelling unit shall be closer than 10 feet to the main dwelling on the same lot and on adjacent lots. A second dwelling unit shall not be closer than 5 feet from any property line or accessory structure on the same lot.
2. PA (Planned Area) Districts. A second dwelling unit shall not be in conflict with any applicable planned area district regulations.

B. Unit Size.

1. No newly constructed second dwelling unit may have more than two bedrooms, nor contain a floor area in excess of 640 square feet. Efficiency units shall not contain less than 150 square feet.

2. Internal Conversion. The floor area of an attached second unit shall not exceed 30% of the existing living area of the main dwelling unit or 640 square feet, whichever is less.

C. Height. A detached second dwelling unit shall not exceed two stories. The maximum building height for a second dwelling unit is 22 feet.

D. Off-Street Parking. One uncovered paved off-street parking space shall be provided for the second dwelling unit in addition to the covered parking space(s) required for the existing residence. Tandem parking shall not be allowed. The required parking space for the second dwelling unit may be provided in the required front yard if pad and driveway are paved with a decorative treatment such as aggregate, brick, pavers, or similar materials.

E. Architectural Compatibility. The second dwelling unit shall be clearly subordinate to the main dwelling unit on the lot with regard to size, location and appearance. The exterior design shall be compatible with the main dwelling unit and shall incorporate same or similar building materials, colors, and exterior surfaces and finishes as those on the main dwelling unit.

F. Privacy. Any window or door of a 2nd story second dwelling unit shall utilize techniques to lessen the privacy impacts onto adjacent properties. These techniques may include use of obscured glazing, window placement above eye level, orienting windows and doors toward the existing on-site residence, and/or screening treatments.

G. Permanent Foundation. A permanent foundation shall be required for all second dwelling units.

H. Outside Access. Outside access to a second dwelling unit shall be separate from the main dwelling unit.

I. Number Per Lot. A maximum of one second dwelling unit shall be permitted on any lot.

J. Nonconforming Structures (except main dwelling units that are nonconforming due to parking). Where the existing main dwelling unit constitutes a legal nonconforming unit, a second dwelling unit may be constructed only if the nonconformity is not expanded and the second dwelling unit meets all current applicable zoning standards.

K. Conformance to Applicable City Codes. The second dwelling unit shall be constructed in compliance with all applicable building codes and City regulations.
Submittal Requirements and Application Processing.

A. Submittal—the application package for a second dwelling unit permit shall be submitted to the Planning Department prior to submitting for a building permit. The second dwelling unit application package shall include:

1. Plot Plan (Drawn to Scale). Dimension the perimeter of the parcel on which the second dwelling unit will be located. Indicate the location and dimensioned setbacks of all existing and proposed structures on the project site and structures located within 50 feet of the project site. All easements, building envelopes, and special requirements of the subdivision as shown on the final map and improvement plans shall be included. For sloping parcels, provide average slope calculations for the project site.

2. Floor Plans. Each room shall be dimensioned and the resulting floor area calculation included. The use of each room shall be identified. The size and location of all windows and doors shall be clearly depicted.

3. Elevations. North, south, east and west elevations which show all openings, exterior finishes, original and finish grades, stepped footing outline, roof pitch, materials and color board for the existing residence and the proposed second dwelling unit.

4. Cross Section. Provide building cross sections including, but not limited to: structural wall elements, roof, foundation, fireplace and any other sections necessary to illustrate items such as earth-to-wood clearances and floor-to-ceiling heights.

5. Color Photographs of the Site and Adjacent Properties. The photos shall be taken from each of the property lines of the project site to show the project site and adjacent sites. Label each photograph and reference to a separate site plan indicating the location and direction of the photograph.

6. Deed restriction completed as required, signed and ready for recordation.

B. Issuance—the Planning Department shall issue a second dwelling unit permit if it conforms to the specific standards contained in Section 15.04.810.026, Development Standards.

Deed Restrictions.

Before obtaining a second dwelling unit permit, the property owner shall file with the Contra Costa County Recorder a declaration or agreement of restrictions, which has been approved by the City Attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

The second dwelling unit shall not be sold separately;

A. The second dwelling unit is restricted to the maximum size allowed per the development standards in Section 15.04.810.026;

B. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.
**15.04.810.029  Expiration and Renewal.**

A second dwelling unit permit granted pursuant to this section shall automatically expire and shall be invalid unless building permits are issued for the second dwelling unit no later than one year from the date of approval. A one-year extension for the second dwelling unit may be granted by the Planning Manager if a written request for extension is received not less than 30 days prior to the date of expiration of the permit. If the building permit becomes null and void, the second dwelling unit permit shall become null and void.

**15.04.810.029.010  Existing Nonconforming Second Dwelling Units.**

An existing second dwelling unit which does not conform to the provisions set forth in this section shall constitute a violation of this Code unless:

A. A second dwelling unit permit is granted for such second dwelling unit under the provisions of this section; or

B. The second dwelling unit qualifies as a permitted nonconforming use and building under the provisions of Section 15.04.940.

**15.04.810.029.020  Administrative and Enforcement Procedures.**

All activities, development and uses allowed in this district are subject to the provisions contained in Section 15.04.900. Violations and infractions of the provisions of this section and one or any conditions of approval will be enforced in accordance with the provisions set forth in Sections 15.04.950 and 15.04.990.
15.04.810.030  Fencing and Landscaping Standards.

SECTIONS

15.04.810.031  Applicability.
15.04.810.032  General Requirements.
15.04.810.033  Fencing Definitions.
15.04.810.034  Fencing Location.
15.04.810.035  Fencing Amnesty.
15.04.810.036  Fencing Permit Requirements.
15.04.810.037  Fencing Height Limits.
15.04.810.038  Fence Design.
15.04.810.039  Exceptions to Fence Height Regulations.

15.04.810.031  Applicability.

The purpose of these regulations is to provide guidelines for design, construction, and maintenance of fencing and landscaping in the residential districts of the City. Standards governing fences are established to promote the public health, safety, and welfare, encourage an aesthetic environment and allow for privacy, while maintaining access to light and air. Landscaping shall be a major component of all site design in order to create a city that has a strong landscaped character. The landscaping provisions of this section shall apply as a minimum for all new residential developments.

15.04.810.032  General Requirements.

The following requirements shall apply to all residential districts:

A.  Landscaped Area. All required yards and setbacks shall be landscaped with live plant material. Decorative landscape features such as brick, stone, art, fountains and ponds may be used within the landscaped area, provided such materials present an attractive setting consistent with the intent of the landscaping requirements. All landscaping in new construction projects shall comply with the City's landscape guidance as they may be amended by the City Council.

On property at any corner formed by intersecting streets, the landscaping shall not be higher than 3.5 feet above the level of the center of adjacent intersection within that triangular area (sight triangle) between the property line and a diagonal line joining points on property lines twenty-five feet from the point of their intersection. (See Section 14.64.050 of this Code).

B.  Street Trees. All new developments shall provide at least one street tree with a minimum caliper of 1\(\frac{1}{2}\) inch or a minimum 15-gallon size container for each 50 linear feet of street frontage. The actual size and number of trees required will vary depending on location. The Director of the Department of Public Works will review all preliminary plans and make the determinations as to the number of trees and placement. All street trees and/or any other tree plantings within 10 feet of the public right-of-way including sidewalks, curbs and gutters, or street surface shall be installed with approved root barriers and deep water tubes (2 per tree).

C.  Open Parking Areas. Open parking areas (parking that is not enclosed in a structure or covered by a roof) for dwellings of 2 or more family units shall be screened from view of adjacent property by a
fence, wall or hedge or combined open fence and planter, at least 3.5 feet in height, but no higher than
the maximum height permitted by Section 15.04.810.033, wherever the open parking area is within
20 feet of the side or rear property line. Open parking courts shall be permitted within 5 feet of the
front lot line provided that:

1. The building or portion thereof is set back at least 30 feet from the front lot line;

2. A landscaped strip 5 feet wide containing some vines, shrubs or trees, which normally grow to
   a height of at least 3 feet, in front of a screening wall or fence 3 feet to 3.5 feet high is provided
   and maintained, along the front line;

3. A landscaped area at least 5 feet in width shall be provided between the parking area and the
   building. This strip may be penetrated by walkways and entrances as needed; suitably land-
   scaped and fenced private patio areas may occupy this setback;

4. Parking areas in required front yard may encroach on the extension of one of the required side
   yards if the screening provided at the side lot line is a solid wall 3 feet to 3.5 feet high.

D. Maintenance. All landscaped and paved areas shall be maintained in a neat and orderly condition
with healthy ground coverings, plants, shrubs and trees, free of litter. Residential dwellings with two
or more units shall provide an automatic irrigation system within all landscaped areas upon initial
construction or occupancy of property.

E. Multiple Dwellings—Garbage Containers Enclosures. Garbage and recycling containers shall be
screened from view of the public and from the rest of the common open space by a fence or any other
device that will conceal the containers from view of a person of six-foot height and will allow proper
cleaning of the storage area. Examples include interior refuse storage areas, a partial fence enclosure,
or a combination of fencing and landscaping. In no case shall the fence height violate other
provisions of this section. Also see Section 9.22.090(c)(8) of this Code.

15.04.810.033  Fencing Definitions.

The following terms are hereby defined for the purposes of this section:

**Fence** means a barrier that functions as a means of protection or confinement or obscures sight to provide
privacy, including a wall (solid concrete or masonry, thick and substantial), hedge (vegetative, continuous
and substantial), or structure made of metal, wood or similar material (relatively thin).

**Pilaster** means a vertical component of a fence that is larger in horizontal cross section than the rest of the
fence and made of more substantial materials, usually providing intermittent enhanced support as well as
serving as a decorative element.

**Picket** means a repetitive vertical element of a fence with a small horizontal cross section.

**Yard, front, rear and side:** See Section 15.04.020.147.

**Opacity** means the proportion of a fence construction that is opaque, including pilasters and pickets.

**Fence height** means the distance from the grade at the base of the outside of the fence to the top of the
highest component. Where a fence is constructed on top of a retaining wall, the height shall be measured
from the outside base of the retaining wall, where the yard is on the high side of the retaining wall, and
from the top of the retaining wall, where the yard is on the low side of the retaining wall.
**Sight triangle** means the area enclosed by a triangle formed by the intersecting property lines of a corner lot at a street intersection for a distance of 25 feet or by an alley intersecting a street for a distance of 15 feet that obstructs a driver's view of approaching, merging or intersecting traffic.

**15.04.810.034  Fencing Location.**

A. Fence Location on a Lot. Fences may be erected, placed or maintained along or adjacent to a lot line or within a yard. A fence located on a property line shall be considered as being within the yard adjacent to that property line. The fence owner shall be responsible for properly locating all property lines before construction of any fence.

B. Fence Encroachment Onto Public Property. No portion of any fence shall encroach upon or project into any public right-of-way or other public property without the fence owner first obtaining from the City an encroachment permit or agreement.

C. Prohibited Fence Locations. No person shall place, construct, maintain, or cause to be placed any fence that may endanger the public safety, including but not limited to the following:

1. Fire Hydrant Access. No fence shall obstruct free access to any fire hydrant.

2. Sight Triangle. No fence that is a visual obstruction may be constructed or maintained within the sight triangle (see Section 14.64.050). A fence shall be deemed to be a visual obstruction if any part of it over 42 inches high has opacity in excess of 20 percent.

**15.04.810.035  Fencing Amnesty.**

A. Existing Nonconforming Fences. Existing nonconforming fences existing prior to the date of adoption of the ordinance codified in this section shall be deemed approved, with the following exceptions, until the property owner requests property enhancements that require discretionary review or the property is sold:

1. Front yard fencing over 6 feet in height;

2. Front yard fencing which is solid (in excess of 50% opacity) over 3'6" in height;

3. Any portion of fencing in the sight triangle over 3'6" high with an opacity of more than 20%;

4. Any dilapidated fencing as described in Chapter 9.22 of this Code or fencing constructed of materials or components not allowed by this chapter.

Fences not conforming to the deemed approved requirements must be modified or removed within 6 months of the adoption of the ordinance codified in this section.

B. Existing nonconforming fences shall be registered and, if conforming to the deemed approved requirements, permitted in a process determined by the Planning Director.

**15.04.810.036  Fencing Permit Requirements.**

A. A fence permit is required to construct any fence of any height. A building permit (Chapter 6.02 and California Code of Regulations, Title 24) is required to construct any fence 6 feet or more in height.
B. An application for a fence permit may be obtained from the Planning Department and shall be filed with and approved ministerially by the Planning Department if it conforms to the provisions of this chapter.

C. A building permit to construct a fence more than 6 feet in height conforming to the provisions of this chapter shall require submittal of a fence permit application and any additional documentation required by the Department of Building Regulations. See Section 6.02.150(B)(1)(b).

D. When a fence is constructed by a contractor, that contractor shall be licensed by the State of California in a category appropriate for the type of fencing, including B-1, C13, C23, C27, C28 or C29. A contractor or owner who fails to obtain a fence permit or a building permit before beginning construction of a fence or who constructs a fence not in conformance with this chapter may be penalized as described in Sections 1.04.100, 1.04.110 and Chapter 2.62 or other applicable provisions of this Code.

15.04.810.037 Fencing Height Limits.

Fence height shall be limited by its location as specified below in Table 15.04 - 1.

<table>
<thead>
<tr>
<th>Location of Fence</th>
<th>Maximum Basic Height</th>
<th>Maximum Height Exceptions</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>4 feet (48 inches)</td>
<td>6 feet (72 inches) if nonview-obscurring (not in excess of 50% opacity) above 4 feet (48 inches)</td>
<td>Front yard fences above 4 feet (48 inches) in height require the approval of the zoning administrator permit.</td>
</tr>
<tr>
<td>Side yard</td>
<td>6 feet (72 inches)</td>
<td>8 feet (96 inches) high</td>
<td>The exception is only applicable if both abutting residential structures have at least 10-foot side yard setbacks, or if a residential parcel abuts a commercial or industrial use.</td>
</tr>
<tr>
<td>Rear yard</td>
<td>6 feet (72 inches)</td>
<td>8 feet (96 inches)</td>
<td>The exception is only applicable only when rear yard is abutting an interior side yard.</td>
</tr>
<tr>
<td>Within the sight triangle</td>
<td>3’ 6” (42 inches)</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>
15.04.810.038  Fence Design.

Fences shall be constructed, designed and maintained as follows:

A.  Permitted Materials. Fences shall be constructed of wood, metal, polyvinyl chloride (PVC), masonry or other permanent materials designed for permanent fencing. No more than two types of related fencing materials shall be used in any fence or wall. Fences constructed of wood shall have posts in contact with ground of preservative-treated wood conforming to ASTM D1760 treated with waterborne preservatives to a minimum retention of 6.4 kilograms per cubic meter (0.40 pounds per cubic feet) and components and components not in contact with the ground treated with waterborne preservatives to a minimum retention of 4.0 kilograms per cubic meter (0.25 pounds per cubic feet) or shall be of heartwood of a decay-resistant species such as redwood or cedar.

B.  Fence Maintenance. Every fence shall be kept in good repair, consistent with the design thereof. The property owner shall be responsible for landscaping and maintaining the area, if any, between the property line and the owner's fence. See also Chapters 9.22 and 2.62.

C.  Hazardous and Prohibited Materials. Fences shall not incorporate electrically charged wire, barbed wire and razor wire (see Section 11.88.020), chain link (with or without slats or vinyl or other coatings), woven wire mesh ("chicken wire"), welded wire mesh, woven wire ("hog wire") rope, cable, railroad ties, landscape timbers, utility poles or any other similar materials or materials not specifically manufactured for permanent fencing.

D.  Posts and Supporting Members. All fence posts and related supporting members of the fence shall be erected so that the finished side or sides of the fence shall be facing the adjacent property or public right-of-way.

E.  Painting and Staining. All wood fences shall be painted or stained, except when constructed of the heartwood of a decay-resistant species such as redwood or cedar. All ferrous metal fences, except hot-dipped galvanized steel) shall be painted with a three-coat system consisting of a corrosion-resistant primer and two finish coats, with preparation and application as recommended by the manufacturer. All other metal fences, including aluminum hot-dipped galvanized steel, shall be painted with at least a two-coat system intended for that purpose.

F.  Gates.

1.  Gates with locks that are routinely locked shall be equipped with a doorbell device capable of notifying the occupants within the residential structure or a telephone number that can be used to notify the occupants.

2.  Entry features over front yard gates (e.g., open latticed arbors and trellises), not exceeding 8' in height, 3' in depth or 5' in width are allowed when located within the required front yard but outside the site triangle.

3.  When a rear yard abuts an alley, the alley facing side of a solid fence shall be clearly labeled with the house address number.

G.  Historic Structures. All fences in parcels with historic resources shall be consistent with the scale and character of the buildings as described in Section 6.06.072 and shall require administrative design review.
15.04.810.039 Exceptions to Fence Height Regulations.

A. Upon a property owner's application, the Zoning Administrator may grant an exception to the front yard fence height requirements imposed by this chapter. Such exception shall be made only after public noticing of the proposed fence and the completion of a site visit and administrative design review (Section 15.04.930) resulting in the following findings:

1. The proposed fence will not create or exacerbate a public safety hazard;

2. The proposed fence is of design, materials, scale and color that are compatible and harmonious with the subject site, site improvements and other properties within the immediate vicinity;

3. Front yard fencing that prohibits access to the home shall be equipped with a doorbell device.
15.04.810.040 Homeless Shelters and Transitional Housing.

This section is intended to provide guidelines to be used to implement policies contained in the housing element of the Richmond general plan with regard to the siting of housing facilities for the homeless in the City of Richmond.

A. Applicability. A homeless shelter or transitional housing facility for 10 persons or fewer may be located in any portion of the City zoned for residential or commercial development. Homeless shelters or transitional housing facilities for more than 10 persons may be located in MFR-1, MFR-2, MFR-3 and all commercial districts with the approval of a conditional use permit by the Planning Commission.

B. Physical Characteristics. Applicants seeking occupancy permits or conditional use permits to establish either emergency shelters or transitional housing facilities shall demonstrate:

1. The facility has adequate private living space, shower and toilet facilities, and secure storage areas for its intended residents.

2. The facility shall have at least one room which has 120 square feet of floor area. Other habitable rooms shall have an area not less than 70 square feet. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two. (Source: Uniform Housing Code.)

3. The facility has either a natural barrier (e.g., a mature hedge) or a fence enclosing yard area, especially if the facility is located on a major thoroughfare.

4. To ensure that a particular neighborhood does not become impacted with such facilities, the facility shall be located in an area which currently has a minimum of social services facilities. In addition, there shall be a minimum distance requirement of 300 feet between such facilities as measured between the closest points on the exterior property lines or area boundaries of the parcels or areas involved.

5. Smoke detectors, approved by the Fire Department, must be provided in all sleeping rooms.

6. Facilities for 10 persons or fewer shall have at least 2 standard off-street parking spaces. Facilities for more than 10 persons shall have two off-street parking spaces plus one space for every 2 employees.

C. Programmatic Characteristics.

1. If the facility is proposed for location in area either zoned or developed as a residential area, all intake and screening shall be conducted off-site.

2. The program shall provide accommodations appropriate for a minimum stay of 28 days and a maximum stay of 180 days per client.

3. The program shall identify a transportation system that will provide its clients with a reasonable level of mobility including, but not limited to, access to social services and employment opportunities.
4. The program shall provide on-site supervision and counseling services. (Only applicable to transitional housing facilities.)

5. The program shall provide specific mechanisms for residents to contact social service and employment programs. (Only applicable to transitional housing facilities.)

6. If a program includes a drug or alcohol abuse counseling component, appropriate state licensing shall be required.

7. The program shall include an outline for a 24-hour schedule of residents' activity during their use of the facility.

8. The program shall include clear and acceptable arrangements, for facility residents, such as on-site meal preparation or providing food.

9. The program shall, where applicable, provide a child care service and ensure that school-aged children are enrolled in school during their stay at the facility. 15.04.810

10. The program shall have an identified administrator and liaison personnel.

11. Administrators and operators of the program shall demonstrate experience in successfully running social service-related facilities.

12. The program shall provide clear and established operational standards and rules (e.g., standards governing expulsions and lights-out).

13. The program shall include identified funding mechanisms which are sufficient to ensure compliance with the required siting and programmatic criteria.
15.04.810.050 Housing Density Bonus.

SECTIONS

15.04.810.051 Applicability.
15.04.810.052 Definitions.
15.04.810.053 Criteria and Standards for Density Bonus and Incentive(s) or Concession(s).
15.04.810.054 Alternative to Density Bonus and Incentive.
15.04.810.055 Procedures.
15.04.810.056 Criteria to Evaluate Requested Incentive(s) or Concession(s).
15.04.810.057 Required Affordable Housing Density Bonus Agreement.
15.04.810.058 Consistency with State Law.

15.04.810.051 Applicability.

The purpose of the provisions of this section is to comply with the Statewide Density Bonus Law (California Government Code 65915) and to implement the housing element of the General Plan, by providing increased residential densities for projects that guarantee that a portion of the housing units, constructed in a housing development, will be restricted to senior citizens or affordable to moderate, lower, or very low-income persons or for the donation of land for very low-income housing. The provisions of the housing density bonus section shall apply to all new housing developments or land donations for very low-income housing as defined below.

15.04.810.052 Definitions.

The following terms are defined for the purposes of this section:

A. Affordable housing units means housing units affordable to moderate, lower or very low-income persons provided through the housing density bonus program pursuant to California Government Code Section 65915.

B. Child care facility means a child day care (nonresidential care) facility other than a family day care home, including, but not limited to, infant center, preschools, extended day care facilities, and school age child care centers.

C. Common Interest Development. A common interest development as defined in Section 1351 of the California Civil Code. [At the time of adoption of this section, common interest development means any of the following: (1) a community apartment project, (2) a condominium project, (3) a planned development, or (4) a stock cooperative.]

D. Community Apartment Project. A community apartment project as defined in Section 1351(d) of the California Civil Code. [At the time of adoption of this section, a community apartment project means a development in which an undivided interest in land is coupled with the right of exclusive occupancy of the apartment located thereon.]

E. Condominium Project. A condominium project as defined in Section 1351(f) of the California Civil Code. [At the time of adoption of this section, a condominium project means a development consisting of condominiums. A condominium consists of an undivided interest in common in a
portion of real property coupled with a separate interest in a space called a unit, the boundaries of
which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to
locate all boundaries thereof.]

F. **Density bonus** means a density increase over the otherwise maximum allowable residential density
under the applicable zoning ordinance and land use element of the Richmond General Plan as of the
date of application by the developer to the City.

G. **Housing development** means one or more groups of projects for residential development consisting of
five or more dwelling units, which shall be subject to a conditional use permit or developed as a
Planned Area District.

H. **Initial Subsidy.** The initial subsidy is equal to the fair market value of the home at the time of initial
sale minus the initial sale price to the moderate-income household, plus the amount of any
downpayment assistance or mortgage assistance. If upon resale the market value is lower than the
initial market value, then the value at the time of the resale shall be used as the initial market value.

I. **Lower income household** means households of lower income as defined in Section 50079.5 of the
California Health and Safety Code. [At the time of the adoption of this section, a household whose
median income is equal to or less than 80% of the area median income is Lower Income, and is
considered to be able to afford rent that does not exceed 30 percent of 60 percent of the area median
income.]

J. **Moderate income household** means households of moderate income as defined in Section 50093 of
the California Health and Safety Code. [At the time of adoption of this section, a household whose
median income is equal to or less than 120% of the area median income is moderate income, and is
considered to be able to afford rent that does not exceed 30 percent of 80 percent of the area median
income.]

K. **Proportionate share of appreciation** means the proportionate share of appreciation is equal to the
ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

L. **Senior Citizen.** Qualifying resident or senior citizen as defined in Sections 51.3 and 51.12 of the
California Civil Code. [At the time of the adoption of this section, qualifying resident or senior
citizen were generally defined as a person 62 years of age or older, or 55 years of age or older living
in a senior citizen housing development other than a mobile home, or the spouse, cohabitant, or
person providing primary physical or economic support to the qualifying resident or senior citizen.]

M. **Senior Citizen Housing Development.** A senior citizen housing development as defined in Sections
51.3 and 51.12 of the Civil Code. [At the time of adoption of this section, a senior citizen housing
development consists of more than 20 dwelling units and is designated as a senior community by its
developer and zoned as a senior community by a local governmental entity, or characterized as a
senior community in its governing documents, as these are defined in Section 1351, or qualified as a
senior community under the Federal Fair Housing Amendments Act of 1988, as amended.]

N. **Stock Cooperative.** A stock cooperative as defined in Section 1351(m) of the California Civil Code.
[At the time of adoption of this section, a stock cooperative means a development in which a
corporation is formed or availed thereof, primarily for the purpose of holding title to, either in fee
simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation received a right of exclusive occupancy in a portion of real property, title to which is held by the corporation.]

O. **Very low-income household** means households of very low-income as defined in Section 50105 of the California Health and Safety Code. [At the time of the adoption of this section, a household whose median income is equal to or less than 50% of the area median income is very low income, and is considered to be able to afford rent that does not exceed 30 percent of 50 percent of the area median income.]

15.04.810.053 Criteria and Standards for Density Bonus and Incentive(s) or Concession(s).

A. The City shall grant one density bonus, in accordance with subsection 15.04.810.053(D)(5) of this section, when a developer of a housing development, as defined in this section, seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded, that will contain at least any one of the following, and satisfies the findings outlined in subsection 15.04.810.055(B)(4) of this section:

1. Ten percent of the total dwelling units of a housing development for lower-income households as defined in this section.

2. Five percent of the total dwelling units of a housing development for very low-income households as defined in this section.

3. A senior citizen housing development, as defined in this section, 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. Ten percent of the total dwelling units in a common interest development, as defined in this section, for persons and families of moderate income, as defined in this section, provided that all units in the development are offered to the public for purchase.

For purposes of calculating the amount of the density bonus, the developer who requests a density bonus pursuant to this section shall elect whether the bonus shall be awarded on the basis of 1, 2, 3, or 4 of this section. The density bonus shall not be included when determining the number of housing units which are to be affordable.

B. When a developer seeks and agrees to construct any one of the housing specified in subsection 15.04.810.053(A) of this section, the City shall grant incentives or concessions as described below, if requested by the developer, in addition to a density bonus, provided the findings outlined in subsection 15.04.810.055(B)(4) of this section are satisfied:

1. A reduction in site development standards or a modification of zoning ordinance requirements or architectural design requirements that exceed the minimum building standards approved by the California Standards Commission as provided for in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code including, but not limited to, a reduction in minimum private and common open space, minimum landscaping, required off-street parking, minimum lot sizes, maximum height limits and setback requirements.
2. Approval of mixed-use zoning within the housing development where it is demonstrated that commercial, office, or other nonresidential land uses will reduce housing costs over residential-only uses on a site and will be compatible with the existing and planned housing units on the site and the surrounding neighborhood where the proposed housing development will be located.

3. Other incentives proposed by the developer or the City which result in identifiable, financially sufficient, and actual cost reductions, including, but not limited to, the following:
   a. Expedited "fast track" processing of development applications and permits (e.g. allowing plan check to begin during planning appeal period);
   b. Waiver of filing or processing fees on development applications and permits, or other development fees, following established City fee waiver processes or policies;
   c. Use of redevelopment funds or powers, or other public financing;
   d. Other regulatory incentives or concessions which result in identifiable cost reductions.

There is no requirement, however, for the City to provide any direct financial incentives for the housing development, to waive fees and/or dedication requirements, or to provide publicly-owned land for a housing development.

C. The developer shall receive the following number of incentives or concessions, in addition to a density bonus:
   1. One incentive or concession for the projects that include at least 10 percent of the total units for lower-income households, at least 5 percent for very low-income households, or at least 10 percent for persons and families of moderate income in a common interest development;
   2. Two incentives or concessions for projects that include at least 20 percent of the total units for lower-income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common interest development;
   3. Three incentives or concessions for projects that include at least 30 percent of the total units for lower-income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families of moderate income in a common interest development.

Nothing in this section shall be construed to prohibit the City from granting a greater number of concessions or incentives than what is described in this section for a development that meets the requirements of this section.

D. The following standards shall apply to the granting of the density bonus and incentives:
   1. Duration of affordability. The developer shall agree to, and the City shall ensure, continued affordability of all low- and very low-income housing units receiving a density bonus for 30 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. The developer shall agree to, and the City shall ensure that, the initial occupant of the moderate-income housing units receiving a density bonus in a common interest development, as defined above,
are persons and families of moderate income and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the California Health and Safety Code;

2. Location and Design of Affordable Housing Units. The affordable housing units shall be integrated with other housing units in the housing development with regard to siting and placement within buildings, and shall not differ in exterior appearance from the other housing units. The location of the affordable housing units may or may not be on contiguous parcels within the site. In no event shall the affordable housing units be located in only one portion of the housing development or situated in one building of a multi-building development;

3. Location of Density Bonus Units. The density bonus units can be located in geographic areas of the development site other than the areas where the units for the affordable housing units are located, and can be located only on parcels for which the density bonus was granted;

4. Zoning Basis. The maximum units allowed in the underlying zoning district of the project site and the net acreage of the project site shall be the basis on which the density bonus is determined unless the project is a planned area district, in which case the project shall be developed pursuant to the provisions of Section 15.04.600, Planned Area District of the Zoning Ordinance and the density bonus will be determined based on the general plan designation;

5. Density Bonus Calculation. The amount of density bonus to which the developer is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established above in subsection 15.04.810.053(A) of this section.

a. The density bonus for housing developments meeting the criteria of subsection 15.04.810.053(A)(1) of this section shall be calculated as follows:

<table>
<thead>
<tr>
<th>Percentage Lower Income Units</th>
<th>Percentage Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>11</td>
<td>21.5</td>
</tr>
<tr>
<td>12</td>
<td>23</td>
</tr>
<tr>
<td>13</td>
<td>24.5</td>
</tr>
<tr>
<td>14</td>
<td>26</td>
</tr>
<tr>
<td>15</td>
<td>27.5</td>
</tr>
<tr>
<td>16</td>
<td>29</td>
</tr>
<tr>
<td>17</td>
<td>30.5</td>
</tr>
<tr>
<td>18</td>
<td>32</td>
</tr>
<tr>
<td>19</td>
<td>33.5</td>
</tr>
<tr>
<td>20</td>
<td>35</td>
</tr>
</tbody>
</table>

b. The density bonus for housing developments meeting the criteria of subsection 15.04.810.053(A)(2) shall be calculated as follows:

<table>
<thead>
<tr>
<th>Percentage Very Low Income Units</th>
<th>Percentage Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>20</td>
</tr>
</tbody>
</table>
c. The density bonus for housing developments meeting the criteria of subsection 15.04.810.053(A)(3) of this section shall be 20 percent.

d. The density bonus for housing developments meeting the criteria of subsection 15.04.810.053(A)(4) of this section shall be calculated as follows:

<table>
<thead>
<tr>
<th>Percentage Very Low Income Units</th>
<th>Percentage Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>22.5</td>
</tr>
<tr>
<td>7</td>
<td>25</td>
</tr>
<tr>
<td>8</td>
<td>27.5</td>
</tr>
<tr>
<td>9</td>
<td>30</td>
</tr>
<tr>
<td>10</td>
<td>32.5</td>
</tr>
<tr>
<td>11</td>
<td>35</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Percentage Moderate Income Units</th>
<th>Percent Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td>13</td>
<td>8</td>
</tr>
<tr>
<td>14</td>
<td>9</td>
</tr>
<tr>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>16</td>
<td>11</td>
</tr>
<tr>
<td>17</td>
<td>12</td>
</tr>
<tr>
<td>18</td>
<td>13</td>
</tr>
<tr>
<td>19</td>
<td>14</td>
</tr>
<tr>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>21</td>
<td>16</td>
</tr>
<tr>
<td>22</td>
<td>17</td>
</tr>
<tr>
<td>23</td>
<td>18</td>
</tr>
<tr>
<td>24</td>
<td>19</td>
</tr>
<tr>
<td>25</td>
<td>20</td>
</tr>
<tr>
<td>26</td>
<td>21</td>
</tr>
<tr>
<td>27</td>
<td>22</td>
</tr>
<tr>
<td>28</td>
<td>23</td>
</tr>
<tr>
<td>29</td>
<td>24</td>
</tr>
<tr>
<td>30</td>
<td>25</td>
</tr>
<tr>
<td>31</td>
<td>26</td>
</tr>
<tr>
<td>32</td>
<td>27</td>
</tr>
<tr>
<td>33</td>
<td>28</td>
</tr>
<tr>
<td>34</td>
<td>29</td>
</tr>
<tr>
<td>35</td>
<td>30</td>
</tr>
</tbody>
</table>
All density bonus calculations resulting in fractional units shall be rounded up to the next whole number. If the sum of the density bonus units and the allowable density units (per the base zoning) results in an odd number, then the total number of units may be rounded up to the next even number with approval of a conditional use permit.

e. When the developer for a tentative subdivision map, parcel map, or other residential development approval donates land to the City as provided for in this section, the developer shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan for the entire development, as follows:

<table>
<thead>
<tr>
<th>Percentage Very Low Income</th>
<th>Percentage Density Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>11</td>
<td>16</td>
</tr>
<tr>
<td>12</td>
<td>17</td>
</tr>
<tr>
<td>13</td>
<td>18</td>
</tr>
<tr>
<td>14</td>
<td>19</td>
</tr>
<tr>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>16</td>
<td>21</td>
</tr>
<tr>
<td>17</td>
<td>22</td>
</tr>
<tr>
<td>18</td>
<td>23</td>
</tr>
<tr>
<td>19</td>
<td>24</td>
</tr>
<tr>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>21</td>
<td>26</td>
</tr>
<tr>
<td>22</td>
<td>27</td>
</tr>
<tr>
<td>23</td>
<td>28</td>
</tr>
<tr>
<td>24</td>
<td>29</td>
</tr>
<tr>
<td>25</td>
<td>30</td>
</tr>
<tr>
<td>26</td>
<td>31</td>
</tr>
<tr>
<td>27</td>
<td>32</td>
</tr>
<tr>
<td>28</td>
<td>33</td>
</tr>
<tr>
<td>29</td>
<td>34</td>
</tr>
<tr>
<td>30</td>
<td>35</td>
</tr>
</tbody>
</table>

This increase shall be in addition to any increase in density mandated by subsection 15.04.810.053(A) of this section, up to a maximum combined mandated density increase...
of 35 percent if the developer seeks both the increase required pursuant to this section and subsection 15.04.810.053(A) of this section. The developer shall be eligible for the increased density bonus described in this section if all the following conditions are met:

1. The developer shall donate and transfer lands no later than the date of approval of the final subdivision map, parcel map, or residential development application;

2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in the amount not less than 10 percent of the number of residential units of the proposed development;

3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The transferred lands shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units prior to the date of approval of the final subdivision map, parcel map, or of the residential development;

4. The transferred lands and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with this section, which shall be recorded on the property at the time of dedication;

5. The land is transferred to the City or to a housing developer approved by the City. The City may require the developer to identify and transfer the land to the developer;

6. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.

f. When a developer proposes to construct a housing development that conforms to the requirements of subsection 15.04.810.053(A) of this section and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, the City shall grant either of the following:

1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility;

2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

The City shall require, as a condition of approving the housing development that the following shall occur:

a. The child care facility shall remain in operation 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 per this section.
b. Of the children who attend the child care facility, the children of very low-income households, lower-income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low-income households, lower-income households, or families of moderate income pursuant to this section.

The City shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

15.04.810.054 Alternative to Density Bonus and Incentive.

When a developer agrees to construct affordable housing as specified in subsection 15.04.810.053(A) of this section, the City may provide other incentives of equivalent financial value which make the affordable housing units economically feasible, instead of granting the density bonus and incentive(s) from the above section. The procedures, criteria, and agreement requirements of this section apply.

15.04.810.055 Procedures.

A. Preliminary Proposal. A developer requesting a density bonus or incentive(s) pursuant to this section may submit a preliminary proposal for feedback (pursuant to subsection 15.04.810.055(A)(2) of this section) prior to the submittal of any formal requests for approval of a density bonus and incentive and other planning approvals such as a general plan amendment, subdivision map, development plan, or design review, etc. The purpose of the preliminary proposal is to determine whether the proposed housing development is in substantial compliance with applicable planning regulations and to establish the basis and procedures for granting the incentive(s) or concession(s). Approval of a preliminary proposal does not constitute approval of the housing development, but indicates that the housing development nominally complies with the City's applicable planning and zoning regulations, and establishes the type of incentive(s) or concession(s) and agreement to ensure compliance with this section to be recommended by staff.

1. The following information is required to be submitted for a preliminary proposal:

a. A concise written description of the project, including location, number and type of housing units, including affordable units and bonus units, and the planning approval(s) required;

b. A site map showing the location and general layout of the proposed housing development and surrounding land uses and roadways;

c. A written request for the specific incentive(s) or concession(s) sought accompanied by rationale and accurate supporting information sufficient to demonstrate that any requested incentive is necessary to make the affordable units economically feasible and set rents at qualifying levels. If applicable, the developer shall identify the proposed use of any housing subventions or programs for the housing development, such as State Housing Community Development Programs, redevelopment funds, or other sources of funding.

2. Within 90 days of receipt of a complete preliminary proposal, the Planning Director shall notify the developer in writing what the staff will recommend as to how the City will comply with this section, and shall indicate whether or not the housing development complies with this section and with the applicable planning and zoning regulations.
B. Housing Density Bonus and Incentive Application and Approval.

1. The request for approval of a density bonus and incentive(s) pursuant to this section shall be made along with other applicable related planning action requests for the project as specified in the Richmond Zoning Ordinance, except for projects for which one or more approvals has been sought prior to the adoption of this section.

2. The request for approval shall include the items specified under subsection 15.04.810.056(A)(1) of this section.

3. If the housing development is proposed as a planned area district, the density bonus and incentive(s) shall be considered along with the rezoning. If the housing development is not proposed as a planned area district, a conditional use permit shall be required for the density bonus and incentive(s) or concession(s).

4. All of the following findings must be made, as applicable, in order to approve a density bonus and incentive(s):

   a. That the density bonus will contribute significantly to the economic feasibility of providing the affordable housing units;

   b. That the incentive is required in order to make the affordable housing units economically feasible or to set rents at qualifying levels for senior citizens and for moderate income, lower income or very low-income households;

   c. That the increased density and incentive(s) or concession(s) will not cause significant adverse effects on the character of the surrounding neighborhood or public health and safety;

   d. That there will be no adverse traffic, noise, parking, or other impacts resulting from the proposed density bonus or incentive;

   e. That the design, siting and income thresholds of the affordable housing units substantially comply with all of the requirements and standards set forth in this section;

   f. That, prior to issuance of any building or grading permit for the housing development, there will exist an enforceable recorded agreement to maintain the affordability of the affordable housing units for the duration required by this section;

   g. That the overall housing development will be of a quality that will preserve the integrity of, and upgrade, the existing neighborhood.

15.04.810.056 Criteria to Evaluate Requested Incentive(s) or Concession(s).

A. At least one of the following criteria shall be used to evaluate whether an incentive is sufficient to make the affordable housing units economically feasible:

1. A development pro forma with the capital costs, operating expenses, return on investment, revenues, loan-to-value ratio and the debt-coverage ratio including the contribution provided by any applicable subsidy programs, and the economic effect created by the 30-year use and income restrictions of the affordable housing units;
2. An appraisal report indicating the value of the density bonus and of the incentive(s) and of the value of any other incentives;

3. Sources and use of funds statement identifying the projected financing gap of the project with the affordable housing units that are the basis for granting the density bonus and incentive(s). The developer shall establish how much of the gap would be covered by the density bonus, leaving a remainder figure to be covered by an additional incentive.

B. Determination of the completeness and accuracy of the financial information submitted in support of a request for an incentive and evaluation of this information shall be made by the City, or by a third party agreed to jointly by the City and the developer.

C. The City shall grant the concession or incentive requested unless the City makes a written finding, based upon substantial evidence, of either of the following:

   a. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units to be set as specified above;

   b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historic 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.

D. Upon the request of the developer, the City shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of subdivision (b) that exceeds the following ratios:

   a. Zero to one bedrooms: One on-site parking space;

   b. Two to three bedrooms: Two on-site parking spaces;

   c. Four or more bedrooms: Two and one-half parking spaces.

15.04.810.057  Required Affordable Housing Density Bonus Agreement.

Prior to the issuance of a building permit for any dwelling unit in a development for which a density bonus has been awarded or incentives or concessions have been granted, the developer shall enter into a written agreement with the City for the duration of affordability. The terms and conditions of the agreement shall run with the land which is to be developed, shall be binding upon the successor in interest of the developer, and shall be recorded in the Contra Costa County Recorder's Office. The agreement shall be approved by the City Attorney and shall include provisions for the following:

A. The number and proportion of housing units affordable to moderate-income, lower-income and very low-income households by type, location and number of bedrooms;

B. Standards for maximum qualifying household incomes and maximum rents or sale prices;
C. The party responsible for certifying rents and sales prices of affordable housing units;

D. The process that will be used to certify incomes of tenants or purchasers of the affordable housing units;

E. The manner in which vacancies will be marketed and filled, including the screening and qualifying of prospective renters and purchasers of the affordable units;

F. Deed restrictions on the affordable housing units binding on property upon sale or transfer;

G. Enforcement mechanisms to ensure that the affordable units are continuously occupied by eligible households and are not sold, rented, leased, sublet, assigned, or otherwise transferred to non-eligible households;

H. Project phasing, including the timing of completions, and rental or sale of the affordable housing units, in relation to the timing of the market-rate units;

I. The local government shall enforce an equity-sharing agreement for moderate-income units that are directly related to the receipt of the density bonus in the common interest development, unless it is in conflict with the requirements of another public funding source or law. The following shall apply to the equity-sharing agreement:

   a. Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.

15.04.810.058 Consistency with State Law.

The provisions of this section are intended to comply with California Government Code Section 65915 and any related State laws. In the event that any provision of this section conflicts with Government Code Section 65915 or any related State laws, the State law shall apply.
15.04.810.060 Inclusionary Housing.

SECTIONS

15.04.810.061 Applicability.
15.04.810.062 Definitions.
15.04.810.063 Standards and Requirements.
15.04.810.064 Incentives.
15.04.810.065 Procedures.
15.04.810.066 Resale Controls on Ownership Units.
15.04.810.067 Impact on Density Bonus Law.
15.04.810.068 Adjustment.

15.04.810.061 Applicability.

A. Findings. The City of Richmond finds that there is a critical shortage of housing opportunities available to very low-, low- and moderate-income household. Further, the City finds that the Inclusionary Housing ordinance is part of a broad strategy to ensure that the lower end of the housing spectrum continues to be represented.

B. Purpose. This Chapter will assist in meeting our regional housing obligations by constructing affordable housing and providing funding for the City's in-fill program. The purpose of these regulations is to enhance the public welfare and assure compatibility between future housing development and the Housing Element of the Richmond General Plan through increasing the production of housing units affordable to persons and households of very low-, low- and moderate-income. In order to ensure that the City's remaining developable land is utilized in a manner consistent with local housing policies and needs, the City declares that all new residential or mixed use developments consisting of ten (10) or more housing units (including contiguous parcels developed by the same entity and/or phased projects), shall contain a proportion of housing units affordable to very low-, low- and/or moderate-income households.

15.04.810.062 Definitions.

The following terms are hereby defined for the purposes of this Section:

A. Affordable means housing that is affordable to average or below average income households as required, regulated, and allowed by this Chapter.

B. Affordable housing cost, for the purposes of this ordinance, shall be defined in accordance with California Health and Safety Code section 50052.5 for owner-occupied housing and section 50053 for rental housing:

1. For owner-occupied housing made available for very low-income households, affordable housing cost shall not exceed the product of 30 percent of 50 percent of the area median income unit adjusted for family size appropriate for the unit.

2. For owner-occupied housing made available for low-income households whose gross incomes exceed the maximum income for very low-income households and do not exceed 70 percent of the area median income adjusted for family size, affordable housing cost shall not exceed the
product of 30 percent times 70 percent of the area median income adjusted for family size appropriate for the unit. In addition, for any lower income household that has a gross income that equals or exceeds 70 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable housing cost not exceed 30 percent of the gross income of the household.

3. For owner-occupied housing made available for moderate-income households, affordable housing cost shall not be less than 28 percent of the gross income of the household, nor exceed the product of 35 percent times 110 percent of area median income adjusted for family size appropriate for the unit. In addition, for any moderate-income household that has a gross income that exceeds 110 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable housing cost not exceed 35 percent of the gross income of the household.

4. For rental housing made available for very low-income households, "affordable housing cost" shall not exceed the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit.

5. For rental housing made available for low-income households whose gross incomes exceed the maximum income for very low income households, "affordable housing cost" shall not exceed the product of 30 percent times 60 percent of the area median income adjusted for family size appropriate for the unit. In addition, for those low-income households with gross incomes that exceed 60 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable rent be established at a level not to exceed 30 percent of gross income of the household.

6. For rental housing made available for moderate-income households, "affordable housing cost" shall not exceed the product of 30 percent times 110 percent of the area median income adjusted for family size appropriate for the unit. In addition, for those moderate-income households whose gross incomes exceed 110 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable rent be established at a level not to exceed 30 percent of gross income of the household.

C. **Adjusted for family size**, for purposes of this Chapter, and provided there are no pertinent federal statutes applicable to a project or program, "adjusted for family size appropriate to the unit" means for a household of one person in the case of a studio unit, two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, four persons in the case of a three-bedroom unit and five persons in the case of a four-bedroom unit.

D. **Applicant** means a person or entity submitting an application to the City for a residential or mixed use development of ten (10) or more housing units, including contiguous parcels developed by the same entity and/or phased projects, including applications current as of the date of adoption of this Section with the exception of applicants who had obtained a Design Review approval, Conditional Use Permit approval, or Tentative Map approval of a subdivision prior to the date of the adoption of this Section.

E. **Area median household income** means the current U.S. Department of Housing and Urban Development (HUD) area median household income limits for Contra Costa County as amended from time to time.
F. **Construction costs** means the estimated cost per square foot of construction, as established by the Building Regulations Department of the City of Richmond for use in the setting of regulatory fees and building permits, multiplied by the total square footage, minus any garage or carport floor area, to be constructed.

G. **Density bonus**, in accordance with Chapter 15.04.810.050 of the Richmond Municipal Code, means an increase of at least 25 percent, unless a lesser percentage is elected by the developer, over the otherwise maximum allowable residential density under the zoning ordinance and land use element of the Richmond General Plan. Granting of the density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

H. **Housing unit** means a dwelling unit as defined in Section 15.04.020 of the Richmond Municipal Code.

I. **Inclusionary unit** means a housing unit which is intended for sale or rental, with a purchase price or rent which is affordable, as defined herein.

J. **In-lieu fee** means a fee paid as an alternative to the provision of inclusionary units as herein defined. In-lieu fees paid to the City under this Section shall be deposited in a separate City account to be used solely for the provision of new or rehabilitated housing units in the City which are affordable to very low-, low- or moderate-income households.

K. **Low-income households** means persons and families whose income does not exceed the qualifying limits for low-income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. In the event such federal standards are discontinued, this chapter shall utilize the limits established by regulation of the California Department of Housing and Community Development for lower income households for Contra Costa County at 80 percent of area median income, adjusted for family size and revised annually.

L. **Moderate-income household** means persons and families whose income does not exceed the qualifying limits for moderate-income households but does not exceed 120 percent of area median income, adjusted for family size by the California Department of Housing and Community Development in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937.

M. **Project** means an application for a residential or mixed use development consisting of ten (10) or more dwelling units, including contiguous parcels developed by the same entity and/or phased projects.

N. **Resale control** means a mechanism by which affordable housing units will be retained in the very low-, low- or moderate-income housing stock for a specified term as defined in this Section.

O. **Senior citizen household** means a family in which the head of the household is 60 years of age or older, a single person who is 60 years of age or older. The age may be adjusted to facilitate participation in other municipal, state or federal programs.

P. **Senior housing project** means a project consisting primarily of housing units for senior citizen households.
Q. **Very low-income households** means persons and families whose incomes do not exceed the qualifying limits for very low-income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. In the event such federal standards are discontinued, this Chapter shall utilize the limits established by regulation of the California Department of Housing and Community Development for very low-income households for Contra Costa County at 50 percent of area median income, adjusted for family size and revised annually.

15.04.810.063 Standards and Requirements.

A. Every project must fulfill at least one of the following inclusionary housing requirements:

1. At least 17 percent of the new total housing units shall be available to moderate-income households at an affordable housing cost; or

2. A least 15 percent of the new total housing units shall be available to low-income households at an affordable housing cost; or

3. At least 10 percent of the new total housing units shall be available to very low-income households at an affordable housing cost; or

4. At least 12.5 percent of the new total housing units shall be available to a combination of very low- and low-income households at an affordable housing cost; including at least two (2) affordable to very low-income households; or

5. In the case of a senior housing project, at least 25 percent of the new total housing units shall be available to very low- or low-income senior citizen households at an affordable housing cost; or

6. The applicant shall pay an in-lieu fee towards the City's low- and very-low income affordable housing program. The in-lieu fee shall be charged on percentage basis of the projected construction costs of non-inclusionary dwelling units. Construction costs shall be calculated separately for each dwelling unit subject to this Section and the appropriate fee shall be paid for each unit within the project. The percentage basis shall be established by resolution of the City Council.

B. In computing the number of inclusionary units required in a project, fraction of units shall be rounded to the next higher number if the fraction is 0.5 or greater.

C. For projects receiving a density bonus in accordance with Chapter 15.04.810.050 of the Richmond Municipal Code, the number of inclusionary units required shall be calculated based on the total number of units proposed to be built, including the density bonus units.

D. A separate exhibit for an application for a Tentative Map or residential development for a project subject to inclusionary housing requirements of this Section shall explicitly identify those residential parcels or units within the project that are intended to fulfill the requirements of this Section. This material shall be used by staff to determine compliance with the provisions of this Section and shall be kept in the project file for reference.

E. Inclusionary units shall be evenly distributed throughout the project and shall contain not less than the average number of bedrooms as in the non-inclusionary units in the project.
F. The size of the inclusionary units shall be consistent with the rest of the project.

G. The parcels on which the inclusionary units are located shall be no smaller than the smallest parcel on which non-inclusionary units in the project are to be located.

H. Inclusionary units shall be compatible with the non-inclusionary units in the project with regard to siting, placement within buildings, landscaping and exterior appearance and materials.

I. Subject to the approval of the Planning Director, the inclusionary units required by this Section may be sited in the same general area of the City as the project, such as within the general Hilltop area in the case of a proposed project within Hilltop. In no event shall inclusionary units be located in only one portion of the project or situated in one building of a multi-building project, consistent with the City policy to disperse assisted housing throughout the City to the maximum extent feasible without adversely impacting any building or area, and to avoid further impacting target areas.

J. All inclusionary "for sale" units shall be sold to very low-, low- or moderate-income households. The household income of a purchaser of an inclusionary unit shall be within 10 percent above or below the affordability standards as defined by this Section.

K. All inclusionary "for sale" units shall be subject to a deed restriction requiring that the unit be owner-occupied for a continuous period of not less than 30 years starting from the date of initial occupancy.

L. Developers of inclusionary rental units shall enter into an agreement with the City and shall agree and bind any heirs, assigns, or successors in interest to maintain units at HUD-established very low-, low- or moderate-income rental limits for a continuous period of not less than 30 years, subject to annual review by the City and any other applicable restrictions. This agreement shall be reviewed and approved by the City of Richmond and be recorded in the Contra Costa County Recorder's Office.

M. Where there is direct financial contribution to a housing development pursuant to Section 65916 of the Government Code through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, inclusionary units shall be kept affordable for a continuous period of not less than 30 years.

N. In order to give local residents of very low-, low- or moderate-income household the opportunity to purchase or rent inclusionary units, each applicant shall, prior to providing any public listing of the project or conducting any area-wide advertising and marketing for the proposed housing units, give notification of the availability for sale or rent of the inclusionary units required under this Section to a list of community organizations and local agencies to be provided by the City. If rental assistance programs are available, the owner of the inclusionary rental unit may enter into such programs.

O. The inclusionary housing program shall be administered by the City Housing Division.

15.04.810.064 Incentives.

The City may provide one or more of the following incentives or concessions, as appropriate, based on the type and percentage of inclusionary units provided within the project:

A. Density bonus, as provided by Section 65915(b) of the Government Code and Chapter 15.04.810.050 of the Richmond Municipal Code;
B. Flexibility in development standards including, but not limited to, public and private open space, landscaping, parking, minimum lot sizes and setbacks, as provided for in Sections 15.04.600 (Planned Area District) and 15.04.910 (Conditional Use Permits);

C. Consideration of approval of mixed use zoning within a housing development in a "PA" zone district where it is demonstrated that commercial, office or other non-residential land uses will reduce housing costs over housing-only uses on a site and are compatible with the existing and planning housing units on the site and the surrounding neighborhood where the proposed development will be located;

D. Assistance in obtaining any available Federal and State subsidies to be applied to the inclusionary units;

E. Waiver of building permit fees and other City fees, as approved by the Richmond City Council. The waiver of fees shall apply to affordable units only and shall apply to any City fees that are calculated on a per-unit basis;

F. Other incentives or concessions proposed by the applicant or City resulting in identifiable cost reductions such as, but not limited to, priority permit processing, use of redevelopment funds or powers or other public local financing where available.

15.04.810.065 Procedures.

Project Review and Conditions of Approval.

A. Once the application has been found to be complete for processing, it shall be scheduled for public hearing(s) before the Design Review Board and/or the Planning Commission as set forth in the Richmond Municipal Code.

B. In all cases where incentives other than density bonus are requested, a written request for the specific incentive or incentives pursuant to this Section with a rationale and supporting information to justify the request.

C. Any project that is subject to covenants, conditions, and restrictions that would increase the proportion of the homeowners association assessment payable by any inclusionary housing unit owner is prohibited.

D. The request for granting of incentives or concessions other than density bonus, or request for payment of an in-lieu fee to meet the affordable housing requirements shall be made concurrently with the other applicable related planning action requests for the project as specified in this Chapter.

E. Unless an in-lieu fee is paid to satisfy the requirements of this Section, the conditions of approval of a project providing inclusionary housing units shall require the developer to enter into an agreement with the City to ensure the continuing affordability of inclusionary housing units. This agreement shall be recorded in the Contra Costa County Recorder's Office on a form approved by the City of Richmond. Said agreement shall consist of deed restrictions binding on the heirs, assigns or successors in interest of the property owner and shall include the following:

1. The number of inclusionary units by type, location and number of bedrooms;
2. Standards for maximum qualifying household incomes, as amended periodically;
3. Standards for maximum rents or sales prices, as amended periodically.
4. The party responsible for certifying rents and sales prices of inclusionary units and the schedule for providing the City with documentation of same;
5. The process that will be used to certify incomes of tenants or purchasers of inclusionary units;
6. The manner in which vacancies will be marketed and filled including screening and qualifying prospective renters and purchasers of inclusionary units;
7. Enforcement mechanisms to ensure compliance with the provisions of this Section;
8. Project phasing, the time of completions, and rental or sale of inclusionary units.

F. The agreement specified in Section 15.04.810.065.E shall be subject to administrative review by the City for at least thirty (30) years for the purpose of verifying that the inclusionary units are maintained at affordable rates within the affordability category originally established for the project.

G. All inclusionary units in a project or phase of a project must be developed simultaneously with or prior to the development of non-inclusionary units. The City shall not issue a final Certificate of Occupancy or release electrical and gas utilities for any of the non-inclusionary units until construction and final building inspection is completed for all inclusionary units as required by this Section or all in-lieu fees are paid.

15.04.810.066 Resale Controls on Ownership Units.
In order to maintain the availability of inclusionary units constructed pursuant to this Section, one of the following resale controls shall apply to units sold by the original purchaser and all subsequent purchasers:

A. The resale price of inclusionary unit shall be in the amount equal to the price affordable to a very low-, low- or moderate-income household, as adjusted from time to time based on the consumer price index for Contra Costa County. For example, if the unit was originally sold to a low-income household, the unit must be resold to another low-income household.

B. Inclusionary units offered for sale pursuant to this section by the original purchaser and all subsequent purchasers shall be offered for sale first to the City of Richmond or its designee.

C. For the first resale of an inclusionary unit during the 30-year term of the agreement, the unit may be sold as a market-rate unit provided the difference between the inclusionary unit and the market-rate unit price is deposited in the City's affordable housing fund. A purchaser of an inclusionary unit who pays a market-rate price shall not be subject to the provisions of this section.

15.04.810.067 Impact on Density Bonus Law.
Nothing in this section shall undermine the intent of the state law and City ordinance regarding density bonuses and other housing incentives.

15.04.810.068 Adjustment.
A. A developer of any project subject to the requirements of the section may appeal to the City Council for a reduction, adjustment or waiver of the requirements based upon the absence of any reasonable relationship between the impact of the development and either the amount of the in-lieu fee charged or the inclusionary requirement.
B. A developer subject to the requirements of this chapter who has received an approved tentative subdivision or parcel map, use permit or similar discretionary approval for the same property may appeal for a reduction, adjustment or waiver of the requirements with respect to the number of lots or square footage of construction previously approved.

C. Any such appeal shall be made in writing and filed with the City Clerk not later than ten (10) days after the public hearing granting the discretionary approval or permit for the development, or if no such discretionary approval or permit is required, or if the action complained of occurs after the first public hearing on such permit or approval, then the appeal shall be filed with ten (10) days after payment of the fees objected to by the developer. The appeal shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment.

D. The City Council shall consider the appeal at the public hearing on the permit application or at a separate public hearing within sixty (60) days after the filing of the appeal, whichever is later. The appellant shall bear the burden of presenting substantial evidence to support the appeal including comparable technical information to support appellant's position. No waiver shall be approved by the City Council for a new tentative subdivision or parcel map, use permit or similar discretionary approval on property with an approved tentative subdivision or parcel map, use permit or similar discretionary permit unless the City Council finds that the new tentative subdivision or parcel map, use permit or similar discretionary approval is superior to the approved project both in its design and its mitigation of environmental impacts.

E. The decision of the council shall be final. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment, or reduction of the fee or inclusionary requirement.

(Amended by Ordinance Nos. 37-96 N.S., 32-98 N.S., 28-01 N.S., 38-03 N.S. (2), 39-03 N.S., 1-04 N.S., 16-06 N.S. and 9-08 N.S.)

SECTIONS
15.04.820.010 Fencing and Landscaping Standards.
15.04.820.030 Reserved.
15.04.820.035 Reserved.

15.04.820.010 Fencing and Landscaping Standards.

SECTIONS
15.04.820.011 Applicability.
15.04.820.012 General Requirements.
15.04.820.013 Requirements Applicable to Commercial and Industrial Properties.

15.04.820.011 Applicability.

The purpose of these regulations is to provide guidelines for design, construction and maintenance of fencing and landscaping in the commercial and industrial districts of the City. Landscaping shall be a major component of site design in order to create a city that has a strong landscaped character. The provisions of this section shall apply as a minimum standard for commercial and industrial projects requiring approval of a planning permit under the provisions of this chapter.

15.04.820.012 General Requirements.

The following requirements shall apply to all commercial and industrial districts:

A. Landscaped Area. All required yard and setback areas shall be landscaped primarily with live, drought-resistant plant material. Decorative landscape features such as brick, stone, art, fountains and ponds may be used within the landscaped area, provided such materials present an attractive setting consistent with the intent of the landscaping requirements.

B. Street Trees. All new developments shall provide at least one street tree with a minimum caliper of 1\(\frac{1}{2}\) inches or a minimum 15-gallon size for each 50 linear foot of street frontage. The actual size and number of trees required will vary depending on location. The Director of the Department of Public Works will review all preliminary plans and can make the determinations as to the number of trees and placement. All street trees and/or any other tree plantings within 10 feet of the public right-of-way including sidewalks, curbs and gutters, or street surface, shall be installed with approved root barriers and deep water tubes (2 per tree).

C. Other Required Trees. Deciduous trees at the time of planting shall be fully branched, have a minimum caliper of 1\(\frac{1}{2}\) inches, and a minimum height of eight feet. Evergreen trees at the time of planting shall be fully branched and have a minimum height of six feet.

D. Maintenance. All landscaped and paved areas shall be maintained in a neat and orderly condition with healthy ground coverings, plants, shrubs and trees, free of litter.
Fence Requirements.

A. Solid Fencing. Any activity may have a solid fence. All outside storage/maintenance areas are required to be screened from public streets by a painted, view-obscuring wood board fence or masonry wall of uniform material that is designed and constructed to withstand a 15 pound-per-square foot wind load and deterioration resulting from contact with soil, vermin and weathering.

In industrial zone areas, the following specifications for low solid screen, high solid screen and/or solid screen fencing shall also apply. For industrial areas adjacent to residential uses, a solid wall as described below is required unless an alternate plan is approved by the development review organization (DRO), or other designated design review body.

1. Low Solid Screen. A fence or wall 3 to 4 feet high and fully sight-obscuring. It may be painted, view-obscuring wood board fence or masonry wall of uniform material that is designed and constructed to withstand a 15 pound-per-square foot wind load and deterioration resulting from contact with soil, vermin and weathering. Wire fences with dark colored, durable, matte finishes (both wire and posts) and vinyl slats are permitted if also planted with fast growing trees, hedge plants, upright shrubs or evergreen vines and used in combination with green growing ground cover or low hedge landscaping.

2. High Solid Screen. A screen 6 to 8 feet high and sight-obscuring. It may be painted, view-obscuring wood board fence or masonry wall of uniform material that is designed and constructed to withstand a 15 pound-per-square foot wind load and deterioration resulting from contact with soil, vermin and weathering. Wire fences with dark colored, durable, matte finishes (both wire and posts) are permitted if also planted with trees, hedge plants, shrubs or vines and used in combination with green growing ground cover or low hedge landscaping. May also be a masonry wall with lattice work resulting from an open brick pattern or use of open masonry blocks.

3. Solid Wall. A wall 6 to 8 feet high and fully sight-obscuring. The wall may be masonry, brick, concrete or exposed aggregate and is designed and constructed to withstand a 15 pound-per-square foot wind load and deterioration resulting from contact with soil, vermin and weathering.

B. Open or Semi-Open Fencing. A chain-link (nonmetallic finish) fence with or without vinyl slats may be used if a solid fence is not required. No fence or wall that adjoins a residential lot, residential district or fronting on a public thoroughfare or highway shall incorporate barbed wire or other sharp, protruding objects, pursuant to Section 11.88.020 of this Code.

C. Height. No fence or wall shall exceed 3 feet in height, except if the Development Review Organization grants an adjustment when such installation is deemed necessary.

D. Maintenance. Fencing shall be continuously maintained. There shall not be any sign of disrepair. Fence should be periodically treated to maintain finish in a rust-free condition.
Landscaping Requirements.

A. Minimum Landscaped Area. All lots with 5000 square feet or more of total land area shall provide a landscaped area of at least 10% of the total land area including open areas except when otherwise specified by the Development Review Organization. Street trees shall be planted as provided in Section 15.04.820.012B. These areas shall be incorporated into the landscape plan for the whole site and treated and maintained as a unit. The Development Review Organization (DRO) or other designated design review body may approve the inclusion of areas maintained in a native planting or naturalistic state as green growing ground cover in calculating the landscaped area.

For industrial zone areas, the following material specifications for open areas, green growing ground cover, low hedge and/or high hedge shall apply:

1. Open Areas. Required open areas shall be landscaped, seeded or left in natural vegetation, and may include trails, pathways, recreational areas or furniture for pedestrians. Open areas may not be paved, graveled, filled, excavated, covered by structures, or used as storage areas.

2. Green Growing Ground Cover. May include grass, shrubs, perennial flowers, and vines. Plantings should be made in such number or size to cover 100 percent of the landscaped area within two growing seasons. Where required ground cover areas are 15 feet or wider, a line of trees shall also be provided at the rate of one tree for every 50 linear feet, or fraction thereof. Where required ground cover areas are less than 15 feet, trees may be required by Development Review Organization.

3. Low Hedge. May include hedge plants and shrubs. Plants should be of such type and number to reach a height of three feet within three years and to be of such density as to be at least 75 percent opaque year round.

4. High Hedge. May include trees, hedge plants and large shrubs. Plants should be of such type and number to reach a height of six feet within three years and to be of such density to be at least 75 percent opaque year round.

B. Parking Areas. In addition, a minimum of 10% of all site area devoted to parking shall be landscaped unless otherwise specified by the Development Review Organization. (See Section 15.04.850.050, Parking Landscape Design Standards.)

C. Maintenance. After initial installation, all landscaping must be maintained in a reasonably litter-free condition and shall be replaced when necessary. Vegetation shall be pruned back from pedestrian areas and vehicle travel areas. An automatic irrigation system shall be installed within all landscaped areas upon initial construction or occupancy of the property. The automatic irrigation system is required to establish and maintain plants. With the exception of access driveways, curbs and sidewalks, the landscaped areas of off-street parking lots; and front and street side yards shall be maintained in a landscaped, decoratively treated condition, largely or wholly covered with living plant materials. In no case shall more than 75% of the required front yard or street side yard be used for a purpose other than landscaping as described herein.

On property at any corner formed by intersecting streets, the landscaping shall not be higher than 3.5 feet, above the level of the center adjacent intersection within that triangular area between the property line and a diagonal line joining points on property lines 25 feet from the point of their intersection. (See Section 14.64.050 of this Code.)
D. Compliance with Landscape Design and Development Guidelines. In addition to the provisions contained in this section of the ordinance, all landscaping plans shall comply with the provisions of the landscape design and development guidelines adopted by the City Council. Landscape plans, including irrigation plans, must be submitted for the required landscaped or screened area. They shall be drawn to scale. Planting schedules shall show species by common and botanical names, size and placement of plants. Materials, size and placement of screens shall be shown. In the event of conflict between the provisions contained in this subsection and those in the guidelines, the more restrictive provisions shall apply. All required landscaping and irrigation must be in place before occupancy permit and gas and electric service is released by the City.

SECTIONS
15.04.820.021 Applicability.
15.04.820.022 Definitions.
15.04.820.023 Permitted Uses.
15.04.820.024 Exceptions.
15.04.820.025 Conditional Use Permit.

15.04.820.021 Applicability.

The provisions in this section shall govern all projects and activities which involve hazardous waste or hazardous materials. The purpose of this section is to establish a basis for the issuance of conditional use permits for projects and activities which could significantly and/or adversely affect public health or the environment and which generate, store, transport, treat or dispose of significant amounts of hazardous materials. Further, the intent is to encourage reductions in the amounts of hazardous wastes or materials managed for the benefit of the health, safety and general welfare of the residents and persons within the City of Richmond. This section is not intended, and should not be deemed, to preempt or prevent compliance with Federal, State, and/or County laws, regulations, etc. In case of any conflict among Federal, State, County or local laws, then the most restrictive provisions will apply.

15.04.820.022 Definitions.

The definitions included in this section are for terms used in this section.

A. Dispose means to discharge, deposit, inject, dump or place any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may not enter the environment or be emitted into the air or discharged into any waters, including ground waters.

B. Generate means an act or process of producing hazardous waste.

C. Hazardous material means any substance which is regulated as a hazardous material and classified in the Appendix VI-A of the Uniform Fire Code, 1988 Edition. This reference to the 1988 Uniform Fire Code is for the purpose of definition only. These terms are also further defined under Fed-OSHA Title 29 and CFR Title 49 (Transportation). Hazardous materials belonging in more than one category are subject to the regulations of the more stringent category.

D. Hazardous waste means any substance which is regulated as a hazardous waste by the California Department of Health Services under Title 25 California Administrative Code, Division 4, Chapter 30.

E. Bulk plant means a plant primarily engaged in the manufacturing, synthesizing, processing, blending or packaging of hazardous materials. Materials are stored in large fixed containers. Bulk plant quantities are larger than the amount transported in or out in a single shipment.

F. Bulk storage and/or distribution means the storage and/or distribution of hazardous materials which are collected, repackaged, blended or stored on-site; and may be used or sold on-site. The
materials are generally transported to the site in an unpackaged form and are then transferred to storage containers by hose, pipeline, conveyor belt, etc. On-site usage of rail car, tanker truck or similar vehicle for storage is considered at this quantity level.

G. **Commercial packaged** means hazardous materials that are stored in discrete containers which are handled individually, pelletized or utilized for purposes of transportation. Packaged materials are used or sold on site. Packages may include cylinders, drums, boxes, glass, jars, etc.

H. **Lab amounts** means amounts of hazardous materials which are less than commercial packaged amounts, and are generally recognized by the industry as that which is required for normal laboratory research and development activities and which if an incident were to occur, would not have impacts beyond the immediate premises.

I. **Household packages** are packaged and distributed hazardous material in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care or household use.

### 15.04.820.023 Permitted Uses.

The following table indicates under what conditions various uses and activities will be permitted:

(Note: P = Permitted, C = Conditional Use Permit, NP = Not Permitted)

<table>
<thead>
<tr>
<th>Activity/Use</th>
<th>Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M-3 and M-4</td>
</tr>
<tr>
<td>Explosives and blasting agents including high explosives, peroxides capable of detonation, low explosives and blasting agents</td>
<td>NP</td>
</tr>
<tr>
<td>Toxic materials including Class A and B poisons</td>
<td>C</td>
</tr>
<tr>
<td>Highly unstable materials including organic peroxides Class I-II, oxidizers Class 4, phyrophoric materials, unstable materials Class 4-3 and water reactive materials Class 3</td>
<td>C</td>
</tr>
<tr>
<td>Radioactive materials in amounts licensed by State</td>
<td>NP</td>
</tr>
<tr>
<td>Moderately hazardous materials including corrosives, flammable gases, flammable liquids, flammable solids, organic peroxides Class III, oxidizers Class 3-2, water-reactive materials Class 2</td>
<td>C</td>
</tr>
<tr>
<td>Materials with limited hazards including combustible liquids, irritants, oxidizers Class 1, organic peroxides Class IV-V, sensitizers, unstable materials Class 2-1, water-reactive materials Class 1</td>
<td>P(a)</td>
</tr>
</tbody>
</table>

(a) = If one-half mile or closer to a residentially zoned or developed parcel, school, college or hospital, then a conditional use permit is required.

### 15.04.820.024 Exceptions.

The following are exceptions to the activities/uses allowed in Section 15.04.820.023:

A. In addition to these regulations, all storage or use of hazardous materials must be approved by the Fire Chief and be in conformance with all applicable fire and building codes;
B. Unless otherwise stated in the preceding table, packaged quantities of hazardous substances for on-site use or sale are permitted in the zones. Household packaged hazardous materials that are packaged and distributed in a form intended or suitable for sale through retail sales outlets for purposes of personal care and household use are also permitted in zones where such retail sales is allowed;

C. An existing use would be subject to the table’s requirements if the quantity of material used increases to a higher quantity level or the category of chemicals used changes to a higher (more hazardous) category (e.g., a change from a moderately hazardous material to a toxic material).

15.04.820.025  Conditional Use Permit.

Where a conditional use permit is required for this section, the procedure will be as set forth in Section 15.04.910.

A. Application Criteria. The project description for a conditional use permit shall also include, but is not limited to, the following:

1. The amount and level of hazard presented by the substance;

2. Safety measures being proposed;

3. The potential for odors and toxic fumes;

4. The maximum number of people and amount of land and structures which would be at risk if there were an accident;

5. Location of the site in relation to identified areas or special areas of environmental concern such as water courses, water wells, underground aquifers, or fish and wildlife habitats;

6. Location of the site in relation to designated routes for the transport of hazardous substances; and

7. Any other public welfare concerns identified by the staff.

B. Findings. In approving an application for hazardous materials or hazardous waste, the Planning Commission shall also make the following findings:

1. The activity will not create an unreasonable risk to the public health and safety or to the surrounding properties and activities;

2. The activity is consistent with the character and economic function of the surrounding area;

3. The proposed activity with any required conditions will not result in significant impact on environmentally sensitive areas;

4. The request has been approved by the Fire Department.

C. Professional Assistance for City Determinations. Whenever an approval by the Planning Commission may be required in this section, the Planning Director may, at such applicant's sole cost and expense, retain a suitably qualified independent engineer, or chemist, or other appropriate profes-
sional consultant regarding the adequacy of the application to achieve the purposes of this section. The Planning Commission shall be entitled to rely on such evaluation and/or opinion of such engineer, chemist or professional consultant in making the relevant determinations provided for in this section.
15.04.820.030  Reserved.


(Amended by Ordinance No. 26-03 N.S. and 26-09 N.S.)
15.04.830 Development Standards.

SECTIONS
15.04.830.010 Applicability.
15.04.830.020 Height Standards.
15.04.830.030 Area/Setback Standards.
15.04.830.040 Open Space Standards.
15.04.830.050 Projections Allowed into Yards and Common Open Space.
15.04.830.060 Exceptions to Development Standards.

15.04.830.010 Applicability.

The following development standards shall apply to new development, additions or any renovations, and/or remodeling. A determination of compliance with these provisions shall be made by the Planning Department prior to the issuance of a building permit.

15.04.830.020 Height Standards.

No building or structure shall hereafter be erected which exceeds the allowable height maximum for the base zoning district (refer to the development standards chart in each applicable district). For planned areas, the allowable height shall be as specified in the plan. Where special circumstances warrant and findings have been made as part of the conditional use or other discretionary approval, the maximum height may be reduced if the Commission makes findings that such development would adversely affect public health, safety and/or welfare and/or be in violation or conflict with other provisions of this Code.

Towers, spires, cupolas, chimneys, elevator penthouses, water tanks, monuments, and similar structures and necessary mechanical appurtenances covering not more than 20 percent of the top floor roof area may exceed by 8 feet the maximum permitted height in the district in which the site is located or as approved through a conditional use permit process by Planning Commission (see Section 15.04.910). All mechanical equipment shall be subject to the provisions of Section 15.04.840.120.

15.04.830.030 Area/Setback Standards.

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards and lot areas are provided and maintained. No yard or lot area now or hereafter provided for a building existing on the effective date of this ordinance shall subsequently be reduced below the area required for equivalent new construction. Yard areas which are already less than the minimum yard and/or lot area requirement of this ordinance shall not be further reduced. No yard, lot area, or other open space maintained around any building for purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building/development.

Where the yard regulations cannot reasonably be complied with or where the application of yard regulation cannot be determined on lots of peculiar shape or location or on hillside lots, such regulations may be modified as determined by the Planning Director or Planning Commission as provided for in Section 15.04.920.
A. Front Yard. The front yard shall not be less than the minimum distance indicated for the zoning district except as follows:

In residential districts where lots comprising 40% or more of the block frontage (excluding reversed corner lots) are developed with building having front yards with a variation of not more than 10 feet in depth, the average front yard of such lots may be used to establish the front yard requirement.

Where a parcel is occupied by an existing building with a front yard setback less than is required by the district, new additions on the property may maintain that existing setback.

For properties with one or more of the following: (1) on sloping lots where the elevation of the ground, at a point 50 feet from the front line of a lot and midway between the side lines, differs 10 feet or more from the curb level; or (2) where the slope (measured in the general direction of the side lot lines) is 20% or more on at least 25% of the depth of the lot; then the front yard shall be a minimum of 50% of that required in the base district. Where frontage in a commercial district abuts residential property or a residentially zoned district then the front yard requirement for the R-district shall apply (see Section 15.04.100(D))

B. Side Yards. The side yards shall not be less than the minimum distance indicated for the applicable zoning district.

In residential districts on interior lots, the side yard width on each side of a main building shall not be less than 10% of the yard width of the lot and in no event less than 3 feet. When a corner lot is involved, the exterior side yard should not be less than 50% of the required setback distance for the front yard, but such side yard need not exceed 10 feet or shall be less than 5 feet. On any lot of 37.5 feet or less in width, said street side yard may be reduced to 5 feet and a second story may project into a street side yard to within 3 feet of property line.

Where an existing main building has an interior side yard of 30 feet or more in length and a width which is less than 10% of the yard width of the lot, additions may be made that have the effect of lengthening the side yard, but such additions shall not reduce the side yard width below 3 feet (or 5 feet in width in the instance of a street side yard lot).

Refer to Section 15.04.830.050 for permitted encroachments into side yards.

C. Rear Yard. The rear yard shall not be less than the minimum number of feet indicated for the applicable zoning district.

In residential districts, the rear yard should not be less than 20% of the lot depth but such rear yard need not exceed 20 feet except when needed to provide required interior yard space (IYS).

Refer to Section 15.04.830.050 for permitted encroachments into the rear yard.

D. Lot Area. The minimum lot area shall be as indicated in the base zoning district or as approved under a planned area permit.
E. Small-Sized Lot Creation—Existing Dwelling. Where a level parcel, having an average longitudinal slope of less than 5 percent and average slope of less than 5 percent, with an existing dwelling, meets any one of the conditions below:

Condition 1. If the dwelling consists of no more than two (2) dwelling units and was erected prior to December 14, 1959, and the overall consolidated parcel is at least sixty-two and one-half (62½) feet in width and six thousand two hundred fifty (6,250) square feet in area; or

Condition 2. If the dwelling is erected after December 14, 1959, and the overall consolidated parcel is at least seventy-five (75) feet in width and seven thousand five hundred (7,500) square feet in area, said parcel may be divided into two separate building sites of no less than thirty (30) feet frontage and three thousand (3,000) square feet in area provided that the occupied portion shall be afforded rear yard, interior yard space, side yards, off-street parking, and driveway width as required by this chapter for lots of similar size. Said split may occur when the occupied portion has a nonconforming side yard on the opposite side from the proposed split line.

When thus divided, the new, vacant portion shall become a separately recognized building site upon arrival of a plot plan and survey showing the division and the existing lot, use of both components, and when the survey is filed with the County Recorder.

15.04.830.040 Open Space Standards.

A. Interior Yard Space. In single-family residential developments, interior yard space equal to 16% of the lot area shall be provided. Such lot area shall be completely open except for a patio or pergola, etc. and shall be effectively separated from areas of automobile circulation.

1. The interior yard space may be in the rear yard or within the building envelope (ex. as in an interior courtyard). The interior yard space may also include the interior side yard, which must have a minimum dimension of 15 feet. The minimum dimension of the interior side yard may be reduced to a minimum dimension of 12 feet if the area represented by the side yard is not more than 33% of the total interior yard area. Accessory buildings, such as patio or pergola, may encroach into the interior yard space as long as such encroachment does not exceed 50% of the required interior yard space.

2. Where small size lots exist, (i.e., parcels of 30 feet or less in width and/or 3,000 square feet or less in area) an interior yard space equal to 20% of the total lot areas shall be provided. An accessory structure of not more than 60 square feet in area and 9½ feet in height may be allowed to encroach into the required interior yard space. Such accessory structure should be located so that it is no more than 3 feet from a rear corner.

B. Open Space. Open space shall be provided for each dwelling unit in a structure with two or more units on the same lot as follows:

1. Private Open Space. Private open space shall be immediately adjacent to, accessible to, and private to the unit it is designed to serve. It shall be no more than 3.5 feet above or below the floor level of the dwelling unit. The space may be located anywhere on the lot, including decks and balconies, except in a required front yard. Ground level space shall not be less than 100
square feet in area nor less than 10 feet in its least dimension. Space located at least 6 feet aboveground shall have a minimum dimension of 6 feet and a minimum area of 60 square feet. Ground level area designated as private, open space shall not have a slope that exceeds 1:12. Space located on decks and balconies shall not have a slope that exceeds 1:24. For each dwelling unit, there shall be provided a minimum of 60 square feet of private open space or as specified in development standards chart for district.

2. Common Open Space. Common open space may be in the rear yard or within building envelope, shall be at grade, except that terraces, roofs, decks at a ground level with a slope not exceeding 1:12, may be included, provided that the area is at or below the floor level of the unit it serves. The majority of common open space is to be lawn, garden or natural landscape. The ground level space shall not be less than 15 feet in its least dimension and 300 square feet in area. Above grade decks or terraces shall not be less than 10 feet in minimum dimension and 200 square feet in area. For each dwelling unit, there shall be provided a minimum of 200 square feet of common open space or as specified in development standards chart for district. An additional 100 square feet of open space (either common or private) per unit shall be provided for all two or more bedroom units. Areas devoted to off-street parking and loading; or to access structures or stairs; shall not be considered common, open space.

3. Courtyards. When a lot is developed with more than one main residential building, at least 12 feet of separation shall be maintained between those main buildings.

4. Sloping Lots. In order to encourage the use and development of the full lot sloping sites and to prevent excessive mass grading and/or construction of bulky decks, the slope requirements may be waived for one-half the total combined common and additional open space, provided that:

(a) All other open space requirements are met;

(b) The steep areas of the site which are part of the required usable open space are developed and maintained with landscaping suitable to prevent soil erosion and fire hazard; and

(c) A path or paths providing access through the common open space is developed and maintained.

In such cases, a landscaping plan showing existing and finish grades, paths, and treatment for the whole lot is required.

15.04.830.050  Projections Allowed into Yards and Common Open Space

The following projections are allowed as follows:

A. Open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project into a required rear yard or interior yard space not more than 4 feet. Balconies may extend into a required front yard not more than 2.5 feet.

B. Open, unenclosed porches or landing places not covered by a roof or canopy, which do not extend above the level of the first floor of the building may extend or project into any yard or interior yard space. Ground floor level porches that are covered with a roof or a pergola and which are no wider
than 60% of the front wall width, may project a maximum of six feet into the required front yard if the roof or cover does not extend above the second story floor plate or, in the case of single story buildings, the eave line. In no instance, however, shall such a covered porch reach closer than five feet to the front property line.

C. Open, ornamental fences, hedges, landscape architectural features or guard railings for safety protection around depressed ramps, may be located in any yard or interior yard space if maintained at a height of not more than 3.5 feet above the average ground level. An open-work-type railing not more than 3.5 feet in height may be installed or constructed on any balcony, stairway, porch, or landing place mentioned in paragraphs A and B above.

D. Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required yard or interior yard space provided they do not produce a hedge effect contrary to the provisions of paragraph C above.

E. Name plates, bulletin boards or signs pertaining to the prospective sale, lease or rental of the premises on which they are located, as permitted in Chapter 15.06 of this Code, shall be allowed in any required front, side or rear yard.

F. Permitted encroachment and projections shall not be located and/or maintained so as to preclude complete access at all times about a main building.

G. Breezeways may provide a covered passageway between any of the various structures permitted on a lot provided that the area covered by the breezeway may not be used to satisfy the area requirement for interior yard space.

H. A one-story, support structure holding up the upper floor(s) of a residence may extend into the required interior or street side yard. Such support shall consist only of vertical column(s) mounted with cross supports extending into the building envelope, and this buttress-work shall be open so that it does not block the light and air afforded by the side yard.

I. Eaves, cornices, belt courses, sills, canopies or other similar architectural features (not including bay windows or vertical projections), may extend or project a distance not greater than 2.5 feet horizontally into a required side yard that is 5 feet or more in width. In required side yards less than 5 feet in width, the horizontal projection shall not be more than 16 inches. Such horizontal projections may project into the required front yard, rear yard, street side yard and interior yard space a distance not greater than 4 feet. Chimneys may project into a required yard or interior yard space a distance not exceeding 20 inches.

J. Open, unenclosed fire escapes may extend or project into any yard or interior yard space not more than 4 feet.

K. The main residential building may project into the required yard up to, but not within, 10 feet of the rear lot line, provided that the required interior yard space is otherwise provided on the parcel. This building projection shall observe the required side yards and shall be no wider at the projection than 50% the average lot width.

L. L-shaped Parcels. Where an L-shaped parcel exists or is created, the main residential building may project into the required rear yard up to a distance of 10 feet from the rear property line, provided
that the required interior yard space is otherwise provided on the parcel. The building width at the rear may be increased to a maximum of 25 feet if a 7.5 feet or greater setback is provided between any lateral projection and the rear lot line of any parcel between the lot in question and any street frontage.

15.04.830.060 Exceptions to Development Standards.

A. Use.

1. See nonconforming uses, Section 15.04.940.

2. Nothing in this chapter shall be interpreted to prohibit the use for navigation purposes of any waters above submerged lands anywhere in the City of Richmond.

B. Area.

1. Yard Regulations Modified. Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape or location or on hillside lots, such regulations may be modified or determined by the Commission as provided for in Section 15.04.920.

2. Front Yard—Between Projecting Buildings. Where a lot is situated between two lots, each of which has a main building (within twenty-five feet of its side lot lines) which projects beyond the established front yard line and has been so maintained since this chapter became effective, the front yard requirements on such lot may be the average of the front yards of said existing buildings.

3. Front Yard—Adjoining Projecting Buildings. Where a lot adjoins only one lot having a main building (within twenty-five feet of its side lot lines) which projects beyond the established front yard line and has been so maintained since this chapter became effective, the front yard requirement on such lot may be the average of the front yard of said existing building and the established front yard line.

4. Front Yard—A Sloping Lot. Where the elevation of the ground at a point fifty (50) feet from the front line of a lot and midway between the side lines, differs to (10) feet or more from the curb level, or where the slope (measured in the general direction of the side lot lines) is twenty (20%) percent or more on at least one-quarter (1/4) of the depth of the lot, the front yard need not exceed fifty percent (50%) of that required in the district.

5. Front and Side Yards Varied—Unit Development. Where an entire frontage in an SFR-3 district is designed and developed as a unit, the following provisions shall apply:

a. The front yard requirement may be varied by not more than five feet in either direction (e.g., from twenty to thirty feet in the case of a required front yard of twenty-five feet), provided the average front yard for the entire frontage is not less than the minimum front yard required in the district; and

b. The side yard requirements may also be varied, provided that the total combined width of the two side yards on a lot is not less than that required for lots in the district, that no side yard shall be less than three feet, and that the minimum distance between the sides of buildings shall not be less than ten feet.
6. **Side Yard Waived—Semi-Detached Dwellings, etc.** For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one building occupying one lot; semi-detached two- and four-family dwellings, row dwellings, group dwellings and court apartments.

7. **Rear Yard—Includes Loading Space.** A required loading space may occupy a required rear yard or any part thereof.

8. **Additional Dwelling—Large Lot.** Where a lot has an area equivalent to two or more times that required by this chapter, but without sufficient required frontage for two or more lots, a dwelling shall be permitted on both the front and rear portions of said lot, provided:
   a. That all height and area requirements, except lot width are complied with;
   b. That a strip of land thirty feet wide adjacent to and measured at right angles from the rear lot line, is reserved for future access in addition to the required rear yard; and
   c. That a strip of land at least fifteen feet wide, measured at right angles to either side lot line and extending from the street line to the rear portion of the lot, is reserved as a means of access thereto.

9. **Lot Area—Includes One-Half Alley.** In computing the lot area of a lot which rears upon an alley, one-half the width of such alley shall be assumed to be a portion of the lot.

10. **Through Lot—May Be Two Lots.** Where a through lot has a depth of one hundred fifty feet or more, said lot may be assumed to be two lots with the rear lines of each approximately equidistant from the front lot lines, provided all area requirements are complied with. An accessory building shall not project beyond the front yard line of an existing main building along the frontage, except that such accessory building need not be located more than twenty-five feet from the street line.

11. **Decks—Sloping Parcel.** An open deck or platform may be erected in a required rear or interior side yard area on a slope portion of a parcel to furnish a level outdoor living area. This structure shall be at or within one foot of ground level on at least one end or side, and shall be subject to the limitations:
   a. **Neighbor's Side Yard.** The deck floor shall be no greater than three feet above grade at the abutting neighbor's side lot line.
   b. **Neighbor's Rear Yard.** The deck floor shall be no greater than nine feet above grade at the neighbor's rear yard line, and may be up to nineteen feet above grade at a distance of ten feet from that line.
   c. Such decks may extend to the main building and continue within the permissible building envelope. It may be enclosed on all sides by a fence not to exceed six feet in height.

(Amended by Ordinance Nos. 37-96 N.S., 31-97 N.S. and 5-04 N.S.)
15.04.840 Performance Standards.

**SECTIONS**

15.04.840.010 Applicability.

The performance standards established by Section 15.04.840 are intended to ensure that uses and activities shall occur in a manner to protect the public health and safety and which does not produce adverse impacts on surrounding properties nor the community at large. The standards contained in this section apply to all zoning districts. If necessary, the City will retain a professional expert or designated regulatory agency to assist in assessing possible impacts, any cost incurred will be paid by the applicant or business owner.

15.04.840.020 Noise Standards.

No uses or activities shall create noise levels which exceed the following standards:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Noise Level in dBA (levels not to be exceeded more than 30 minutes in any hour)</th>
<th>Maximum Noise Level in dBA (level not to be exceeded more than 5 minutes in any hour)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Measured at Property Line or District Boundary</td>
<td>Measured at Any Boundary of a Residential Zone</td>
</tr>
<tr>
<td>Single-family residential</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Multifamily residential</td>
<td>65</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>70, Measured at Any Boundary of a Residential Zone</td>
<td>60</td>
</tr>
<tr>
<td>Lt. industrial and office flex(^1)</td>
<td>70</td>
<td>60</td>
</tr>
<tr>
<td>Heavy and marine industrial(^2)</td>
<td>75</td>
<td>65</td>
</tr>
<tr>
<td>Zoning District</td>
<td>Maximum Noise Level in dBA (levels not to be exceeded more than 30 minutes in any hour)</td>
<td>Maximum Noise Level in dBA (level not to be exceeded more than 5 minutes in any hour)</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Measured at Property Line or District Boundary</td>
<td>Measured at Any Boundary of a Residential Zone</td>
</tr>
<tr>
<td>Public facilities and community use</td>
<td>65</td>
<td>60</td>
</tr>
<tr>
<td>Open space and recreational districts</td>
<td>65</td>
<td>60</td>
</tr>
</tbody>
</table>

\(^1\) For M-1 and M-2 the measurement will be at property lines.

\(^2\) For M-3 and M-4 the measurement will be at boundary of the district.

\(^3\) Restricted hours may be modified through conditions of an approved conditional use permit.

The noise standards above shall be modified as follows to account for the effects of time and duration on noise levels:

In residential zones, the noise standard shall be 10 dBA lower between 10:00 p.m. and 7 a.m.

Noise that is produced for no more than a cumulative period of 5 minutes in any hour may exceed the standards above by 5 dBA.

Noise that is produced for no more than a cumulative period of 1 minute in any hour may exceed the standard above by 10 dBA.

Mechanical and electrical equipment shall provide adequate shielding and baffling such that noise levels from such equipment will not exceed the noise levels specified above when measured at the property line.

Noise Measurement. Noise shall be measured with a sound level meter which meets the standards of the American National Standards Institute. Noise levels shall be measured in decibels (dB(A)) on a sound level meter using the A-weighted filter network. Calibration check of the instrument shall be made at the time any noise measurement is made. Excluded from these standards are occasional sounds generated by the movement of railroad equipment or warning devices.

NOTE: The maximum dBA levels are based on the State of California Land Use Noise Compatibility Matrix in volume one of the Richmond general plan.

15.04.840.030 Odor, Particulate Matter and Air Contaminant Standards.

No continuous, frequent or repetitive odors are permitted which are perceptible on or beyond adjacent property lines. An odor detected no more than a total of 15 minutes in any one day shall not be deemed to be continuous, frequent or repetitive for this regulation. No dust or particulate matter shall be emitted that is detectable at boundary lines or property by a reasonable person without instruments. Exhaust air ducts shall be located or directed away from abutting residentially-zoned properties.
15.04.840.040 Lighting and Glare Standards.

All lighting, reflective surfaces or any other sources of illumination shall be utilized in a manner which produces no glare on public streets or on any other parcel. Lights shall be shielded at lot lines so as not to be directly visible from an adjoining residential district.

15.04.840.050 Tree Preservation Standards.

All projects, both new development and additions or renovations to existing properties, shall be reviewed by the Director of the Department of Public Works to ensure their compliance with the provisions of the Urban Forest Management Plan and related city or any other specific ordinances and guidelines. Landmark trees and major groves will be preserved as required by the Director of the Department of Public Works and this Code.

15.04.840.060 Creeks/Steams/Riparian Corridors.

Building setbacks from top of bank of all creeks, streams and riparian corridors identified in the Richmond general plan shall be required as determined by Department of Fish and Game standards. Existing structures, heretofore lawfully erected, situated within the setback areas set forth in this section shall be governed by regulations applicable to nonconforming uses pursuant to Section 15.04.940. This section shall not apply to storm drainage, erosion control, and creekbank stability improvements which have been approved as required by law by the governmental agencies having jurisdiction over them. Every effort shall be made to preserve and enhance the vegetation that naturally occurs in riparian corridors.

15.04.840.070 Design Standards.

Projects shall be subject to site and development review per Section 15.04.930 of this chapter. Particular emphasis shall be placed on project design, site planning, building elevations, and neighborhood/area compatibility. Projects shall conform with specific design standards included in area and specific plans as applicable.

15.04.840.080 Fire Hazard Standards.

The storage, use, transportation or production of products which, either in the raw or finished state, constitute a flammable or explosive material shall be subject to the fire codes and approval of the City of Richmond’s Fire Department. Fire Department personnel may, without prior notice, visit and observe operations on the site and any directives issued by said personnel shall be satisfied in a timely manner. Burning of waste materials in open fires or unapproved incinerators is prohibited. All hazardous materials must comply with the provision of Section 15.04.820.020, Hazardous Materials.

15.04.840.090 Liquid or Solid Waste Standards.

The use, handling, storage and transportation of waste materials, including hazardous wastes, shall comply with the provisions of the California Hazardous Materials Regulations and any other applicable laws. Discharge at any point into a public or private sewage disposal system, stream, or the ground, of any material which could contaminate any water supply, or otherwise cause the emission of dangerous or offensive elements is prohibited. No exceptions are allowed unless in accordance with regulations, licenses or approvals of the various local and state agencies having jurisdiction over such activities.
Sidewalks, curbs and gutters shall be provided on all public streets, as required by the Director of Department of Public Works. Street trees shall be provided in accordance with the regulations of the Department of Public Works and Section 15.04.820.012B and C, Street Trees and Other Required Trees.

During the construction of a project, all portions of the site shall be watered as necessary to reduce emissions of dust and other particulate matter and all stockpiles shall be covered. Streets shall be made dirt free at the completion of construction. All construction and transport equipment shall be muffled in accordance with State and Federal laws. Construction and transport equipment shall be operated so as to minimize exhaust emissions. Grading and pile driving operations within 1/4 mile of residential units shall be limited to between 7 a.m. and 7 p.m., or as otherwise restricted as part of an approval. All water run-off from construction site shall be controlled. During construction trucks and equipment should be running only when necessary.

All exterior mechanical equipment shall be screened from public view. Equipment to be screened includes but is not limited to, heating, air conditioning, water tanks, transformers, satellite receiving antennas (greater than 3 feet in height and 12 inches in diameter). Screening materials may be solid concrete, wood or other opaque material and shall effectively screen mechanical equipment so that it is not visible* from a street or adjoining lot.

No operation or activity shall be permitted which will be directly visible to public view or to adjoining properties. Activities requiring the storage of wastes, materials or parts or assembly facilities must be screened from view. Machinery or equipment which, because of size and function, cannot be installed for practical purposes within an enclosed building shall be screened.

Due to its size, some outdoor equipment which is ancillary to operations in M-3 and M-4 districts may not be fully screened from view and therefore operators of such equipment shall be required to provide screening which is consistent with provisions of 15.04.820.013, Requirements Applicable to Commercial and Industrial Properties. Further, all mechanical equipment, switching boxes, transformers, etc., shall be screened from off-site view.

*NOTE: Visible means noticeable by a person 6 feet tall in height walking on a street or sidewalk two years after installation of any planting intended to screen a view.

Each person, company or corporation residing in and/or utilizing a property in the City of Richmond shall, at all times, maintain such property in good order. This shall include a litter management program and repair and maintenance of all structures, fences, signs, walks, driveways, lawns, landscaping, painting, etc., as may be necessary to preserve a quality environment.
15.04.850 Parking And Loading Standards.

SECTIONS
15.04.850.010 Applicability.
15.04.850.020 Parking Design Standards.
15.04.850.040 Tandem Parking in Residential Districts.
15.04.850.050 Parking Landscape Design Standards.
15.04.850.060 Parking Space Standards.
15.04.850.070 Loading Standards.

15.04.850.010 Applicability.

The provisions of Section 15.04.850 establish regulations for parking and loading which are intended to ensure that functional and adequate parking and loading facilities are provided and that such facilities do not interfere with circulation on public rights-of-way. The number of spaces prescribed in this section are intended to be in proportion to the need for such facilities, created by the particular type of land use, without causing traffic congestion. The design standards set forth herein are intended to ensure that parking and loading facilities protect the public safety, do not impair vehicular and pedestrian circulation and to mitigate the adverse impacts of such facilities on adjacent land uses. The regulations pertaining to parking and loading shall apply to new development and to additions to existing structures which involve more than 50% of the value of existing improvements which occur after the effective date of this ordinance.

15.04.850.020 Parking Design Standards.

A. Parking Space Dimensions and Location.

1. Every standard parking space shall have a size of not less than 9.0 ft. by 18.5 ft. exclusive of maneuvering space and driveways, which shall be provided to make each parking space independently accessible from the street at all times.

2. A reduction of the required parking spaces to 8 feet by 16 feet in size may be allowed for up to a maximum of 25% of total required parking spaces at the discretion of the planning director for the accommodation of compact-sized cars. Back-up and maneuvering space may be reduced accordingly, subject to approval of the Director of the Department of Public Works.

3. Off-street parking spaces for nonresidential uses shall be located on the same site or within a distance not to exceed 1500 feet from the property line of the property where the use for which the parking spaces are required. The applicant shall be required to show evidence that the off-site parking is reserved for the applicant's use, if such parking is on private property.

4. In industrial districts, surface parking lots shall be paved and set back from public streets as follows:

For lots 20,000 square feet or larger the minimum setbacks required are as follows:
(Setback may be reduced to 10 ft. in conjunction with a landscaped berm.)

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

B. Garages/Carports. For residential uses, required off-street parking located in the front half of a lot or within 25 feet of the side street on a corner lot shall be covered with carport, garage or roofed structure except as allowed below in Section 15.04.850.040 or for secondary dwelling units, for which one uncovered parking space may be provided in the required front yard if the parking pad and driveways are decoratively paved with aggregate, brick, pavers or similar material. For single-family residences, the interior dimension of a garage for each required parking space (if provided) shall not be less than 10 feet by 20 feet. Such private parking areas shall be located as part of the main building or in accordance with the requirements for accessory buildings. Uncovered off-street parking may be located in the rear half of the lot when more than 25 feet from a side street. (Ord. 39-78 N.S., 12/4/78)

C. Driveway—Maneuvering Aisle Specifications.

1. The width of driveways providing access to parking spaces shall not be less than 10 feet and the length of the driveway shall not be less than 18’, or for residential uses, the depth of the required front yard setback, whichever is less, where the number of parking spaces provided is fewer than four (4) and the movement of vehicles is in a single direction.

2. The following regulations shall apply where the number of spaces is 4 or more on either side or both sides of the aisle and the movement of vehicles is in a single direction.

a. The width of aisles shall be not less than 18 feet where the spaces are at an angle not exceeding 60 degrees to the aisle.

b. The width of aisles shall not be less than 25 feet where the spaces are at any angle to the aisle greater than 60 degrees.

3. Lighting of parking spaces shall be so arranged as to be directed downward and away from adjacent properties.

4. Off-street parking and loading areas and access drive shall be paved with appropriate materials as determined by the Public Works Department and shall have appropriate wheel stops and drainage facilities where needed.

5. Each parking space, truck loading space and all access drives for more than four spaces shall be so located that there will be no necessity of vehicles backing up into a street.

6. The Director of the Department of Public Works may establish additional specifications for driveway-maneuvering for parking spaces for vehicles which are not addressed by this section.
D. Handicapped and Special Parking Standards.

1. Handicapped parking spaces and special provisions for access by the handicapped from public right-of-way across intervening spaces and into nearby structures shall be pursuant to Section 14.40.200 of this Code.

2. The off-street parking of operable recreational vehicles, boats and trailers in residential districts shall be allowed as follows:
   a. No recreational vehicle, boat or trailer which exceeds 2.5 tons in dry weight, 36 feet in length or 14 feet in height, not including rooftop equipment, shall be parked, stored or loaded on a residentially zoned lot.
   b. Permitted recreational vehicles may be parked, stored or loaded on an approved parking space, in any location in which passenger vehicles may be parked, stored or loaded, as long as it does not block the sidewalk and/or driveway. Further, recreational vehicles may be parked, stored or loaded in other location as indicated below, provided that no other location on the site ordinarily available for vehicle parking can accommodate the recreational vehicle because access to those locations is blocked by a permanent building element such as a structural wall, an eave or a roof. These locations are:
      i. In areas blocking access to required parking spaces, provided that the spaces being blocked are for a single-family dwelling only and the owner of the recreational vehicle resides in that dwelling; and
      ii. In the side yard setback area, provided that:
          The recreational vehicle is located as far as physically feasible from the side lot line, consistent with requirements for light and ventilation into adjoining rooms.
          The recreational vehicle is located as far to the rear of the lot as is physically consistent with maintaining access to the garage.


Parking may be located in underground garages and such garages shall not be deemed as obstructions in the required yards in which they are located provided that these garages meet the following requirements:

1. Driveway and Curb Cut Limitation. No single curb cut may be more than 20 feet wide and there shall be a minimum of 20 feet between curb cuts on the same lot.

2. Substantial Roofs. Substantial roofs suitable for pedestrian use are provided.

3. Excavations. The structural extensions into required yards shall be as follows:
   a. Front yard: not more than 5 feet;
   b. Side yard: interior, up to full width; street side, not allowed;
   c. Rear yard and/or useable open space: up to a full depth of the yard, but not less than 6 feet.
4. Height. The height of such structures above the natural grade in the areas noted below shall not exceed the following dimensions:
   a. Front and interior side yard: 3 feet;
   b. Rear yard: 5 feet.

5. Structural Limitations. No structure, other than a fence no more than 6 feet in height and those items allowed under Sections 15.04.820.040 and 15.04.850.050 shall be erected or maintained on the roof of an underground garage located in the required interior yard space or the required useable open space. The garage shall be paved and include bumper guards, drainage facilities and similar design features as specified in Article VI of this Code and/or imposed by the Director of the Department of Public Works.

15.04.850.040 Tandem Parking in Residential Districts.

Tandem parking is allowed for residential uses upon approval of the Zoning Administrator or Design Review Board (as applicable) as part of a building application when the parking requirements for the use cannot otherwise be satisfied due to specific site conditions including, but not limited to, driveway steepness (25% lot slope or more), limited on-street parking due to curving or narrow streets, hillside development, excessive curb cuts, or narrow lot conditions (46' or less). If tandem parking spaces are used, they shall be assigned to the same dwelling unit. Not more than two spaces per unit shall be in a tandem arrangement. At least one space in a tandem parking arrangement must be standard size. The second space may be compact size. Handicapped spaces shall not be in tandem. Tandem parking shall not be permitted to fulfill guest parking requirements. For single-family dwellings, one uncovered tandem space of at least 20' in length may located in the front half of the lot or within 25' of a side street.

15.04.850.050 Parking Landscape Design Standards.

A. All commercial and industrial off-street parking areas shall be provided with drought-resistant live plant material over a minimum of 10% of the parking lot area. At least 50% of the required landscaping shall be interior to the parking lot area.

B. A parking lot of four or more spaces shall be separated from other areas by a combination of screening, fencing and landscape materials. Where a surface parking lot for four or more spaces is less than 10 feet from any residentially zoned or developed lot, a solid fence of the maximum height permitted in this chapter shall be provided adjacent to the residential property.

C. On property at any corner formed by intersecting streets, the landscaping within 25 feet of the intersecting property lines shall not be higher than 3.5 feet, above the level of the center of the adjacent intersection (see Section 14.64.050 of this Code).

D. Parking lots containing 12 or more auto spaces shall contain a minimum of one tree per four parking spaces, not counting street trees or required perimeter landscaping, integrated throughout the lot.

15.04.850.060 Parking Space Standards.

The following establishes the number of parking spaces required for specific land uses.
Gross floor area shall be used in computing required parking spaces and all fractions shall be rounded up to the next whole number. In addition to the below required parking, adequate off-street parking shall be provided for all vehicles, including but not limited to fleet vehicles, used either in conjunction with the activity or serviced by the activity.

When two or more land uses occupy the same lot, the required number of parking spaces shall be the sum of the requirements of the various individual uses computed separately.

A reduction of up to 25% of the spaces required may be allowed where findings are made indicating that several uses share a common parking area and the demand for parking occurs over different time periods, thereby making the full requirement unnecessary.

Parking space reductions of up to 10% may be permitted by the Planning Director or designee, if a rideshare, transit incentive program, or other transportation system management program is provided. Further parking space reductions up to a maximum of 25% may be permitted if approved by the Planning Commission, through a conditional use permit process.

Additions to existing facilities will affect parking requirements and will be included when computing required parking spaces.

<table>
<thead>
<tr>
<th>Type of Land Use</th>
<th>Parking Space Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential</strong></td>
<td></td>
</tr>
<tr>
<td>Single-Family</td>
<td>2 spaces per unit.</td>
</tr>
<tr>
<td>Duplexes</td>
<td>2 spaces per unit.</td>
</tr>
<tr>
<td>Multifamily 3 or more units</td>
<td>[Note: For multifamily units, any room that can be considered as a bedroom per Uniform Building Code (UBC) standards shall be used for the purposes of calculating parking. At least one required parking space per unit must be covered].</td>
</tr>
<tr>
<td>1 bedroom</td>
<td>1 space per unit.</td>
</tr>
<tr>
<td>2 bedrooms</td>
<td>1.5 spaces per unit.</td>
</tr>
<tr>
<td>3 or more bedrooms</td>
<td>2 spaces per unit.</td>
</tr>
<tr>
<td>Guest Parking</td>
<td>1 guest space per five units.</td>
</tr>
<tr>
<td>Senior Multifamily</td>
<td>1 space for each two (2) units plus 1 space for each employee per main shift; parking requirements may be modified with Conditional Use permit approval.</td>
</tr>
<tr>
<td>Type of Land Use</td>
<td>Parking Space Requirements</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td>Rooming Houses</td>
<td>1 space per two (2) bedrooms.</td>
</tr>
<tr>
<td><strong>Commercial</strong></td>
<td></td>
</tr>
<tr>
<td>For C-1 Neighborhood Commercial Districts. Commercial buildings with a gross floor area of 5,000 square feet or less are not required to provide off-street parking. All Other Commercial Districts. Commercial buildings with a gross floor area of 5,000 square feet or less are not required to provide off-street parking. Exception: All uses noted by asterisks below must provide off-street parking per parking ratios standards as prescribed regardless of the size of the commercial space which they occupy.</td>
<td></td>
</tr>
<tr>
<td>*Adult Business</td>
<td>1 space per 2(\frac{1}{2}) seats or 1 space per 200 square feet whichever is greater.</td>
</tr>
<tr>
<td>*Amusement/Recreational Services</td>
<td>1 space per 333 square feet of gross floor area.</td>
</tr>
<tr>
<td>Automobile Car Wash—Automatic/Belt Driven</td>
<td>1 space per employee with a 3 space minimum.</td>
</tr>
<tr>
<td>Auto Repair, Gasoline Service Station</td>
<td>3 spaces minimum plus 2 spaces per work bay.</td>
</tr>
<tr>
<td>Automobile Sales, Rental and Delivery</td>
<td>1 space per 2500 square feet of gross floor area.</td>
</tr>
<tr>
<td>*Banks, Financial Institutions</td>
<td>3.6 spaces per 1000 square feet located in a complex; 4 spaces per 1000 square feet if not so located.</td>
</tr>
<tr>
<td>Hotel, Motel, Residence Hotel</td>
<td>1 space per unit, guest room or single room plus 1 for every 25 units or portion thereof.</td>
</tr>
<tr>
<td>*Grocery or Convenience Store and General Retail</td>
<td>2 spaces per 1000 square feet of gross floor area up to 10,000 square feet. 3 spaces per 1000 square feet above 10,000 square feet.</td>
</tr>
<tr>
<td>Marina</td>
<td>1 space per 2 berths if exclusive parking; 1 space per 3 berths if combined with other commercial yachting, boating, or clubhouse activities parking.</td>
</tr>
<tr>
<td>Offices: Business, Professional</td>
<td>3 spaces per 1000 square feet.</td>
</tr>
<tr>
<td>Type of Land Use</td>
<td>Parking Space Requirements</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>*Medical, Dental and Veterinary Offices</td>
<td>3 spaces per 1000 square feet. If located in a residential dwelling a minimum of 3 off-street spaces must be provided.</td>
</tr>
<tr>
<td>Vehicle-Oriented Uses: Drive-In Restaurants; Fast Food</td>
<td>7 spaces per 1000 square feet.</td>
</tr>
<tr>
<td>Take-Out Restaurants</td>
<td></td>
</tr>
<tr>
<td>*Eating and Drinking Establishments: Restaurants/Cafes</td>
<td>1 space per 3 seats dining capacity plus 2 spaces per 1000 square feet of kitchen or office facilities.</td>
</tr>
<tr>
<td>Cocktail Lounge, Bar</td>
<td></td>
</tr>
<tr>
<td>Athletic Facilities</td>
<td>5 spaces min. plus 4 per 1000 square feet or one space for each spectator seat, whichever is greater, plus 5 spaces per 1000 square feet for exercise floor.</td>
</tr>
<tr>
<td>*Dance Halls and Nightclubs</td>
<td>10 spaces per 1000 square feet.</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>3 spaces for each lane.</td>
</tr>
<tr>
<td>Personal Service Establishments; Beauty Shop, Cleaners,</td>
<td>3 spaces per 1000 square feet.</td>
</tr>
<tr>
<td>etc.</td>
<td></td>
</tr>
<tr>
<td>Shopping Centers and Related Complexes</td>
<td>4 spaces per 1000 square feet.</td>
</tr>
<tr>
<td>Industrial Uses</td>
<td></td>
</tr>
<tr>
<td>Research and Development</td>
<td>3 spaces per 1000 square feet of office space.</td>
</tr>
<tr>
<td>Exclusive Laboratory</td>
<td>1.5 space for 1000 square feet.</td>
</tr>
<tr>
<td>Light Industrial (Manufacturing Uses)</td>
<td>1 spaces per 1500 square feet.</td>
</tr>
<tr>
<td>Warehouses</td>
<td>1 space minimum; 1 space per 1500 square feet up to 10,000 square feet; 10,001 to 25,000 square feet: 6 spaces or less: 6 spaces; over 25,000 square feet; 6 spaces plus 1 additional space per each 5,000 square feet or fraction thereof above 25,000 square feet not to exceed 10 spaces total.</td>
</tr>
<tr>
<td>Type of Land Use</td>
<td>Parking Space Requirements</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>-----------------------------------------------------------------</td>
</tr>
<tr>
<td>Heavy Industrial (Manufacturing Uses)</td>
<td>1 space per 1500 square feet for the first 30,000 square feet, then 1 space per 2,000 square feet.</td>
</tr>
<tr>
<td>Marine Industrial (Manufacturing Uses)</td>
<td>1 space per 1000 square feet for the first 20,000 square feet, then 1 space per 1500 square feet.</td>
</tr>
<tr>
<td>Public and Semipublic Uses</td>
<td></td>
</tr>
<tr>
<td>*Auditoriums: Schools, Churches, Assembly Halls, Private Schools (with 12+ students)</td>
<td>1 space or each 5 seats or 25 spaces per 1000 square feet if no fixed seats.</td>
</tr>
<tr>
<td>Convalescent Hospitals, Nursing Homes</td>
<td>1 space for each 3 patient beds.</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 space per 4 patient beds plus 1 for each staff or regular visiting doctor, plus 1 for each 4 nonmedical employees.</td>
</tr>
<tr>
<td>Museum, Public Art Gallery</td>
<td>2 spaces per 1000 square feet.</td>
</tr>
<tr>
<td>Public Buildings</td>
<td>1.5 spaces per 1000 square feet if over 3000 square feet.</td>
</tr>
<tr>
<td>*Nursery School, Daycare Center, Private Schools (with 12+ students)</td>
<td>1 space per each 2 employees.</td>
</tr>
<tr>
<td>High Schools</td>
<td>1 space for each 10 students planned plus 1 space for each three employees.</td>
</tr>
<tr>
<td>Colleges, Universities, Vocational Schools and Educational Facilities</td>
<td>As specified by Conditional Use Permit.</td>
</tr>
<tr>
<td>Transportation Depots: Bus, Rail and Similar Facilities</td>
<td>To be determined by Conditional Use Permit.</td>
</tr>
</tbody>
</table>

15.04.850.070 Loading Standards.

Loading spaces shall be at least ten (10) feet wide, sixty (60) feet long, and fifteen (15) feet high, exclusive of drives or aisles. Loading areas for activities in the sales and service categories may have a minimum
length of 35 feet, not the 60 feet normally required. Loading areas shall be designed so that vehicles enter and exit the site in a forward motion. Loading areas in the industrial districts shall meet the setback, landscaping, and screening requirements for exterior storage in M-3 and M-4 districts.

Loading spaces shall be provided in accordance with the following minimum requirements:

<table>
<thead>
<tr>
<th>USE</th>
<th>AREA (SQ. FT.)</th>
<th>NUMBER OF LOADING BERTHS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multifamily Residential</td>
<td>less than 50,000</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>50,001 or more</td>
<td>1</td>
</tr>
<tr>
<td>Apartment, Hotel Motel, Office</td>
<td>less than 50,000</td>
<td>0</td>
</tr>
<tr>
<td>For each additional 50,000 square feet or fraction thereof</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Retail Store; Commercial Service</td>
<td>less than 7,500</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>7,500—40,000</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>40,001—100,000</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>100,001—160,000</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>160,001—240,000</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>240,001—320,000</td>
<td>5</td>
</tr>
<tr>
<td>For each additional 90,000 square feet or a fraction thereof</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>less than 7,500</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>7,500—40,000</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>40,001—100,000</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>100,001—160,000</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>160,001—240,000</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>240,001—320,000</td>
<td>5</td>
</tr>
<tr>
<td>For each additional 90,000 square feet or a fraction thereof</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

(Amended by Ordinance Nos. 37-96 N.S., 31-97 N.S., 7-99 N.S., 5-04 N.S. and 11-05 N.S.)
15.04.860  Signs.

SECTIONS

15.04.860.010  Title, Purpose and Applicability.
15.04.860.020  Sign Ordinance Compliance.
1.504.860.030  Sign Code Compliance.

15.04.860.010  Title, Purpose and Applicability.

The provisions of this section shall provide guidelines for the types and placement of signs in the districts which are governed by the provisions of this chapter. The intent is to implement the goals and objectives of the Richmond general plan and improve the visual appearance of streets and the image of the City.

15.04.860.020  Sign Ordinance Compliance.

All signs must be in compliance with the provisions of Chapter 15.06 of this Code, Use and Display of Signs, which provide specific regulations on the types, contents and number of signs allowed in each district. Chapter 15.06 also specifies the procedures and conditions under which various signs are permitted and/or conditionally permitted.

1.504.860.030  Sign Code Compliance.

All signs must also be in conformance with Chapter 4.04, Sign Code, Chapter 4.08, Signs and Posters upon Private Premises, and Chapter 4.12, Signs on Utility Poles and Public Property.
15.04.865 Tobacco Sales.

SECTIONS
15.04.865.010 Purpose.
15.04.865.020 Definitions.
15.04.865.030 Tobacco Sales Limited to Certain Land Uses.
15.04.865.040 Restriction on Amount of Tobacco Sales.
15.04.865.050 Termination Nonconforming Tobacco Sales.

15.04.865.010 Purpose.
The purpose of this section is to limit the types of uses that may sell tobacco products in the City.

15.04.865.020 Definitions.
The terms used in this section shall have the meanings stated in the Definitions, Section 15.04.020 and Definitions, Section 7.105.010 of this Code.

15.04.865.030 Tobacco Sales Limited to Certain Land Uses.
The sale of tobacco products shall only be allowed in an automobile service station, convenience store, grocery store, or supermarket.

15.04.865.040 Restriction on Amount of Tobacco Sales.
Uses where the sale of tobacco products is allowed shall devote not more than ten percent of sales or product display area to the sale or exchange of tobacco products.

15.04.865.050 Termination Nonconforming Tobacco Sales.
Tobacco sales that were in lawful existence at uses other than an automobile service station, convenience store, grocery store, or supermarket prior to this section’s adoption shall terminate upon the change of business ownership.

(Added by Ordinance No. 19-10 N.S.)
15.04.870 Live/Work.

SECTIONS
15.04.870.010 Applicability.
15.04.870.030 Permitted Use.
15.04.870.040 Live/Work Standards.

15.04.870.010 Applicability.

The purpose of this section is to make new and existing industrial and commercial buildings available for joint living and work quarters for individuals and families engaged in art-making, small-scale custom manufacturing and similar creative endeavors. The cultural and economic life of the City is enhanced by the residents regularly engaged in the arts. It is the intent of these regulations to:

A. Allow the reuse of existing buildings as live/work space;
B. Allow for the construction of new buildings specifically designed for live/work;
C. Ensure that the live/work space usage is incidental and accessory to the commercial and industrial uses permitted in each zone;
D. Ensure that the permitted commercial and industrial uses shall not be interfered with or compromised by the live/work uses allowed under these regulations;
E. Ensure that the residential use permitted is to be incidental to the commercial and industrial uses permitted in the commercial and industrial districts.

15.04.870.030 Permitted Use.

Live/work uses will be permitted in all commercial districts and in the M-1 district. Live/work is conditionally permitted in M-2 districts (except in the transition zone) and all applications for occupancy of a live/work building are subject to a conditional use permit. The conditional use permit procedures will be the same as indicated in Section 15.04.910. The owner of an existing or proposed live/work building or unit, or an authorized agent of the owner may apply for the conditional use permit. Live/work uses are not allowed in M-3 and M-4 districts.

15.04.870.040 Live/Work Standards.

Live/work buildings shall comply with the following standards. The Planning Commission may modify any requirement, up to what normally would be required if determined to be necessary to protect the public health, safety and welfare including imposing conditions required by the Department of Public Works and the Fire Department.

A. The minimum total gross square feet of a live/work shall be 750 square feet.
B. The work space must meet the requirements of the building code for the type activity/use being undertaken. Similarly the area defined as the living space must comply with the building code requirements for same.
C. The parking and loading requirements for live/work shall be the same as for the similar commercial/industrial use. A minimum of two parking spaces per unit shall be provided.

D. The yard/setback requirements shall be the same as the base zoning designation.

E. The height limit requirements shall be the same as the base zoning designation.

F. The permitted work activities shall be in accordance with the base zoning designation.

G. The reuse of existing commercial or industrial buildings for live/work occupancy shall not necessarily constitute a change of use.

H. The occupant of a live/work space, by selecting this type of occupancy accepts the conditions found in the area including but not limited to industrial noise, pollution, fumes, dirt, traffic and odors to the extent that they are permitted by law in the base district. The Planning Commission may include conditions to this effect which would be recorded as part of the approval of a live/work application.

I. The live/work use must be in compliance with all applicable performance standards.

J. The living space shall not be rented separately from working space.

(Amended by Ordinance No. 18-08 N.S.)
15.04.880 Accessory Structures.

SECTIONS
15.04.880.010 Applicability.
15.04.880.020 Height.
15.04.880.030 Location and Setbacks.
15.04.880.040 Operational Limits.

15.04.880.010 Applicability.

The following standards shall apply to all detached buildings and structures which are clearly incidental or subordinate to the main building on the same lot. Typical structures include garages, garden sheds, greenhouses, storage shelters, dish antennas and covered patios.

15.04.880.020 Height.

In residential districts, the maximum allowable height for accessory structures shall be 14 feet. Exception: detached second units may be allowed to a maximum height of 22 feet. (Refer to Section 15.04.810.020 for details). For commercial and industrial districts, height shall not exceed the height allowed in the base district.

In residential districts, the placement of all types of noncommercial antennas, including dish antennas, television and radio antennas, and antennas used in amateur radio, shall conform to height requirements for accessory buildings.

15.04.880.030 Location and Setbacks.

The accessory structure must be located within the building envelope or the rear yard. Accessory structures not occupied by a secondary dwelling unit may also be built to the side property line provided that no portion of such a structure exceeds 9\(\frac{1}{2}\)\footnotesize{'} in height within the required side yard setback for the property.

An accessory structure shall be no closer than 5 feet (10 feet if it is occupied as a secondary dwelling unit) to a main building or less than five feet from any public right-of-way. The width of accessory structures shall not exceed 80% of the average width of the rear yard. Accessory structures such as covered patios or pergolas which are open on three sides, may encroach into the interior yard space as long as such encroachment does not exceed 50% of the required interior yard space.

On parcels less than 30 feet in width or with less than 3,000 square feet of area, an accessory structure of not more than 60 square feet in area and 9\(\frac{1}{2}\)\footnotesize{'} feet in height may be allowed to encroach into the required interior yard space. Such accessory structure should be located so that it is no more than 3 feet from a rear corner.

In residential districts, the placement of all types of noncommercial antennas, including dish antennas, television and radio antennas, and antennas used in amateur radio, shall conform to setback required for accessory buildings.
15.04.880

15.04.880.040 Operational Limits.

In residential district accessory structures:

A. Shall, where the rear yard abuts the side yard on an adjacent parcel, observe a rear yard setback equal to the side yard setback required on the adjacent parcel;

B. When located on a corner lot, shall not project into the required street side yard or its prolongation to the rear lot line;

C. When located on a lot having a slope of twenty-five (25) percent or more, said accessory building may be located in the required front yard, provided every portion is located at least five (5) feet from the front line and the distance between it and the main building may be reduced to zero (0); if such lot slopes upward from the street, said accessory building may encroach upon one (1) side yard if the rear of its roof is at or below the natural ground level.

(Amended by Ordinance Nos. 37-96 N.S., 31-97 N.S. and 5-04 N.S.)
15.04.890 Wireless Communications Facilities.

SECTIONS

15.04.890.010 Purpose.

The purpose and intent of this section are to:


B. Establish standards to regulate the placement and design of antennas and wireless communications facilities so as to protect property values and scenic, historic, natural or cultural resources of the City; to assure land use compatibility with properties adjacent to such facilities; to minimize negative visual, noise and aesthetic impacts; and to protect the general safety, welfare, and quality of life of the community.

C. Establish development standards that are consistent with federal law related to the development of wireless communications facilities.

D. Allow antennas to provide for the closure of a significant gap in wireless coverage using the least intrusive means available to close that gap; allow wireless communications facilities to adjust network capacity to meet proven and shown demand; encourage the use of existing wireless communications facilities, including co-location by multiple companies when located in preferred siting areas; encourage the placement of lesser intrusive facilities where there are feasible alternatives to base station facilities; encourage the placement of antennas on existing structures; and encourage the use of smaller, less-obtrusive facilities, to mitigate adverse visual, noise and aesthetic impacts.

E. Encourage but not restrict placement of antennas on publicly-used or owned sites, and in commercial and industrial zones.

F. Require all wireless communications facilities to be consistent with all other applicable City of Richmond Municipal Code provisions, and applicable regulations and standards of other governmental agencies.

15.04.890.020 Definitions.

Unless otherwise specifically provided, the terms used in this section shall have the meanings stated in the Definitions, Section 15.04.020 of the City of Richmond Municipal Code.
Exempt Facilities.

Except as specifically noted, the following types of facilities shall be exempt from the permit requirements of this section.

A. Exempted by State and/or Federal Regulations. An antenna or wireless communications facility shall be exempt from the provisions of this section if and to the extent that a permit issued by the CPUC or the rules and regulations of the FCC specifically provides that the antenna and/or wireless communications facility is exempt from local regulation.

B. Exempted Subject to Location Requirements. The following types of antennas are exempted provided that installations are entirely on-site and are not located within required front yard or side yard setback areas. One exempt antenna type per residential unit or commercial tenant is permitted. Installations may be located in that portion of a rear yard where accessory buildings are permitted to be located. Such location requirements are necessary to ensure that such antenna installations do not become public or private nuisances adversely impacting adjacent properties, and/or result in safety hazards if located adjacent to a street or other public right of way.

1. Video Receive-only Antenna. A single ground-mounted or building-mounted receive-only television antenna for the sole use of occupants of the parcel on which such antenna is located, with a height including any mast not exceeding twelve feet (12') over the existing building height.

2. Satellite Dish Antenna. A ground-mounted or building-mounted receive-only radio or television satellite dish antenna not exceeding one (1) meter (39.37” inches) in diameter for the sole use of occupants of the parcel on which such antenna is located, provided that the highest point of such dish does not exceed the height of the highest roof ridge or parapet line of the primary structure on said parcel.

3. Citizens Band Antenna. A ground-mounted or building-mounted citizens band radio antenna not exceeding the height limit prescribed by the regulations for the zoning district in which the site is located, including the mast supporting the antenna, if any.

4. Amateur Radio Antenna. An antenna, including the mast supporting the antenna, if any, operated by a federally licensed amateur radio operator as part of the Amateur Radio Service (47 C.F.R. § 97). Such antennas shall require building permit approval and approval of placement by the Building Official to ensure structural safety is maintained.

C. Pre-existing Citizens Band and Amateur Radio Antennas. All citizens band radio antennas, and antennas operated by a federally-licensed amateur radio operator as part of the Amateur Radio Service that existed at the time of adoption of this section.

D. Mobile Services Other than COWs. Mobile services (other than COWs) providing temporary fixed wireless communication in the cellular and PCS services.

E. Hand-held Devices. Hand-held devices such as cell phones, business-band mobile radios, hand-held amateur radios, family service band radios, walkie-talkies, cordless telephones, garage door openers, and similar devices.
F. Government Antennas. Receive and/or transmit station antennas and antenna supports of any height owned and operated by the City of Richmond; and other public agencies including federal, state, county and special district entities for antenna and antenna support heights not exceeding sixty (60) feet.

G. COWs. Placed for a period not to exceed thirty (30) days where such placement is permitted in accordance with permits issued for special events through the City Manager's Office; or placed for a period not to exceed one hundred and twenty (120) days where such placement is permitted by the Planning and Building Services Director to temporarily replace or supplement an existing wireless communications facility placed on public or private property. Placement of COWs on the public right of way shall be in accordance with Chapter 12.28 of this Code. In the event of an emergency, the City Manager, or his or her designee, may authorize the immediate placement of a COW for such time as is necessary to protect the public safety.

15.04.890.040 Conditional Use Permit Required.

A conditional use permit is required for any wireless communications facility, including COWs, that does not meet the requirements for exemption as set forth in Section 15.04.890.030.

15.04.890.050 Development Requirements and Standards.

A. Basic Development Requirements. All new or modified wireless communications facilities shall comply with all of the following:

1. Applicable Goals, Objectives, and Policies of the Richmond General Plan, as the same may be amended.

2. Permit requirements of any agencies having jurisdiction over the wireless communication facility and the property upon which such facility is located.

3. Requirements established by the Richmond Municipal Code, as the same may be amended.

4. California Environmental Quality Act and California Building Standards Code, as the same may be amended.

5. Applicable easements or similar restrictions on the property upon which wireless communications facilities are to be located.

6. Applicable development standards or conditions of approval for those properties developed under a Planned Area zoning.

7. Applicable FCC rules, regulations, and standards, as the same may be amended.

8. All providers shall cooperate in the locating of equipment and antennas to accommodate the maximum number of providers at a given site where feasible and aesthetically desirable. This will facilitate the co-location of wireless communications facilities. The applicant and provider shall agree to allow future co-location of additional antennas and shall not enter into an exclusive lease for the use of the wireless communications facility site.
9. All equipment shall be situated or sufficiently buffered to minimize interference with the quiet enjoyment, including adverse visual, noise and aesthetic impacts, of adjacent properties.

10. All equipment, antennas, poles, cables, hardware, and towers shall have a non-reflective finish and shall be painted or otherwise treated to minimize visual and aesthetic impacts.

11. Faux tree structures shall include appropriate antenna camouflaging elements, as well as three dimensional bark cladding from the base to the top of the 'trunk' and along all portions of each branch, and branch coverage shall be dense and natural, and no portion of any antennas shall protrude beyond the branches.

12. All wireless communications facilities shall provide sufficient security measures and anti-climbing measures in the design of the facility to reduce the potential for damage, theft, trespass, and injury.

13. In the event that a wireless communications facility is vandalized or burglarized, the permittee shall notify the Richmond Police Department and the Planning and Building Services Department upon discovery thereof.

14. All new wireless communications facilities shall be located on a site that provides for the maximum achievable setback from any pre-existing licensed child care facilities, schools, residential zones, hospitals, and mixed use areas and zones to mitigate adverse visual, noise and aesthetic impacts.

15. In all residential zones, and commercial zoned property which is contiguous to a residential zone, any wireless communications facility shall be setback from a property line by a minimum distance of one hundred feet (100') or one hundred and fifty percent (150%) of the maximum height of the antenna and free-standing support structure, whichever is greater, provided that in commercial zones such distance may be reduced by the Planning Commission based on a determination that the lesser distance will not have perceptibly greater noise, visual or aesthetic impacts with respect to properties in the abutting residential zone, and further provided that there be no less than ten feet (10') of separation between a property line that is contiguous to the residential zone and the proposed wireless communications facility (with the exception of such elements as transmission cables and meter boxes).

B. General Development Standards. The following general development standards shall be met by all new wireless communications facilities:

1. New wireless communications facilities shall be co-located with existing facilities that are consistent with the siting priorities indicated in paragraph 17 of this section and with other planned new facilities whenever feasible and aesthetically desirable to minimize overall visual impact. Service providers are encouraged to co-locate antennas with other facilities such as water tanks, light standards, and other utility structures where the co-location is found to minimize the overall visual and aesthetic impact.

2. Where feasible and aesthetically desirable, the location of wireless communications facilities shall be encouraged to be located on City-owned or controlled property.

3. New proposed facilities shall be designed and built, to the extent feasible, to facilitate co-location by all the providers which might reasonably be expected to desire to be located at the proposed site. A monopole or other tower facility shall be designed to allow co-location of additional providers' facilities, unless deemed undesirable by the Planning Commission.
4. Wireless communications facilities, including major antennas and communication equipment shelters shall be located below the ridgeline on any of the major ridges identified in the "Open Space Conservation" map of the Richmond General Plan, as the same may be amended.

5. All radio frequency, data, telephone, fiber optics, and power lines to, from, and within a wireless communications facility, where feasible, shall be installed under ground within conduits of size large enough to accommodate at least one additional provider without violating the maximum conduit fill requirements as specified in the City's Electrical Code at Chapter 6.16 referencing the most current version of the National Electrical Code. Such lines should follow the corridor of least visual and aesthetic impact and least environmental impact.

6. All camouflaged facilities including, but not limited to, "faux trees or rocks" that emit radio frequency emissions shall be posted with warning signs to the public. Such signs shall be posted as legally required by the FCC on and around antennas and equipment shelters, and at all access points to the property upon which such facility is located.

7. Wireless communications facilities placed on vacant lots shall be considered temporary, and the Planning Commission may impose a condition that when the site is developed, these facilities shall be removed and if appropriate replaced with building-mounted or camouflaged antennas.

8. All wireless communications facilities shall be designed, screened and/or camouflaged to the greatest extent possible in one or more of the following ways:
   
a. Substantially screened from the view of surrounding properties and the public view or co-located with existing facilities or structures so as not to create substantial visual, noise, or aesthetic impacts;

b. Sited within areas with substantial screening by existing vegetation;

c. Designed to appear as natural features found in the immediate area, such as trees or rocks, so as to be unnoticeable (camouflaged facilities); or

d. Screened with additional trees and other native or adapted vegetation which shall be planted and maintained around the wireless communications facility, in the vicinity of the project site, and along access roads, where such vegetation is appropriate and deemed necessary to screen the facilities. Such landscaping, including irrigation, shall be installed and maintained by the applicant, as long as the permit is in effect.

9. Where the Planning and Building Services Director finds that proposed wireless communications facilities have the potential to create a significant interference with the quiet enjoyment of the surrounding area or neighborhood, including adverse visual, noise and aesthetic impacts, the Director may require an independent, third-party review, at the expense of the applicant, to identify such considerations as potential impacts on the surrounding area or neighborhood, to assess the radio frequency coverage needs of the project applicant and to identify potential alternative solutions, and to identify any lesser intrusive means of providing coverage by the project applicant.

10. All wireless communications facilities shall be designed, located and operated to avoid interference with the quiet enjoyment of the surrounding area or neighborhood, including interfer-
ence from adverse visual, noise and aesthetic impacts, and at a minimum shall be subject to the City-adopted noise standards contained in Section 15.04.840 of the Richmond Zoning Ordinance as may be amended. Failure to comply with the City's adopted noise standard after written notice and opportunity to cure have been given shall be grounds for the City to conduct a revocation hearing regarding the permit granted pursuant to this section.

11. The height of a wireless communications facility (building or ground mounted) shall not exceed ten feet (10') above the basic maximum building height prescribed by the regulations for the zoning district in which the site is located. The dimensions (height and footprint) of antennas, equipment shelters, and power and communications lines shall be the minimum size possible.

12. For properties developed under a Planned Area zoning, the maximum height for a proposed wireless communications facility shall be determined by the Planning Commission based on the maximum approved heights for buildings in the area and adjacent to the property upon which such facility is located and considering the radio frequency transmission needs disclosed by the applicant.

13. Unless required by federal or state regulations, the use of barbed wire, razor wire, electrified fence, or any other type of hazardous fence as a security precaution shall be prohibited.

14. Any equipment shelter shall be designed to be architecturally compatible with existing structures on the site or found in the immediate area. Such equipment shelters shall be limited to the housing of radio, electronic, and related power equipment.

15. No advertising or signs, other than necessary provider identification signs and warning signs, shall be allowed on or at the location of a wireless communications facility.

16. If the majority of radio frequency coverage from the proposed facility is outside the City limits, the applicant must, in addition to the other requirements of this section, prove that the applicant is unable to locate the proposed facility within the locale or locales that will receive the majority of the coverage from the proposed wireless communications facility, and that no other feasible location for the facility exists outside of the City limits. The denial of a wireless site in another jurisdiction by an applicant in the City shall not be valid proof that the applicant is unable to locate in the other jurisdiction.

17. Parameters of appropriate site selection in order of preference to mitigate against adverse visual, noise and aesthetic impacts are as follows.

a. Shared use of existing towers, facilities and sites that are consistent with the siting priorities indicated below. Co-location of antennas, equipment shelters, power and internetworking lines in all zones that are consistent with the siting priorities indicated below.

b. Use of industrial zones.

c. Use of public property.

d. Use of commercial zones.
e. Use of sites within mixed-use zoning zones is disfavored, but may be allowed only if it is technically and economically proven that no alternate site or design can feasibly close a significant gap in the radio frequency coverage of the project applicant using any less intrusive means to close that gap from an industrial or commercial zone.

f. Use of sites within any residential zone are the least favored in order to protect residential aesthetics. Siting within residential zones is allowed only if it is technically and economically proven that no alternate site or design can feasibly close a significant gap in the radio frequency coverage of the project applicant using any less intrusive means to close that gap from any other zone.

g. The following chart indicates the priority system of siting in various zones in the City:

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>Requirements to Locate Wireless Communication Facilities in Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial (M-1 through M-4)</td>
<td>Available for all wireless siting uses.</td>
</tr>
<tr>
<td>Public and Civic (PC) and Community and Regional Recreation (CCR)</td>
<td>Available for all wireless siting uses.</td>
</tr>
<tr>
<td>Commercial (C-1 through C-3, C-C, C-B)</td>
<td>Allowed only if it is technically and economically proven that no alternate site or design can feasibly close a significant gap in the radio frequency coverage of the project applicant using any less intrusive means to close that gap from a PC, CCR or an industrial zone.</td>
</tr>
<tr>
<td>Planned Area (as approved by the City Council)</td>
<td>Allowed only if it is technically and economically proven that no alternate site or design can feasibly close a significant gap in the radio frequency coverage of the project applicant using any less intrusive means to close that gap from a PC, CCR, or industrial or commercial zones.</td>
</tr>
<tr>
<td>Residential (SFR1-3 and MFR1-3)</td>
<td>Allowed only if it is technically and economically proven that no alternate site or design can feasibly close a significant gap in the radio frequency coverage of the project applicant using any less intrusive means to close that gap from a PC, CCR, industrial, commercial, or planned area zones.</td>
</tr>
<tr>
<td>All Zones, but where the majority of radio frequency coverage from the proposed Wireless Communications Facility is outside the City limits</td>
<td>Allowed only if applicant, in addition to the other requirements of this section, proves that the applicant is unable to locate the wireless communications facility within the locale or locales that will receive the majority of the coverage from the proposed facility, and no other feasible location for the facility exists outside of the City limits.</td>
</tr>
</tbody>
</table>
C. Development Standards for Building and Roof-mounted Antennas. In addition to all other applicable development standards, wireless communications facilities to be mounted on or attached to existing or proposed buildings shall comply with the following:

1. Building-mounted antennas and any ancillary equipment shall be in scale and architecturally integrated with the building design in such a manner as to be visually unobtrusive and to mitigate adverse aesthetic impacts. Screening may include designs such as locating the facility within attics, steeples, towers, behind and below parapets, or concealed within a new architectural addition to a building or structure which is architecturally compatible with the building;

2. When antennas or other equipment are viewed directly against a building wall, colors and materials of the equipment shall be painted or otherwise treated to match the exterior of the building;

3. Roof-mounted equipment and antennas shall be located as far away as feasible from the edge of the building;

4. Antennas mounted on such structures as light standards or flagpoles shall be placed on the structure in a way to minimize visibility, and shall be painted to blend into the structure; and antennas mounted on such structures as utility poles shall be placed on the structure in a way to minimize visibility to the extent compliant with CPUC General Order 95, Rule 94, and shall be painted to blend into the structure; and

5. The Planning and Building Services Department may develop or update design guidelines for wireless communications facilities consistent with the stated purpose and goals of this section. Such changes are herein incorporated by reference.

D. Additional Development Standards for Monopoles. Monopoles that are not camouflaged shall only be allowed in industrial zones (M-1 through M-4), and only in other zones where an applicant demonstrates by compelling evidence that no less visible or less intrusive design can be implemented. In addition to all other applicable development standards, monopoles shall comply with the following:

1. The applicant shall demonstrate that the proposed facility cannot be placed on an existing building or co-located on an existing monopole or other tower. Where the Planning and Building Services Director finds that such demonstration has not been made, the Director may require an independent, third-party review, at the expense of the applicant, to identify the obstacles to co-location or building placement, to confirm the electromagnetic frequency needs of the project applicant, and to identify alternative solutions.

2. The maximum height of the proposed monopole or other tower shall be no higher than ten feet (10') above the height limit for the main structure allowed by the zoning district within which the facility is located.

3. Guy wires or support structures shall not be allowed without technical documentation of a compelling need; monopoles shall be self-supporting structures. Design and safety considerations are subject to approval by the Planning and Building Services Director and Building Official.
4. Exterior lighting shall not be allowed on wireless communications facilities except for that required for use of authorized persons on-site during hours of darkness or where antenna structure owner or registrant is required to light the antenna structure by the terms of the FAA Antenna Structure Registration applicable to the facility.

5. The Planning and Building Services Department may update design guidelines for wireless communications facilities consistent with the stated purpose and goals of this section. Such changes are herein incorporated by reference.

E. Construction Standards. All wireless communications facilities providing service to the government or the general public shall be designed and constructed to meet the following requirements:

1. The exterior walls and roof covering of all aboveground equipment shelters and cabinets shall be constructed of materials rated as nonflammable in the California Building Code.

2. All structures shall meet wind load standards as specified by the California Building Code.

3. Openings in all aboveground equipment shelters and cabinets shall be protected against penetration by fire and windblown embers to the extent feasible.

4. Material used as supports for antennas shall be fire resistant, termite proof, and subject to all applicable requirements of the California Building Code.

5. Wireless communications antenna towers shall be designed to comply with all federal, state and local laws, rules and regulations, including the California Building Code and the Richmond Municipal Code.

6. To the maximum extent possible, vehicle and personnel access to wireless communication facility sites for maintenance and repairs shall not be from residential streets or adjacent residential properties.

15.04.890.060 Permit Approval Process.

A. Types of Permits. Except as specifically exempted in Section 15.04.890.030 above, all wireless communications facilities, and facility modifications that involve any change in the physical size or conditions stipulated in the approved conditional use permit, including but not limited to, changes in effective power output from any permitted antenna that would decrease the prior existing uncontrolled/general population zone of that antenna, repositioning of antennas, increase in proposed dimensions of tower or support structure, or any other facility upgrades, shall be subject to the following permit requirements:

1. Conditional Use Permit. Applications for facilities in industrial, public and civic, and community and regional zones shall be considered by the Zoning Administrator at a public hearing noticed and held in accordance with Section 15.04.945 of this Code and may be approved subject to conditions set forth below and other conditions deemed appropriate by the Zoning Administrator; provided, however, where such zones are contiguous to a residential zone and the proposed wireless communications facility cannot be setback from a residential property line by a minimum distance of one hundred feet (100') or one hundred and fifty percent (150%) of the maximum height of the antenna and free-standing support structure, whichever is
greater, then the application shall be considered by the Planning Commission as provided herein. All other applications shall be considered by the Planning Commission at a public hearing noticed in accordance with Section 15.04.910 of this Code and may be approved subject to conditions set forth below and other conditions deemed appropriate by the Planning Commission. All project approvals are appealable as provided in Section 15.04.980 of this Code.

2. Design Review. All applications for wireless communications facilities after the effective date of this ordinance, except for minor modifications pursuant to subparagraph 4 below, shall be subject to design review and approval. The reviewing body (Zoning Administrator or Design Review Board) shall consider all structures, materials, colors, and landscaping associated with any proposal to establish a wireless communications facility.

3. Building Permit. Unless otherwise specifically exempted by this section, a Building Permit shall be required for all wireless communications facilities.

4. Minor Modifications. The Zoning Administrator may permit modifications to any existing wireless communications facility where proposed antenna and related changes do not cumulatively exceed five (5) percent of the original dimensions permitted for that element, or for antenna reorientations, provided such modifications and/or reorientations are proven by the applicant to comply with all applicable FCC rules. This provision shall also apply to minor modifications following any major modification to an existing wireless communications facility where such major modification has been approved by the Planning Commission. Minor modifications shall be subject to the procedures set forth in Section 15.04.945 of this Code provided application materials shall be submitted as required in Section 15.04.890.060.E of this section. The Planning and Building Services Director may waive the requirements of 15.04.890.060.E.4 for minor modifications. The Zoning Administrator may forward any modification request to the Planning Commission for its review pursuant to this Section 15.04.890.060.

B. Permit Fees. Fees for permits shall be listed in the City's Master Fee Schedule.

C. Business License. The applicant shall procure and maintain in force a City business license and abide by Chapter 7.04 of the Code as may be amended during the authorized period of any permit granted pursuant to this section. Failure to and maintain in force a City business license and abide by Chapter 7.04 of the Code shall be a material breach of any permit granted pursuant to this section, and may be the basis for permit revocation after notice and opportunity to cure.

D. Notice Requirements. Public notice shall be provided for any public hearings on applications or appeals, pursuant to procedures stated in Section 15.04.970 of this Code.

E. Application Submittal.

1. General Submittal Requirements. Applications for a conditional use permit and design review of wireless communications facilities shall be submitted and processed in accordance with Sections 15.04.910, 15.04.930 or 15.04.945 of this Code. An application for a conditional use permit shall not be deemed complete or accepted by the City and no time period for reaching a decision regarding the application shall begin to run until the applicant has provided all of the project information and plans as required by forms and checklists established by the Planning Commission.
and Building Services Director and all required fees have been paid by the applicant. The Planning and Building Services Director may establish and maintain a list of additional information that is reasonably necessary to process an application and which must accompany each application for a wireless communications facility. Said information may include but on good showing need not be limited to the additional submittal requirements listed in paragraph 2, below. Any required study or report, performed at the request of the City or by an approved radio frequency expert or other expert retained by the City, shall be at the expense of the applicant, which may be required to deposit funds in advance to cover the cost of such study or report. All applications for approval of wireless communications facilities shall include, at a minimum, the items listed below:

a. Identification of the proposed provider of the facility, if a different entity from the applicant, and the identification of and contact information for the person to whom communications from the City should be delivered.

b. A map depicting coverage at maximum power and design capacity identifying any significant gaps in coverage. The scale of the map shall be as determined by the Planning and Building Services Director.

c. A map showing the proposed location and the area within two (2) miles from the proposed site.

d. Site plan for the location of the facility showing all existing and proposed features, in compliance with the checklist submittal requirements, and in the level of detail and scale as established by the Planning and Building Services Director. At a minimum, the site plan shall include all material elements of the proposed facility including equipment, cabinets, cable, antenna, and antenna support layout, as well as camouflage elements (if provided); colors, setbacks, grading, dimensions, and utilities and utility connections.

e. Plans and elevations, drawn to scale, for façade- or roof-mounted antennas, including plans and elevations of the existing building. (See paragraph 3 below for specific requirements for new towers and modifications to towers.)

f. Description of proposed approach for screening all facilities from public view including plans for installation and maintenance of landscaping, sample exterior materials and colors. Where applicable, a plan showing existing surrounding landscaping, proposed landscaping, a landscape protection plan for construction, a maintenance plan and an irrigation plan.

g. A narrative description and map showing the coverage area and location of the provider's existing facilities and the proposed coverage area of the specific site that is the subject of the application.

h. Technical information explaining all of the reasons that a permit is being sought (for example, whether a new antenna is necessary to accommodate increased demand or to fill a significant gap in the provider's radio frequency coverage area); the reasons that the subject site is necessary to accomplish the provider's coverage objectives; and the reasons that the proposed site is the most appropriate location under existing circumstances.
i. Copies of all submittals and showings pertaining to: FCC licensing, all relevant environmental impact studies and statements; FAA notice of construction or alteration; aeronautical studies; and all data, assumptions, and calculations relating to service coverage and power levels, regardless of whether categorical exemption from routine environmental evaluation under the FCC rule is claimed.

j. A visual analysis to assess the effects on views and aesthetics from public areas and from private residences, and to address cumulative impacts of the proposed facility and other existing and foreseeable wireless communications facilities, including foreseeable co-location facilities. As required by the Planning and Building Services Director, the analysis may utilize a photomontage, field mock-up or other techniques. The analysis shall include feasible mitigations for any effects identified. If the proposed tower or structure is visible from a public right-of-way, then the applicant shall submit either a photo simulation of the proposed tower or structure from one or more locations along the public right-of-way, the locations of which shall be indicated on a map of suitable scale.

k. Evidence that the fee owner has secured the required business license pursuant to Chapter 7.04 of this Code.

2. Additional Submittal Requirements. The Planning and Building Services Director has the authority, at the applicant’s expense, to require additional information reasonably necessary to process a permit application, including but not limited to the following:

a. A report by an approved radio frequency expert estimating the cumulative radio frequency emissions and compliance with FCC OET Bulletin 65 that would result if the proposed facility is approved.

b. An alternative site analysis, submitted by the applicant and subject to independent expert review by the City, shall at a minimum:

i. Identify and indicate on a map, at a minimum, two (2) viable technically and economically feasible or superior alternative locations outside the disfavored areas which could eliminate or substantially reduce the need to locate in a restricted area. If there are fewer than two such alternative locations, the applicant must provide evidence establishing that fact. The map shall also identify all locations where an unimpaired signal can be received to eliminate or substantially reduce the need for such a location. Radio frequency plots of all alternative facilities considered for use in conjunction with these facility sites shall be provided as part of the alternatives analysis. For each alternative location so identified, the applicant shall describe the type of facility and design measures that could be used at that location so as to minimize negative visual, noise and aesthetic impacts (e.g., the use of camouflaging techniques).

ii. Evaluate the potential for co-location with existing wireless communications facilities as an alternative to the proposed facility.

iii. Compare, across the same set of evaluation criteria and to similar levels of description and detail, the relative merits of the proposed wireless communications facility
site with those of each of the identified technically feasible alternative locations and facility designs, and all technically feasible inter-carrier roaming agreements. Such comparison analysis shall rank each of the alternatives (i.e., the proposed location/facility and each of the technically feasible location/design alternatives) in terms of impacts (i.e., from least to most impacts on visual, noise and aesthetic concerns), and shall support such ranking with analysis.

iv. Include photo-simulations of each of the alternatives (i.e., the proposed location/facility and each of the technically feasible location/design alternatives).

In addition to the submittal requirements in Section 15.04.890.060 (E)(1), where the Planning and Building Services Director determines that the additional submittal requirements of this section apply, an application for a conditional use permit shall not be deemed complete or accepted by the City and no time period for reaching a decision regarding the application shall begin to run until the applicant has provided all of the additional submittal requirements and all required fees have been paid by the applicant.

3. Specific Submittal Requirements for Towers. All applications for new tower construction, or modification of an existing tower shall include:

a. A professional structural engineer's certification of the tower structure's capacity to safely sustain all projected loads as well as such structure's compliance with the Telecommunication Industry Association Structural Standard for Antenna Supporting Structures and Antennas (the later of TIA-222-G or the most recently revision to TIA-222), and all federal, state and local laws, rules, and regulations.

b. A description of available space on the tower, providing illustrations of the wireless communications facilities that will be mounted on the structure now or in the future as shown on the project plans.

4. Technical Review. The Planning and Building Services Director shall employ, on behalf of the City, an approved radio frequency expert to review the application submittal and provide determinations and recommendations on such issues as project design, radio frequency coverage, compliance with radio frequency emissions standards, the identification of alternative locations, and the justifications for installation of monopoles or for any requested exceptions to City standards. The costs of said review and any administrative costs, to be determined by the Director, shall be deposited with the City in advance by the applicant. Any unexpended deposited funds shall be promptly returned to the applicant after the conclusion of the final appeal period for action taken by the Planning Commission, or after an appeal to the City Council, or upon withdrawal of the application by the applicant. The applicant shall promptly reimburse the City for such costs paid by City that exceed the deposited amount. No applicant shall be issued a permit while still owing the City reimbursement pursuant to this section.
F. Findings for Approval. The approving body may approve, modify or deny a conditional use permit for a wireless communications facility only upon making written findings based on substantial evidence in the record.

1. All of the following findings are required for the approval of a conditional use permit for a wireless communications facility:
   a. Findings otherwise required for conditional use permits by Section 15.04.910.050 of this Code.
   b. The establishment or expansion of the facility demonstrates a reasonable attempt by the applicant to minimize stand-alone facilities.
   c. All applicable development standards in Section 15.04.890.050 have been met; or, if the application includes a request for an exception to those standards, then the approving body must find that compliance with the development standards would not close a claimed significant gap in coverage and that no other reasonable alternative solutions which would comply with the development standards are feasible.
   d. The placement, construction, or modification of a wireless communications facility in the proposed location is necessary for the provision of wireless communications services to close a claimed significant gap in coverage within the City.

2. Findings required, in addition to those in paragraph a. above, for specific situations:
   a. Finding for establishment of a dish or parabolic antenna for satellite communications exceeding one meter in diameter: (i) No antenna of any common design that is no larger than one (1) meter in diameter can feasibly accomplish the provider's technical objectives, or (ii) that the facility will not be readily visible to the public off of the property supporting the antenna.
   b. Findings for the establishment of a wireless communications facility that is not co-located with other existing or proposed facilities or a new freestanding pole or tower (at least one finding required):
      i. Co-location is not reasonably feasible;
      ii. Co-location would have greater adverse effects on views, noise or aesthetics as compared with a stand-alone installation;
      iii. Co-location is not permitted by the property owner; or
      iv. Co-location would materially and unreasonably impair the quality of service to the existing facility or to the proposed facility.

G. Standard Conditions of Approval. In addition to any other conditions the approving body deems necessary to preserve the public health, safety and welfare, all permits issued pursuant to this section shall be subject to the following conditions:

1. The permittee shall obtain all other permits and agreements necessary to install and operate the wireless communications facilities in conformance with federal, state, and local laws, rules and regulations.
2. Wireless communications facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good condition and repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the City or after discovery by the permittee.

3. When no longer in service for a continuous period of ninety (90) days, the permittee shall within ninety (90) days thereafter remove the wireless communications facility and restore the site to a condition substantially the same as its condition before the wireless communications facility was installed as provided in 15.04.890.090(B) of this section, and the permit shall be subject to revocation as provided in 15.04.990 of this Code.

4. The permittee shall reimburse the City on demand for all costs incurred for work the applicant has failed to perform within thirty (30) days upon notice that the work is required to comply with conditions of permit approval.

5. In the case of a freestanding tower, as a condition of permit approval the permittee agrees to rent or lease available space on the tower, under the terms of a fair-market lease, to other personal wireless service providers without discrimination.

6. The City reserves the right of its employees and agents to inspect permitted facilities upon reasonable notice to the permittee during normal business hours. In case of an emergency or risk of imminent harm to persons or property in the vicinity of permitted facilities, the City reserves the right to enter upon the site of such facilities and to support, disable, or remove those elements of the facilities posing a public nuisance as necessary to preserve the public health or safety.

7. The permit issued hereunder shall expire within one (1) year of the date of issuance if the applicant fails to commence construction within that period; provided, however the Planning and Building Services Director may renew any such permit for a single one-year period if a request to renew is received by the City at least thirty (30) calendar days before the approvals lapse.

8. Permits issued pursuant to this section shall expire at 12:00 p.m. local time ten (10) years from the date the permit is issued.

15.04.890.070 Operation and Maintenance Standards.

All wireless communications facilities shall at all times comply with the following operation and maintenance standards. Failure to comply shall be considered a violation of conditions of approval subject to enforcement pursuant to provisions of this section, revocation or modification pursuant to Section 15.04.990 of this Code, or any other applicable provision of law:

A. Any physical modification of a facility permitted pursuant to this section, shall require the applicant to apply for a conditional use permit, or Zoning Administrator approval pursuant to Section 15.04.890.060.A.4 of this Code, for such modification. The City shall not grant the permit unless the facility is installed with all required permits, or if the facility has been altered from that originally permitted without all subsequent required permits.
B. Each owner or operator of a wireless communications facility shall provide signage identifying the name, site number or other unique identifier, and local or toll-free phone number of a party to contact at any time regarding the facility. Such signage shall be placed at a location where it can be readily viewed without entering any fenced or secured area of the facility. Where a utility pole or light standard is utilized as a support structure, the signage shall comply with the rules of the CPUC. The City may specify additional signage as required by state and federal law and regulations.

C. Wireless communications facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good condition and repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the City.

D. The provider of a wireless communications facility shall be responsible for maintaining landscaping in accordance with the approved landscape plan and for replacing any damaged or dead trees, foliage, or other landscaping elements shown on the approved plan. Amendments or modifications to the landscape plan shall be submitted to the Planning and Building Services Director for review and approval.

E. Except for emergency repairs, testing and maintenance, activities that will be audible beyond the property line shall only occur between the hours of 8:00 a.m. and 7:00 p.m. on Monday through Friday, excluding legal holidays. Backup power generators shall only be operated during periods of power outages or for testing. At no time shall equipment noise from any source exceed the standards specified in Section 15.04.840 of this Code.

15.04.890.080 Certification of Facilities.

A. Every wireless communications facility shall at any and all times comply with the FCC's Office of Engineering and Technology Bulletin 65, and all other FCC rules. In order to ensure continuing compliance with the conditions of permit approval, all wireless communications facilities that employ antennas that are less than ten (10) meters above ground level, or are attached to any structure not exclusively used as an antenna support, shall be reviewed by a City approved radio frequency expert in accord with the schedule and procedures set forth below. All costs of such inspections and expert review shall be borne by the permittee. The permittee shall promptly reimburse the City for the cost of such expert inspection and review. The City may require, at the permittee's expense, independent verification of the results of any analysis. If a permittee fails to supply the required reports or fails to correct a violation of any condition of permit approval following notification, the conditional use permit is subject to modification or revocation by the Planning Commission pursuant to Section 15.04.990 of this Code.

1. Within forty-five (45) days of initial operation, and all modifications thereafter, of a wireless communications facility, the permittee shall submit written certification of compliance with the approved application, any applicable FCC radio-frequency requirements, and all conditions of permit approval to the Planning and Building Services Director.

2. For every wireless communication facility site that is not constructed on a stand-alone antenna support structure and wireless communication facility site with antennas that are less than ten
(10) meters above ground level, once each year the City shall retain, at the permittee's expense, a City approved radio frequency expert to conduct an unannounced radio frequency emissions evaluation of the wireless communications facility's compliance with the approved application, any required radio frequency emissions conditions and all conditions of permit approval.

3. The City may reasonably require inspection of a tower (including all facilities attached to the tower) by a licensed structural engineer following significant storms, seismic events, or other events which may jeopardize the structural integrity of the towers (or the facilities attached to the towers). Such inspections shall be at the applicant's cost, and the original "wet stamped" engineer's written report shall be provided to the City within the time specified by the Planning and Building Services Director.

4. If the Planning and Building Services Director at any time finds that there is good cause to believe that a wireless communications facility is not in compliance with applicable FCC radio-frequency standards, the Director may require the provider to submit written certification that the facility is in compliance with such FCC standards, supported by technically adequate documentation.

B. The provider of any wireless communications facility that was approved by the City before the effective date of this section, shall submit within six (6) months from the date of notification, to the Planning and Building Services Director, written certification that the facility is in compliance with the approved application, any required conditions of permit approval and applicable FCC radiofrequency requirements, to be reviewed by the City's approved radio frequency expert. Permittee shall promptly reimburse the City for the cost of such expert review. If the facility does not comply with the conditions of permit approval or applicable FCC requirements, the provider shall cease operation of the facility until the facility is brought into compliance. In order to assure the objectivity of the analysis, the City may require, at the applicant's expense, independent verification of the results of the analysis.

C. Any wireless communications facility that was approved by the City prior to the effective date of this section and which does not comply with this section on the date of its adoption shall be considered a lawful non-conforming use provided that the provider of such facility submits the information required in subsection B of this section. A lawful non-conforming wireless communications service facility shall be subject to the requirements of Section 15.04.940 except to the extent that they are modified herein.

D. Failure to submit the information required in this section will be considered a violation of the Zoning Ordinance. Any facility found in violation is subject to revocation or modification pursuant to Section 15.04.990 of this Code.

E. The City shall maintain a map, accessible on its website, showing the location of all existing wireless communications facilities, which shall be updated within ninety (90) days of approval or complete removal of a facility.

F. Radiofrequency emissions evaluations filed by wireless service providers shall be retained by the City for a period of five (5) years and shall be available to the public upon request.
15.04.890 Duration, Revocation and Discontinuance.

A. Duration of Permits and Approvals.

1. Actual construction of a wireless communications facility pursuant to an approved conditional use permit must be initiated within one (1) year from the date of final approval. If actual construction has not begun within one (1) year from the date of final approval, the permit shall be deemed expired, and all rights granted pursuant to the permit shall be revoked; provided, however the Planning and Building Services Director may renew any such permit for a single one-year period if a request to renew is received by the City at least thirty (30) calendar days before the approvals lapse.

2. An approved wireless communications facility must be fully constructed and activated within two (2) years from the date of final approval. If not fully constructed and activated within two (2) years from the date of final approval, the permit shall be deemed expired, and all rights granted pursuant to the permit shall be revoked.

3. Permit approvals may be administratively extended by the Planning and Building Services Director without a public hearing for no more than ninety (90) days upon receipt of an application for permit renewal and verification of continued compliance with the conditions of approval under which the application was originally approved.

4. In the event that the Planning and Building Services Director finds that the applicant has not maintained the facility in compliance with all applicable federal, state or Richmond Municipal Code requirements and conditions of approval, the Director will recommend that the Planning Commission initiate a revocation procedure as provided by Chapter 15.04.990 of this Code.

5. Costs associated with the process of monitoring compliance, reevaluation of a conditional use permit, and extension, revocation or modification of approval shall be borne by the permittee.

B. Discontinuance of Use. All equipment and improvements associated with a wireless communications facility shall be removed within ninety (90) days of the discontinuation of the use and the site shall be restored to its original, pre-construction condition, or as approved by the Planning and Building Services Director. Written verification of the removal of wireless communications facilities on private property shall be provided to the Planning and Building Services Director within ninety (90) days of the discontinuation of the use.

1. If the provider fails to remove the wireless communications facilities from the site as required herein, the property owner shall be responsible for removal. If such facilities are not removed, the site shall be deemed to be a public nuisance and the City may take such action as is it deems appropriate to abate the public nuisance in accordance with Chapter 9.22 of this Code and any other applicable provision of law.

2. Failure to inform the Planning and Building Services Director of cessation of operations of any existing facility shall constitute a violation of the Zoning Ordinance and be grounds for:
   a. Civil prosecution;
   b. Revocation or modification of the permit pursuant to Section 15.04.990 of this Code; and/or
c. Removal of the facilities by the City at the property owner's expense, which may result in a lien on the property.

C. Existing Uses. All equipment and improvements associated with a wireless communications facility permitted as of the date of passage of this section shall be allowed to continue as they presently exist, but will be considered legal nonconforming uses insofar as they do not comply with standards stated in this section. Routine maintenance shall be permitted on existing, operational equipment and facilities. However, all alterations or new construction, other than routine maintenance on existing towers, antennas, buildings, or other facilities shall comply with the requirements of this section.

15.04.890.100 Required Findings for Exceptions.

A. This section establishes procedures for approval or disapproval of exceptions from the application of this chapter on wireless communications facilities. The provisions of Section 15.04.920 are inapplicable to such facilities.

B. Exceptions from the provisions of Section 15.04.890 of this Code shall be granted only when, because of special circumstances described herein and proven by the applicant, the strict application of Section 15.04.890 deprives the proposed wireless communications facility of privileges enjoyed by other providers of the same type of personal wireless service in the vicinity and under identical zoning classification. The cost to an applicant of strict compliance with a provision of Section 15.04.890 of this Code may not be the sole reason for granting an exception.

C. The applicant for an exception from any provision of Section 15.04.890 of this Code shall have the burden of proof of showing that:

1. There are special radio frequency related technology-based circumstances or conditions applicable to the property or antenna structure in question that do not exist for any other properties or antenna structures within a radius of 2,000 feet from the proposed site; and

2. The special radio frequency related technology-based circumstances or conditions are such that strict application of the provisions of this chapter would deprive the applicant of its ability to meet an FCC required license build-out obligation and that no other means are available to meet the FCC license build-out obligation; and

3. That strict application of the provisions of this chapter would deprive the applicant of its ability to close a significant gap in its own radio frequency network coverage using the least intrusive means to close that gap; and

4. Granting the exception will be consistent with the intent and purpose of this section.

D. The approval of an exception application shall lapse one (1) year after its date of approval, or at an alternative time specified as a condition of approval, unless a building permit has been issued and construction is diligently pursued.

E. An exception is not affected by a change in ownership.

F. An exception shall lapse if the exercise of rights granted by it is discontinued for six (6) consecutive months.
G. An exception that is exercised in violation of a condition of approval or a provision of this chapter may be revoked or modified as set forth in Section 15.04.990.

H. A request for changes in the conditions of approval of an exception shall be treated as a new application.

I. The requisite fee must be paid as determined pursuant to Chapter 2.34 of this Code.

J. The Planning Commission shall hold a public hearing on the exception application.

(Source Ordinance No. 26-09 N.S., amended by 9-10 N.S., 06-11 N.S., 11-11 N.S. and 12-11 N.S.)
ARTICLE 15.04.900 ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

15.04.910 Conditional Use Permits.

SECTIONS

15.04.910.010 Title, Purpose and Applicability.

A. The purpose of this section is to establish procedures for the approval, conditional approval or disapproval of conditional use permits when required by this chapter.

B. A conditional use permit is an administrative permission for uses not allowed as a matter of right in a district. A use permit is typically required for a use classification having unusual site development features or operating characteristics requiring special consideration so that the use may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.


The Planning Commission shall approve, or conditionally approve, applications for a conditional use which are consistent with the Richmond general plan, the specific purposes of the base or overlay zoning district in which the subject site is located, and the provisions of this chapter.

15.04.910.030 Application.

A. The application form (a form prepared by the City of Richmond) with the required plans, mapping documentation and required names and addresses must be filed with the Planning Department.

B. The application form must be signed by the property owner or authorized agent of the property owner. Any other party involved as a contingent buyer or lessee shall also sign the application form.

C. The requisite fee must be paid as determined by the City Council.

15.04.910.040 Hearing/Notice.

A. A public hearing shall be held with reference to an application for a conditional use permit.

B. Notice for the public hearing on the conditional use permit application shall be as set forth in Sections 15.04.970.020 and 15.04.970.040 of this chapter.
Findings/Conditions of Approval.

A. The Planning Commission shall approve or conditionally approve a conditional use permit application if, on the basis of the application, plans, materials, and testimony submitted at the hearing, the Planning Commission finds:

1. The location of the proposed conditional use is in accordance with the general plan of the City of Richmond;

2. The location, size, design, and operating characteristics of the proposed use will be compatible with and will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the proposed conditional use and the surrounding neighborhood;

3. The proposed use complies with all applicable provisions of this chapter;

4. The site of the proposed use is adequately served by highways, streets and other public service facilities.

All findings shall be based upon the factual data presented to the Planning Commission. If all findings cannot be made, the conditional use permit shall be denied.

B. The Planning Commission shall have the authority to impose reasonable conditions related to impacts caused by the project when approving the conditional use permit application in order to:

1. Achieve the specific purposes of the zoning district in which the conditional use is to be located, the general purposes of the zoning ordinance, and consistency with the City of Richmond's general plan;

2. Protect the public health, safety and welfare of the citizens of the City of Richmond;

3. Ensure that the operation and maintenance of the conditional use will be compatible with the neighborhood where it will be located;

4. Require a condition regarding the dedication of land or the posting of bonds for improvements if it is related to the proposed use of the property.

Decision/Appeal.

A. The Planning Commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued to a definite date and time without additional public notice.

B. The Planning Commission shall render its decision within 30 days after the close of the public hearing on the conditional use permit applications.

C. The decision of the Planning Commission on the conditional use application shall become final 10 calendar days after the decision is rendered unless appealed to the City Council as set forth in Section 15.04.980.

D. The Planning Commission may upon its own initiation, deny any application without prejudice. The case will thereby be officially closed. If at a future date a new application on the same matter is initiated by the same applicant, no fee shall be assessed.
E. Appeals may be made by the applicant or any other interested person who has presented oral or written testimony in the course of the public hearing on the application. Written appeals of Planning Commission decisions must be made to the City Clerk within 10 calendar days.

15.04.910.070 Miscellaneous

A. An approved conditional use permit (CUP) and the applicable conditions, if any, shall be recorded with County Recorder by the applicant prior to the date the permit becomes effective. An endorsed copy of the recorded CUP shall be filed with the Planning Department within ten days of the recordation. No conditional use permit shall be effective until the conditions of this section shall have been fulfilled.

B. If an application for the conditional use permit is disapproved, then no new application for the same, or substantially the same, use shall be filed within 6 months of the date of the denial of the initial application, unless the denial is made without prejudice.

C. Upon a duly noticed and conducted public hearing, the approval of a conditional use permit application shall be revocable one year after it is finally approved or at an alternative time specified as a condition of approval, unless:
   1. A building permit has been issued and has not expired and construction diligently pursued; or
   2. A certificate of occupancy has been issued; or
   3. The conditional use permit has been renewed.

D. A conditional use permit and its condition shall be recorded by the applicant and run with the land. An endorsed copy of the recorded CUP shall be kept on file at the Planning Department.

E. A conditional use permits shall be revocable if the exercise of rights granted by the CUP are discontinued for 6 consecutive months. A use may not be resumed if the CUP is revoked.

F. A conditional use permit that is exercised in violation of a condition of approval or a provision of this chapter may be revoked or modified as set forth in Section 15.04.990, Revocation/modification.

G. Notwithstanding the provisions of these sections, those permits falling within the provisions of Chapter 12.46 (Surface Mining and Reclamation) of this Code must also comply with that chapter.

H. A request for changes in the conditions of approval shall be treated as a new application.

15.04.910.080 Requirements for Specific Uses or Districts.

A. Adult Businesses.
   1. An adult business shall not be located within a radius of 300 feet of, or in close proximity to, any residential zoning district or use, church, or religious assembly use, public health clinic, school, park or playground, or other area where large numbers of minors regularly travel or congregate or 1,000 feet of another adult business as measured from property lines.

All distances delineated above shall be measured between the closest points and the exterior property lines or area boundaries of the parcels or areas involved.
B. Amusement/Recreation Services.

1. Lobby entrance areas should be designed so as to minimize obstruction of sidewalks during operation hours.

2. The address of the amusement/recreation service must be at least 1,000 feet, as measured on a direct line, from the address entrance of the nearest school and at least 300 feet, as measured on a direct line, from the nearest church, religious assembly use, nursing home, rest home or public library. The distance requirements imposed by this paragraph may be waived as part of the conditional use permit approval by the Planning Commission if the Commission finds that:

   a. A literal interpretation of this provision would deprive the applicant of rights commonly enjoyed on other properties in the same district;

   b. The waiver of the distance requirements will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, and will not impair the health, safety, comfort, morals, and general welfare of the public; and

   c. The extent of the waiver is the minimum necessary to alleviate the particular deprivation.

C. Grouped Dwellings—Planned Residential Groups.

1. The Commission may vary area, yard, height, parking and fencing requirements when such action is in accordance with the basic purposes of this chapter, provided that the Commission shall find and determine:

   a. That a substantial improvement of the use of the land will thereby be affected and that there will not be any detrimental effect upon the surrounding area;

   b. That the land for which a conditional use permit is requested is under the control of the applicant;

   c. That the residential use proposed is permitted within the zone; and

   d. That the building area indicated on the approved plan is a condition of the use permit which shall not be altered without permission of the Commission;

   e. Consistency with density limits of general plan.

2. Any use permit granted under this section shall become null and void upon the failure to initiate construction upon a dwelling pursuant to the use permit within one year from date of granting the permit.

D. Grouped Dwellings—Townhouses, Group Development on Adjoining Substandard Parcels. The Planning Commission may approve the adjoining development of townhouses on two or more vacant adjacent parcels each thirty (30) feet or less in width which have been and are in separate ownership since January, 1949, according to the following standards:

1. The design of the structures shall provide for complete elimination of abutting side yards for a distance of at least thirty-five (35) feet; wherever a side yard is provided on the common side lot line it shall be at least four (4) feet wide;
2. The exterior side yards of the group shall average at least five (5) feet in width; however, the Commission may grant variations where special circumstances warrant, such as when said yard abuts the rear yard of the adjacent parcel;

3. The Commission may allow for reduction of all of the rear yard to twenty (20) feet, or a portion to twelve (12) feet, where the design has provided alternative private patios, which, when added to the rear yard, bring the total interior yard space area per parcel to twenty-five percent (25%) of the lot area. No two-story portion of the building may be closer than twenty (20) feet to the rear line;

4. There shall not be more than one single-family dwelling on each separately owned parcel;

5. The appearance of the proposed structures and the proposed lot development shall be determined by the Commission to be attractive and an improvement to the neighborhood. Such findings shall be based, in part, upon review of building plan elevations and plot plans showing landscaping which shall be submitted by the applicant; and

6. The separate owners or their agents shall enter into a contract to be filed as part of this use permit binding each to erect his dwelling component in accord with the approved plan and simultaneously with the owners and within a time period acceptable to the Commission. No component dwelling may be erected unless the others in the group are erected simultaneously.

E. Home Occupation. An occupation conducted in a dwelling unit, garage or accessory building in a residential district that is incidental to the principal residential use as specified in Section 15.04.810.012A on an appointment basis or by such other means as are approved by a conditional use permit.

The resident(s) shall have no more than one employee working on the premises and may not use the premises for storage of bulk materials, equipment, business vehicles*, and the like except as approved by a conditional use permit.

There may be no signs except as required by law, and no display nor sale of a commodity on the premises. There shall be no evidence to the neighborhood that an occupation is being conducted other than evidence authorized under a conditional use permit, no sounds shall be audible beyond the parcel boundary, and no nuisance effect shall be created from the occupation.

F. Hospital, Care Homes or Sanitariums in Residential Districts. An existing dwelling in any R district may be used as a hospital, care home or sanitarium only as long as it remains principally occupied as a dwelling by the operator or owner of the hospital, care home or sanitarium. A dwelling shall be presumed not to be occupied principally as a dwelling if it is used as a hospital, care home, or sanitarium for more than twelve (12) persons receiving lodging and varying amounts of custodial care.

G. Motor Vehicle Service Stations.

1. Site Dimensions. Minimum site size shall be 15,000 square feet and the minimum distance along the property line on the primary street frontage shall be 120 feet except that the minimum size shall be 10,000 square feet and the minimum distance along the primary street frontage shall be 100 feet where the property to be used for motor vehicle service station purposes was under lease for such purposes at the time of adoption of City Ordinance No. 26-71 N.S., November 8, 1971.
2. Landscape Plan. An acceptable landscape plan shall be submitted at the time of application. In addition to the specific standards established below, landscape plans shall comply with the provisions of Section 15.04.820.010.

a. At least a five-foot wide planting strip located inside of and parallel to the street frontage or frontages (except for necessary driveways) and in other locations as may be designated by the Director of Public Works. Probable planting areas would be adjacent to buildings, fencing, or storage areas.

b. That planting areas located adjacent to vehicle parking or driveway areas shall be protected by six-inch high concrete curb, or a similar wheel stop approved by the Director of Department of Public Works.

c. The location and type of watering system which meets the approval of the Director of Department of Public Works shall service all landscaped areas.

d. The landscape plan shall specify the size, number, location and type (genus, species or variety) of plant materials to be planted.

3. Street Trees. If determined to be necessary by the Director of Department of Public Works, street trees shall be planted in the planting strip or in the sidewalk area (if width permits) adjacent to the subject property. The particular tree (genus, species, or variety), size and location shall be subject to approval by the Public Works Department, and shall be shown on the landscape plan accompanying other building plans submitted for a building permit.

4. Maintenance. The applicant shall submit a written statement to the effect that landscaping, watering systems and fencing shall be maintained to standards acceptable to the Director of Department of Public Works.

5. Parking areas shall comply with the provisions of Section 15.04.850.010.

6. Signs. The Sign Ordinance standards of the City of Richmond, Chapter 15.06, shall apply, provided that the location of either permanent or temporary signs shall be permitted only at locations so designated by the Planning Commission.

7. Illumination. Any area lighting, including illuminated signs, shall be installed in such a manner so as not to distract passing traffic, or to produce any glare or excessive illumination on adjacent properties.

8. Trash Storage. An outdoor refuse or storage area shall be provided on the site and shall be enclosed by a six-foot-high solid fence which shall complement the design and appearance of other fences and walls on the site. No used or discarded automotive parts of equipment or permanently disabled, junked, wrecked or damaged vehicles shall be located outside the buildings, except within this enclosed refuse or storage area.

9. Design. The criteria for design approval shall be subject to Planning Commission direction. The intent of design review shall be to insure that the general appearance of the motor vehicle service station site shall in no case be such as would impair the orderly and harmonious development of the neighborhood.
10. Activity Locations.

a. Sale, storage and display of merchandise: the exterior display and storage of merchandise, except for oil can racks and new tire display cabinets, shall be subject to Planning Commission approval and conditions.

b. Ancillary activities: the sale or rental of equipment, such as spare parts not installed on the premises, lawn mowers, concrete mixers, automobiles, trucks, trailers, garden equipment or the conduct of any other commercial enterprise not directly related to the operation of a motor vehicle service station as defined in Section 15.04.020, Definitions, shall be permitted by the Planning Commission subject to such conditions as to exterior or interior location, quantity and screening as deemed appropriate by the Commission in keeping with the operation of the service station for its principal purposes.

The foregoing standards apply only to proposed new motor vehicle service stations and shall not be applied retroactively to motor vehicle service stations that exist at the time of adoption of those standards, regardless of whether or not such service stations are in use at that time. The phrase "proposed new motor vehicle service stations" shall include, but not be limited to, those which fall within the category of stations that are activated following the abandonment of use of the premises for service station purposes for six months or more.

H. Alcoholic Beverage Retail Establishments (On-Sale and Off-Sale). All businesses that engage in retail alcoholic beverage sales shall be subject to inspection by City staff any time the Chief of Police, or his or her designee, finds that criminal or nuisance activities are occurring on or near the premises. In addition, to ensure compliance with performance standards and/or conditions of approval, all businesses that engage in retail alcoholic beverage sales (except eating establishments with alcoholic beverage sales as defined at Section 15.04.020.63a of this Code) shall be subject to inspection once every three calendar years. If a business is not compliant with all performance standards and/or conditions of approval upon first inspection, it shall be inspected a second time on a date determined by the inspection team, no later than 60 days from first inspection. If a business is not fully compliant upon second inspection, it may be inspected a third time on a date determined by the inspection team, no later than 30 days from the date of second inspection, or, if the continuing non-compliance poses imminent danger to the public health, safety, or welfare the inspection team may issue a notice of violation and take such other actions as are necessary to remedy the violation. If a business is found to be in violation of any performance standards and/or conditions of approval after a maximum of three inspections, planning staff shall schedule a hearing before the Planning Commission in accordance with Section 15.04.990.030.B to determine whether the conditional use permit or deemed approved status should be revoked or modified. The business owner shall be invoiced for the costs of the inspection and any necessary reinspection and enforcement costs in accordance with the City's adopted fee schedule.

1. Conditional Use Permits Required for New Alcoholic Beverage Retail Establishments. On-sale and off-sale alcoholic beverage retail establishments, including convenience markets, liquor stores, restaurants, bars, and certain other establishments selling alcoholic beverages for consumption on or off the premises. Notwithstanding any other provision contained in Chapter 15.04, an on-sale or off-sale alcoholic beverage retail establishment shall only be
permitted in commercial and industrial districts (excluding the M-1 district) and only if approved by the Planning Commission. Planning staff shall schedule a hearing before the Planning Commission within ninety (90) days from the date that the application for a Conditional Use Permit for retail alcoholic beverage sales is completed or within ninety (90) days from the date that the Alcoholic Beverage Control department notifies the City of an application for a license, whichever is later. The Planning Commission may approve an on-sale or off-sale alcoholic beverage retail establishment providing the use conforms to the general criteria set forth in Section 15.04.910.050(A) of this section, to any and all applicable use permit criteria set forth in the particular district zoning regulations and to all of the following criteria:

a. That the proposed use will not aggravate existing problems in the neighborhood created by the sale of alcohol; and

b. That the proposed use will not adversely affect adjacent or nearby uses, including churches, schools, hospitals, parks, recreation centers, and residences; and

c. That the proposed use will not interfere with vehicular or pedestrian circulation along a public street or sidewalk; and

d. That the proposed establishment is of an architectural and visual quality that harmonizes with or enhances, where appropriate, the visual quality of the surrounding area, and that the design avoids unduly large or obtrusive signs, bleak, unlandscaped parking areas, and an overall garish appearance; and

e. That there is not an undue concentration of alcoholic beverage establishments in the area, as defined in Business and Professions Code Section 23958.4, and that the number of alcoholic beverage sales licenses in the census tract does not exceed the limit set by the Department of Alcoholic Beverage Control; or

f. If the criteria set forth in subparagraph e, above, are not met, then the Planning Commission must find that the public convenience or necessity would be served by approving retail alcoholic beverage sales at the proposed location for any two or more of the following reasons:

i. The sale of alcoholic beverages will enhance recreational or entertainment opportunities in the area.

ii. The sale of alcoholic beverages will promote the economic viability of the area in which it is proposed.

iii. The sale of alcoholic beverages complements the sale of other goods and merchandise at the location.

iv. The issuance of a license at the proposed location will improve the safety and convenience of area residents who purchase alcoholic beverages.

A standard list of conditions of approval shall be developed, and amended from time to time, by the Planning Director.
2. Ban on New Alcoholic Beverage Off-Sale Retail Establishments Near Schools or Near Other Alcoholic Beverage Off-Sale Retail Establishments. No new off-sale retail establishment selling alcoholic beverages for off-site consumption shall be located within 600-feet of schools or other alcoholic beverage off-sale retail establishments. These distance restrictions do not apply to new alcoholic beverage retail establishments that have 25 or more, full-time equivalent (FTE) employees with a total floor area of 20,000 square feet or more and sells from the premises food and other groceries for home consumption.

Applications received for new alcoholic beverage off-sale retail establishments shall be measured by using the electronic measuring methodology used for 300-foot notices. When applications for new off-sale alcoholic beverage retail establishments are received, business addresses will be verified and enforced by ABC.

3. Standards and Procedures for Existing Alcoholic Beverage Retail Establishments (On-Sale and off-Sale). (Deemed Approved Activities). All on-sale and off-sale alcoholic beverage retail establishments which have been legally existing and operating with all required licenses and without conditional use permit prior to the adoption of this provision of Section 15.04.910.080 shall be permitted to operate at their present location as a deemed approved activity; provided that, such establishments shall not be permitted to operate without conditional use approval from the Planning Commission in accordance with Section 15.04.910.080(H) if any of the following occur:

   a. The establishment changes its type of retail on-sale or off-sale liquor license granted by the State Department of Alcoholic Beverage Control (i.e., beer and wine to distilled liquor);

   b. The business operation of the establishment is abandoned, suspended or discontinued (including the case where retail liquor license for such operation is suspended) for a period of one hundred twenty (120) days; provided that, this provision shall not apply when the business operation is suspended or discontinued because the building or structure in which the establishment is operating is:

      (i) Destroyed or damaged due to causes beyond the owner of the establishment’s control (i.e., fire, flood, act of God, etc.) and which prevents the establishment from operating, or

      (ii) Being remodeled, enlarged or improved which prevents the establishment from operating, provided that building and other appropriate City permits have been obtained within one hundred twenty (120) days after the business operation is discontinued. In the event that such building and other City permits expire or are revoked, then such establishment shall be required to obtain a conditional use permit in order to continue or reestablish its operation;

   c. The square footage of the floor area within the establishment devoted to the display or sale of alcoholic beverages is increased by twenty-five (25) percent or more;

   d. The retail liquor license is transferred to another location within the City of Richmond or the establishment, either in whole or in part, is moved or relocated to another location within the City of Richmond.
4. Determining Whether Nuisance Activities Are Occurring. In evaluating whether nuisance activities are occurring on or near the premises of an establishment, the Planning Commission, or the City Council, shall take into consideration whether the owner of the establishment, or the owner’s agent, has taken reasonable steps to abate the nuisance, (including but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking alcoholic beverages in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, graffiti, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct or police detentions and arrests), including contacting and cooperating with the Richmond Police Department; provided that:

a. Neither the owner of the establishment nor the owner's agent shall be required to engage in abatement activities that would endanger the safety of the owner or the owner's agent, and

b. The fact that the owner of the establishment or the owner's agent calls for Richmond Police Department assistance shall not by itself constitute a basis for finding that a nuisance exists on the premises of the establishment.

5. Public Hearing to Determine Violation of Deemed Approved Status. If the Planning Commission finds, following a public hearing, that an on-sale or off-sale alcoholic beverage retail establishment, which has been legally existing and operating with all required licenses and without a conditional use permit as a deemed approved activity, has been operated or maintained in such a manner that has resulted in repeated nuisance activities on or near the premises of the establishment then the Planning Commission shall grant to such establishment a conditional use permit in order to continue to operate and impose such conditions upon such establishment as the Commission shall deem appropriate.

A standard list of conditions of approval shall be developed, and amended from time to time, by the Planning Director.

The Planning Commission shall establish a date, not to exceed one (1) year from the date of its action, to conduct a review of the establishment's compliance with the conditional use permit. During the public hearing, the Planning Commission shall review pertinent reports from the California Alcoholic Beverage Control, the Richmond Police Department and any other public agency and shall accept documents and testimony from the business owner, neighborhood residents, and all other interested parties.

6. Public Hearing to Determine Violation of Conditional Use Permit. Notwithstanding any other provision of Chapter 15.04 to the contrary, any conditional use permit granted by virtue of or in accordance with Section 15.04.910.080(H) may be modified, discontinued or revoked by the Planning Commission if the Commission finds that the use as operated or maintained:

a. Has resulted in repeated nuisance activities on or near the premises of the establishment, including but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking alcoholic beverages in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of
vandalism, loitering, excessive littering, illegal parking, graffiti, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct or police detentions and arrests; or

b. Violates any ordinance of this City, or any federal or state law or regulation; or

c. Violates any of the conditions or terms of the use permit.

The procedures for modifying, discontinuing or revoking any conditional use shall be as set forth in Section 15.04.990 (Revocation/modification).

7. Fee Schedule and Liability for Expenses. Fees and fee regulations, including fees for the review, notification, appeal, and reinspection of deemed approved activities, will be in accordance with a fee schedule established by the City Council.

A business owner who violates the deemed approved provisions of this section shall be liable for costs, expenses, and disbursements paid or incurred by the City or any of its contractors in the correction and abatement of the violation. Reinspection fees to ascertain compliance with previously noticed or cited violations may be charged against the owner of the deemed approved activity in an amount set by the Planning Commission. The City Manager or his or her designee must mail the property owner or business owner of the affected premises a written notice setting forth the itemized cost of chargeable services and requesting payment of those costs. If the bill is not paid in the time stated in the notice, the charges will be referred to the City Finance Department, or if the charges are against the property owner, the charges will be placed as a lien against the property in accordance with Chapters 1.04 and 2.62 of this Code.

8. Planning Director's Standard List of Conditions of Approval.

a. Inspections. Businesses that engage in retail alcoholic beverage sales shall be subject to inspection by City staff any time the Chief of Police, or his or her designee, finds that criminal or nuisance activities are occurring on or near the premises. In addition, to ensure compliance with performance standards and/or conditions of approval, all businesses that engage in retail alcoholic beverage sales (except eating establishments with alcoholic beverage sales as defined at Section 15.04.020.63a of this Code) shall be subject to inspection once every three calendar years. The business owner shall be invoiced for the costs of the inspection and any necessary reinspection and enforcement costs in accordance with the City's adopted fee schedule.

b. Sound Walls. If the alcoholic beverage sales commercial activity abuts residential uses and is allowed in the involved zoning district, a sound wall may be required between the activity and the abutting residential uses. The sound wall must be no higher than six feet and must not obstruct the view of the building and parking areas from the street. Vegetation may be required to be planted along the sound wall and be of a type that will cover the sound wall surface within two years.

c. Graffiti Removal. The removal of all graffiti from the walls, fences, pavement or buildings within 72 hours of its appearance on the property may be required.
d. Exterior Lighting. Exterior lighting containing high pressure sodium or equivalent type, with an illumination intensity of between one and four foot-candles, may be required. The lighting may be required to be lit during all hours of darkness. Any required lighting must be directed and shielded so as not to glare onto adjoining residential properties and must have a housing to protect against breakage. Any required lighting must illuminate the adjacent public sidewalks and all parking lots under the business establishment's control in a manner that allows law enforcement personnel to identify persons standing in those areas. Any broken or burned out lights may be required to be replaced within 72 hours.

e. Trash Receptacles. Permanent, nonflammable trash receptacles, 60 gallons or less in size, may be required to be located at convenient locations, appropriately screened from view, outside the establishment and in the establishment's parking area (if any). The operators of the business may be required to remove on a daily basis, or more frequently if needed to maintain a litter-free environment, all trash from these receptacles and from the sidewalk adjacent to the establishment. The operators of the business also may be required to remove, at least three times per week, all trash originating from its establishment deposited on public property within 400 feet of any boundary of its premises. All trash receptacles of any size may be required to be appropriately screened from view.

f. Pay Telephones. Pay telephones on the site of the establishment may either be: (1) prohibited; or (2) required to be of the type that only allow outgoing calls and be located in a visible and well-lighted location.

g. Windows. On the primary frontage of a business engaged in retail alcoholic beverage sales there must be a minimum of 240 square feet of transparent fenestration in the area 30 inches above grade to 84 inches above grade that is to remain unobstructed during business hours.

h. Interior View. In establishments with glass storefronts, an unobstructed interior view from the street of the cash register area may be required and no more than 33 percent of the square footage of the windows and transparent doors of the premises may be allowed to bear advertising or signs of any sort. All advertising, signage and products may be required to be placed and maintained to ensure that law enforcement personnel have a clear and unobstructed view of the establishment's interior.

i. Program. A "complaint response-community relations" program established and maintained by the deemed approved activity may be required. The program may include the following:

(i) Posting at the entry of the establishment and providing to any requesting individual the telephone number for the area commander of the local law enforcement substation.

(ii) Coordinating with the Police Department to monitor community complaints about the establishment's activities.

(iii) Having a representative of the establishment meet with neighbors or neighborhood association on a regular basis and at their request, attempt to resolve any neighborhood complaints regarding the establishment.
j. Activities. If appropriate, the following activities may be prohibited on the premises: pool or billiard tables, football or pinball games, arcade style video or electronic games, or coin-operated amusement devices.

k. Prohibited Products. To discourage nuisance activities, an off-sale alcohol outlet may be prohibited from selling one or more of the following products:

(i) Wine or distilled spirits in containers of less than 750 milliliters;
(ii) Malt beverage products with alcohol content greater than 5-1/2 percent by volume;
(iii) Wine with an alcoholic content greater than 14 percent by volume unless in corked bottles and aged at least two years;
(iv) Single containers of beer or malt liquor;
(v) Containers of beer or malt liquor not in their original factory packages of six-packs or greater;
(vi) Containers of beer or malt liquor larger than 39 ounces;
(vii) Distilled spirits in bottles or containers smaller than 375 milliliters;
(viii) Cooler products, either wine- or malt-beverage-based, in less than four-pack quantities.

l. Chilled Alcoholic Beverages. An off-sale alcohol outlet may be prohibited from maintaining refrigerated or otherwise chilled alcoholic beverages on the premises.

m. Hours of Operation. In an on-sale or off-sale alcohol outlet, the sale of alcoholic beverages may be restricted to certain hours of each day of the week unless limited further by the State of California Department of Alcoholic Beverage Control.

n. Cups. In off-sale alcohol outlets, the sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging may be prohibited.

o. Signs. The following signs may be required to be prominently posted in a readily visible manner in English, Spanish, and the predominant language of the patrons:

(i) "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age";
(ii) "No Loitering or Public Drinking"; and
(iii) "It is illegal to possess an open container of alcohol in the vicinity of this establishment".

p. Presentation of Documents. A copy of the conditions of approval and the California Department of Alcoholic Beverage Control license may be required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
q. Mitigating Alcohol-Related Problems. The establishment may be required to operate in a manner appropriate with mitigating alcohol-related problems that negatively impact those individuals living or working in the neighborhood, including but not limited to, sales to minors, the congregation of individuals, violence on or near the premises, drunkenness, public urination, solicitation, drug-dealing, loud noise, and litter.

r. Signage. The total surface of signage pertaining to or referencing alcoholic sales or beverages that is visible from the public right-of-way may be required to not exceed 630 square inches.

s. Drug Paraphernalia. An off-sale alcohol outlet may be prohibited from selling drug paraphernalia products as defined in Health and Safety Code Sections 11014.5 and 11364.5. "Drug paraphernalia" means all equipment, products and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act (commencing with California Health and Safety Code Section 11000).

t. Loitering. The establishment's operators or employees may be required to discourage loiterers and to ask persons loitering longer than 15 minutes to leave the area and contact local law enforcement officials for enforcement of applicable trespassing and loitering laws if persons requested to leave fail to do so.

u. Security Cameras. At least two 24-hour time-lapse security cameras may be required to be installed and properly maintained on the exterior of the building at locations recommended by the Police Department. All criminal and suspicious activities recorded on this surveillance equipment must be reported to local law enforcement. To the extent allowed by law, the establishment's operators may be required to provide any tapes or other recording media from the security cameras to the Police Department.

v. Prohibited Vegetation. No exterior vegetation may be planted or maintained that could be used as a hiding place for persons on the premises. Exterior vegetation may be planted and maintained in a manner that minimizes its use as a hiding place.

I. On-Premise Alcoholic Beverage Sales.

1. On-premise alcoholic beverage sales shall include eating establishments with alcoholic beverage sales and bars and shall only be permitted in commercial and industrial districts after approval of a conditional use permit for one of the above use categories by the Planning Commission.

2. Such conditional use permit may include conditions specifically intended to mitigate any adverse or potentially adverse impacts from the sale of on-premises alcoholic beverages. Said conditions may include, but shall not be limited to, improvements to the appearance, accessibility or safety of the premises. Service of alcoholic beverages shall be limited to the business premises unless the Planning Commission approves a condition allowing the business owner to seek an encroachment permit for outdoor service on a public sidewalk.
3. Any existing eating establishment operating without a conditional use permit which proposes to obtain a license from the Department of Alcoholic Beverage Control for alcoholic beverages sales shall be required to obtain a conditional use permit for an eating establishment with alcoholic beverage sales prior to issuance of such ABC license.

4. Any existing eating establishment that has obtained a conditional use permit, but has not obtained a license for the alcoholic beverage sales by the date of adoption of the ordinance codified in this section, shall also be required to obtain a conditional use permit for an eating establishment with alcoholic beverage sales prior to obtaining an on-premises ABC license.

5. Any eating establishment which has an alcoholic beverages control license for the sale of alcoholic beverages from the State of California on the date of adoption of the ordinance codified in this section shall be considered nonconforming and shall be governed by Section 15.04.940, Nonconforming provisions of the zoning ordinance.

J. Permit a use listed in a less restricted district in a more restricted district, as follows: Any use permitted in any commercial district may be permitted in any other commercial district; any use permitted in any industrial district may be permitted in any other industrial district; provided such use, due to its limited nature, modern devices, building design or other features or method of operation or development will conform to the intent of such district and will be no more objectionable than the uses permitted in such district.

K. Permit a new nonconforming use of a building or structure, for an existing nonconforming use, provided such new nonconforming use is in the same or a more restricted zoning district classification as the existing nonconforming use.

L. Massage establishments and services as defined in Chapter 9.38 of the Richmond Municipal Code. Any massage establishment or off-premises massage service shall only be permitted in commercial and industrial districts and only if approved by the Planning Commission. The Planning Commission may approve a massage establishment or off-premise massage service provided that the use conforms to the general criteria set forth in subsection 15.04.910.050 (Findings/Conditions of Approval) of this section and to any and all applicable use permit criteria set forth in the particular district zoning regulations.

M. Dealer in firearms and dealer in firearm ammunition.

N. Recycling Facilities.

1. Reverse vending machine(s), as defined in Section 15.04.020 may be carried out subject to the following limitations, except as modified by a conditional use permit:
   a. Shall be established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building and fire codes of the City of Richmond;
   b. Shall be located within 30 feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
   c. Shall not occupy parking spaces required by the primary use. (Reverse vending machines do not require additional parking spaces for recycling customers);
d. Shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure, and shall be no more than eight (8) feet in height;

e. Shall be constructed and maintained with durable waterproof and rust-proof material;

f. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative; a notice shall be displayed stating that no material shall be left outside of the machine;

g. Shall provide a trash receptacle or receptacles, as needed, in the immediate vicinity of the machine or machines. The receptacle or receptacles shall be a minimum of thirty-two (32) gallons and made of durable waterproof and rustproof material with an attractive exterior. The site shall be maintained in a clean, litter-free condition on a daily basis;

h. Operating hours shall be at least the operating hours of the host use;

i. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

2. Small collection facility, if its location is approved by the Commission as provided in Section 15.04.910.050 subject to the following limitations, except as modified by a conditional use permit.

a. Shall be established in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building and fire codes of the City of Richmond;

b. Shall be no larger than 500 square feet and occupy no more than five (5) parking spaces not including space that will be periodically needed for removal of materials or exchange of containers (see limitation "p" below);

c. Shall be set back at least ten (10) feet from any street line and shall not obstruct pedestrian or vehicular circulation;

d. Shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil may be accepted with approval of the Richmond Fire Chief and in accordance with all state and local regulations;

e. Shall use no power-driven processing equipment except for reverse vending machines;

f. Shall use containers that are constructed and maintained with durable waterproof and rust-proof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;

g. Shall store all recyclable material in containers or in the mobile unite vehicle, and shall not leave materials outside of containers when attendant is not present;

h. Shall provide adequate trash receptacles in the immediate vicinity of the collection facility. The receptacles shall be a minimum of thirty-two (32) gallons and made of durable
waterproof and rust-proof material with an attractive exterior. The site shall be maintained free of litter and any other undesirable materials; mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;

i. Shall not exceed noise levels of 60 dBA as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed 70 dBA;

j. Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;

k. Containers for the 24-hour donation of materials shall be at least 30 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;

l. Containers shall be clearly marked to identify the type of materials which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;

m. The facility shall not impair the landscaping required by local ordinances or by any permit issued pursuant thereto;

n. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed;

o. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;

p. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:

1. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;

2. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;

3. The permit will be reconsidered at the end of 12 months.

A reduction in available parking spaces in an established parking facility may then be allowed as follows:
For a commercial host use:

<table>
<thead>
<tr>
<th>Number of Available Parking Spaces</th>
<th>Maximum Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-25</td>
<td>0</td>
</tr>
<tr>
<td>26-35</td>
<td>2</td>
</tr>
<tr>
<td>36-49</td>
<td>3</td>
</tr>
<tr>
<td>50-99</td>
<td>4</td>
</tr>
<tr>
<td>100+</td>
<td>5</td>
</tr>
</tbody>
</table>

For a community facility host use:

A maximum five (5) spaces reduction will be allowed when not in conflict with parking needs of the host use.

q. If the permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration.

3. Large collection facility, if its location is approved by the Commission as provided in Section 15.04.910.050 subject to the following limitations, except as modified by a Conditional Use Permit:

a. Facility does not abut a property zoned or planned for residential use;

b. Facility shall be screened from the public right-of-way by operating in an enclosed landscaping;

c. Setbacks and landscape requirements shall be those designated for the zoning district in which the facility is located;

d. All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. Used oil may be accepted with approval of the Richmond Fire Chief and in accordance with state and local regulations. Oil storage must be in containers approved by the Richmond Fire Chief. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;

e. Adequate trash receptacles shall be provided in the immediate vicinity of the collection facility. The receptacles shall be a minimum of thirty-two (32) gallons and made of durable waterproof and rust-proof material with an attractive exterior. The site shall be maintained free of litter and any other undesirable materials; and, site shall be cleaned of loose debris on a daily basis;

f. Space shall be provided on site for six (6) vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the Planning Commission determines that allowing overflow traffic above six (6) vehicles is compatible with surrounding businesses and public safety;
g. One (1) parking space shall be provided for each commercial vehicle operated by the recycling facility. Parking requirements shall be as provided for in the zone, except that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary such as when employees are transported in a company vehicle to a work facility;

h. Noise levels shall not exceed 60 dBA as measured at the property line of residentially zoned or developed property, or otherwise shall not exceed 70 dBA;

i. If the facility is located within 500 feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.;

j. Any containers provided for after-hours donation of recyclable materials will be at least 50 feet from any property zoned or occupied for residential use, shall be of sturdy, rust-proof construction, shall have sufficient capacity to accommodate materials collected, and shall be secured from unauthorized entry or removal materials;

k. Containers shall be clearly marked to identify the type of material that may be deposited, the name and phone number of the facility operator, and the hours of operation; facility shall display a notice stating that no material shall be left outside recycling containers;

l. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be permitted if approved by the Planning Commission;

m. Landscaping and irrigation plan shall be approved by the Parks Division of the Richmond Public Works Department.

4. Light processing facility, subject to the following limitations, except as modified by a conditional use permit:

a. Facility does not abut a property zoned, developed, or planned for residential use;

b. Processors shall operate in a wholly enclosed building except for incidental storage, or:

   1. Within an area enclosed on all sides by a standard Richmond fence not less than eight (8) feet in height and landscaped on all street frontages;

   2. Located at least one hundred fifty (150) feet from property zoned or planned for residential use;

c. Power-driven processing shall be permitted, provided all noise level requirements are met;

d. A light processing facility shall be no larger than 45,000 square feet and shall have no more than an average of two (2) outbound truck shipments of material per day and may not shred, compact or bale ferrous metals other than food and beverage containers;

e. Used motor oil may be accepted with approval of the Richmond Fire Chief and in accordance with state and local regulations;
f. Landscaping and irrigation plan shall be approved by the Richmond Parks Department;

g. All exterior storage of material shall be in study containers or enclosures which are
covered, secured, and maintained in good condition. Storage containers for flammable
material shall be constructed of nonflammable material. Oil storage must be in containers
approved by the Richmond Fire Chief. No storage, excluding trucks trailers and overseas
containers, will be visible above the height of the fencing;

h. Site shall be maintained free of litter and any other undesirable materials, and shall be
cleaned of loose debris on a daily basis and will be secured from unauthorized entry and
removal of materials when attendants are not present;

i. Space shall be provided on site for the anticipated peak load of customers to circulate,
park and deposit recyclable materials. If the facility is open to the public, space shall be
provided for a minimum of ten (10) customers or the peak load, whichever is higher,
except where the Planning Commission determines that allowing overflow traffic is
compatible with surrounding businesses and public safety;

j. One (1) parking space shall be provided for each commercial vehicle operated by the
processing center. Parking requirements shall otherwise be as mandated by the zone in
which the facility is located;

k. Noise levels shall not exceed 60 dBA as measured at the property line of residentially
zoned, developed or occupied property, or otherwise shall not exceed 70 dBA;

l. If the facility is located within 500 feet of property zoned, developed, or planned for
residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility will
be administered by on-site personnel during the hours the facility is open;

m. Any containers provided for after-hours donations of recyclable materials will be at least
50 feet from any property zoned, developed, or planned for residential use; shall be of
sturdy, rust-proof construction; shall have sufficient capacity to accommodate materials
collected; and shall be secured from unauthorized entry or removal of materials;

o. Containers shall be clearly marked to identify the type of material that may be deposited,
the name and number of the facility operator, and the hours of operation; facility shall
display a notice stating that no material shall be left outside the recycling containers;

p. No dust, fumes, smoke, vibration or odor above ambient level may be detectable on
neighboring properties.

5. Junk or heavy processing facilities, including the storage, sorting, collecting, bailing, briquet-
ting, crushing, compacting, grinding, and shredding of rags, paper, metals, glass, plastic, paper,
and cast-off or salvage material, subject to the limitations listed for light processing facilities in
this section (except those limitations specifically related to the definition of light processing)
and any others that may be added by the Planning Commission.
O. Biodiesel Facilities.

1. Storage, Distribution.

a. Automobile service stations and existing facilities with petroleum fueling services are exempt from the following conditions.

b. The permittee shall obtain all of the following permits, proofs-of-exemption, and approvals:

   (i) A Spill Prevention, Control and Countermeasure Plan (SPCC) approved by the Environmental Protection Agency (EPA).

   (ii) Permits to construct and to operate from the Bay Area Air Quality Management District (BAAQMD), or documentation that the facility is exempt from BAAQMD's permitting requirements.

   (iii) An industrial discharge permit from the City of Richmond Wastewater Division, or documentation that the facility is exempt from the Wastewater Division's permitting requirement.

   (iv) A permit from the state or local Fire Marshal for the storage and use of combustible liquids.

   (v) Permits for all storage tanks (above-ground and underground) from the state or local Fire Marshal.

   (vi) A solid waste permit from the Contra Costa Health Services Department of Environmental Health, if applicable.

   (vii) A permit from the San Francisco Bay Conservation Development Committee (BCDC) if the proposed project is within 100 feet of the shoreline.

   (viii) A Hazardous Materials Safety Permit from the United States Department of Transportation (USDOT) or California Department of Transportation (CalTrans) if the permittee will be transporting hazardous materials over public streets and highways.

   (ix) A seller's permit from the California Board of Equalization.

c. The permittee shall follow the most up-to-date version of Biodiesel Handling and Use Guide prepared by the U.S. Department of Energy National Renewable Energy Laboratory.

d. The permittee shall comply with the California Regional Water Quality Control Boards' C.3 Stormwater Control Management requirements.

e. The permittee shall inspect incoming oil and grease to ensure that it is free of hazardous waste.

f. Oil and grease waste shall not be mixed with other types of solid wastes, including hazardous waste, special handling waste, or municipal waste.
g. Oil and grease shall not be stored for more than forty-five days.

h. The permittee is responsible for the proper storage and management of oil and grease waste to ensure the following:

(i) All measures necessary to minimize and control the presence of vectors shall be taken;

(ii) If vectors are present, measures necessary to exterminate them shall be taken immediately; and

(iii) Odors will not cause a nuisance to neighboring properties.

i. Equipment must be inspected and monitored during waste processing activities to ensure that equipment operates properly to prevent spillage or release of oil, and grease waste, and biodiesel, or other materials resulting from the processing activities.

j. In the event of a spill or release of oil and grease waste, biofuel, including biodiesel, or any other materials resulting from processing, the permittee shall take appropriate immediate action to protect the health and safety of the public and the environment. The following spills and releases of oil and grease, waste, biofuel, including biodiesel, or any residue from processing must immediately be reported to the Contra Costa County Hazardous Materials program; the City of Richmond Fire Department; and, the Department of Toxic Substances Control:

(i) A report of the discharge information, including where the spilled or released amount of oil and grease waste, biofuel, including biodiesel, or any residue from processing exceeds five gallons; or

(ii) A detailed account of the amount of discharge of oil and grease waste, biofuel, including biodiesel, or any residue from processing, regardless of the volume where the discharge may reach surface waters.

k. The permittee shall maintain at the permitted facility an updated copy of an Emergency Preparedness, Prevention Plan for the facility prepared in accordance with the most recent guidelines from the California Department of Toxic Substances Control. The Emergency Preparedness, Prevention Plan shall be updated at least once every five (5) years or if changes in contact information, equipment, or regulatory requirements occur.

l. Upon cessation of operations at the facility, the permittee shall comply with closure requirements of the California Department of Toxic Substances Control.

m. The permittee shall immediately notify the Richmond Planning and Building Services Department in writing of any changes in: the company name, address, owners, operators and responsible officials; land ownership and the right to enter and operate on any land occupied by a facility; the system used to process waste; and the status of any permit issued by local, state, or federal government agencies.

n. Failure to comply with the terms and conditions of this permit shall be grounds for the revocation or suspension of the permit pursuant to Richmond Municipal Code Section 15.04.990.
2. Refining and Manufacturing.

   a. A facility shall not be located:

   (i) Within 500 feet of a pre-school, elementary school, junior high school, middle school or high school; colleges, universities, or other educational facilities (except vocational school);

   (ii) Within 500 feet of a child-care center, park or playground;

   (iii) Within 500 feet of a residentially zoned district; or

   (iv) Within 500 feet of a hospital or ambulatory care facility.

   b. The permittee shall obtain all of the following permits, proofs-of-exemption, and approvals:

   (i) A Spill Prevention, Control and Countermeasure Plan (SPCC) approved by the Environmental Protection Agency (EPA).

   (ii) Permits to construct and to operate from the Bay Area Air Quality Management District (BAAQMD), or documentation that the facility is exempt from BAAQMD's permitting requirements.

   (iii) An industrial discharge permit from the City of Richmond Wastewater Division, or documentation that the facility is exempt from the Wastewater Division's permitting requirement.

   (iv) A permit from the state or local Fire Marshal for the storage and use of combustible liquids.

   (v) Permits for all storage tanks (above-ground and underground) from the state or local Fire Marshal.

   (vi) A solid waste permit from the Contra Costa Health Services Department of Environmental Health, if applicable.

   (vii) A permit from the San Francisco Bay Conservation Development Committee (BCDC) if the proposed project is within 100 feet of the shoreline.

   (viii) A Hazardous Materials Safety Permit from the United States Department of Transportation (USDOT) or California Department of Transportation (CalTrans) if the permittee will be transporting hazardous materials over public streets and highways.

   (ix) A seller's permit from the California Board of Equalization.

   c. The permittee shall follow the most up-to-date version of Biodiesel Handling and Use Guide prepared by the U.S. Department of Energy National Renewable Energy Laboratory.
d. The permittee shall comply with the California Regional Water Quality Control Boards' C.3 Stormwater Control Management requirements.

e. The permittee shall inspect incoming oil and grease to ensure that it is free of hazardous waste.

f. Oil and grease waste shall not be mixed with other types of solid wastes, including hazardous waste, special handling waste, or municipal waste.

g. Oil and grease shall not be stored for more than forty-five days.

h. The permittee is responsible for the proper storage and management of oil and grease waste to ensure the following:

(i) All measures necessary to minimize and control the presence of vectors shall be taken;

(ii) If vectors are present, measures necessary to exterminate them shall be taken immediately; and

(iii) Odors will not cause a nuisance to neighboring properties.

i. Equipment must be inspected and monitored during waste processing activities to ensure that equipment operates properly to prevent spillage or release of oil, and grease waste, and biodiesel, or other materials resulting from the processing activities.

j. In the event of a spill or release of oil and grease waste, biofuel, including biodiesel, or any other materials resulting from processing, the permittee shall take appropriate immediate action to protect the health and safety of the public and the environment. The following spills and releases of oil and grease, waste, biofuel, including biodiesel, or any residue from processing must immediately be reported to the Contra Costa County Hazardous Materials program; the City of Richmond Fire Department; and the Department of Toxic Substances Control:

(i) A report of the discharge information, including where the spilled or released amount of oil and grease waste, biofuel, including biodiesel, or any residue from processing exceeds five gallons or,

(ii) A detailed account of the amount of discharge of oil and grease waste, biofuel, including biodiesel, or any residue from processing, regardless of the volume where the discharge may reach surface waters.

k. The permittee shall maintain at the permitted facility an updated copy of an Emergency Preparedness, Prevention Plan for the facility prepared in accordance with the most recent guidelines from the California Department of Toxic Substances Control. The Emergency Preparedness, Prevention Plan shall be updated at least once every five (5) years or if changes in contact information, equipment, or regulatory requirements occur.

l. Upon cessation of operations at the facility, the permittee shall comply with closure requirements of the California Department of Toxic Substances Control.
m. Biofuel produced by the permittee is no longer waste provided it meets one of the following specifications:

(i) B100 in ASTM D 6751 (Standard Specification for Biodiesel Fuel (8100) Blend Stock for Distillate Fuels); or

(ii) Biodiesel fuel commonly used in the country where it will be shipped for use as fuel or blend stock; or

(iii) ASTM D 396 (Standard Specification for Fuel Oils); or

(iv) Specifications required by the combustion device in which it will be used.

n. Glycerin produced by the permittee is no longer a waste provided it is not accumulated speculatively and meets the specification in ASTM D 1257 (Standard Specification for High-Gravity Glycerin), or is shipped to a manufacturer for conversion into glycerin that will meet the specification in ASTM D 1257. (Note: Any glycerin produced by the permittee and used as an ingredient in a manufacturing process, such as in soap or cosmetic production, is not waste under the definition of "waste" in Chapter 15.04.820.022 Definitions of the Richmond Zoning Ordinance, provided it is not accumulated speculatively.)

o. The permittee shall immediately notify the Richmond Planning and Building Services Department in writing of any changes in: the company name, address, owners, operators and responsible officials; land ownership and the right to enter and operate on any land occupied by a facility; the system used to process waste; and the status of any permit issued by local, state, or federal government agencies.

p. Failure to comply with the terms and conditions of this permit shall be grounds for the revocation or suspension of the permit pursuant to Richmond Municipal Code Section 15.04.990.

* One business vehicle, up to one ton capacity with signage is permitted.

(Amended by Ordinance Nos. 37-96 N.S., 31-97 N.S., 7-99 N.S., 9-04 N.S., 13-05 N.S., 8-09 N.S., 24-09 N.S., 1-10 N.S. and 25-10 N.S.)
15.04.920 Variances.

SECTIONS
15.04.920.010 Title, Purpose and Applicability.
15.04.920.030 Application.
15.04.920.040 Hearing/Notice.
15.04.920.050 Findings/Conditions of Approval.
15.04.920.060 Decisions/Appeals.
15.04.920.090 Miscellaneous.

15.04.920.010 Title, Purpose and Applicability.

A. This section establishes procedures for approval or disapproval of variance applications.

B. Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The cost to an applicant of strict compliance with a regulation may not be the sole reason for granting a variance.

C. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

D. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

E. Notwithstanding the above, a variance may be granted from parking and/or open space requirements as set forth in Government Code Sections 65906.5 and 65911, respectively.


The Planning Commission shall approve, conditionally approve, or disapprove applications for variances which are consistent with the Richmond general plan, the specific purposes of the base or overlay zoning district in which the subject site is located, and the provisions of this chapter.

Whenever there is any question regarding the interpretation of this chapter, or its application to any specific case or situation, the Planning Commission shall interpret the intent of the chapter by written decision, and such interpretation shall be followed in applying said provisions.

15.04.920.030 Application.

A. The application form with the required plans and mapping documentation (a form prepared by the City of Richmond) must be filed with the Planning Department.

B. The application form must be signed by the property owner or authorized agent of the property owner. Any other party involved as a contingent buyer or lessee shall also sign the application form.
C. The requisite fee must be paid as determined by the Richmond City Council.

15.04.920.040 Hearing/Notice.

A. The Planning Commission shall hold a public hearing on the variance application.

B. Notice shall be given for the public hearing in accordance with Sections 15.04.970.020 and 15.04.970.040.

15.04.920.050 Findings/Conditions of Approval.

A. The Planning Commission shall approve an application for a variance as it was applied for, or in a modified form as required by the Commission, if, on the basis of the application, plans, materials and testimony submitted, the Planning Commission finds:

1. That because of special circumstances or conditions applicable to the subject property, including size, shape, topography, location or strict application of the requirements of the provisions of this chapter will deprive such property of privileges enjoyed by the property in the vicinity and zone in which the property is situated;

2. The variance will not be detrimental or injurious to property or improvements in the vicinity of the subject property, or the public health, safety or general welfare;

3. The variance is consistent with the purposes of this chapter and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district;

4. The variance granted will not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property;

5. All findings shall be based upon the factual presentation to the hearing body.

B. In the case of parking regulations, a variance may be granted in order that some or all the required parking spaces be located off-site or that in-lieu fees or facilities be provided instead of the required parking spaces, providing that the Planning Commission determines that:

1. The variance will be an incentive to, and a benefit for nonresidential development; and

2. The variance will facilitate access to nonresidential development by patrons of public transit facilities, particularly BART.

C. In the case of a variance from open space regulations, the grant of a variance is consistent with Government Code Section 65911 and will not conflict with general plan policies governing orderly growth and development and the preservation and conservation of open space lands.

D. In approving the variance, reasonable conditions may be imposed by the Planning Commission or Planning Director necessary to achieve one of the following:

1. The general purposes of this chapter and the specific purposes of the zoning district in which the site is located to make it consistent with the general plan;
2. Protect the public health, safety, and general welfare of the citizens of the City of Richmond;
3. Ensure that the operation and maintenance of the use will be compatible with existing and potential uses on adjoining properties or in the surrounding vicinity.

15.04.920.060 Decisions/Appeals.
A. The decision of the Planning Commission on the variance application shall become final 10 calendar days after the decision is rendered unless appealed to the City Council as set forth in Section 15.04.980.
B. Within 30 working days of the conclusion of a public hearing, the Planning Commission shall approve, conditionally approve, or disapprove the application. Notice of the decision shall be mailed to the applicant and any other party requesting such notice within 10 days of the date of the resolution ratifying the decision.
C. The decision rendered on the variance application must be appealed within 10 days of the decision as set forth in Section 15.04.980.
D. Appeals may be made by the applicant or any other interested person who has presented oral or written testimony in the course of the public hearing on the application. Written appeals of Planning Commission decisions must be made to the City Clerk within 10 calendar days.

15.04.920.090 Miscellaneous.
A. The approval of a variance application shall lapse one year or at an alternative time specified as a condition of approval after its date of approval unless:
   1. A building permit has been issued and construction diligently pursued; or
   2. A certificate of occupancy has been issued; or
   3. The variance is renewed.
B. A variance is not affected by a change in ownership.
C. A variance shall lapse if the exercise of rights granted by it, is discontinued for 6 consecutive months.
D. A variance that is exercised in violation of a condition of approval or a provision of this chapter may be revoked or modified as set forth in Section 15.04.990.
E. A request for changes in the conditions of approval shall be treated as a new application.
F. If an application for a variance is disapproved, then no new application for the same, or substantially the same variance shall be filed within one year of the date of the denial of the initial application, unless the denial is made without prejudice.

(Amended by Ordinance No. 31-97 N.S.)
15.04.925 Lot Line Adjustments.

SECTIONS

15.04.925.010 Title, Purpose and Applicability.

A. The purpose of this section is to establish procedures for the approval, conditional approval, or disapproval of lot line adjustments, pursuant to Government Code Section 66412(d).

B. A lot line adjustment is administrative approval to adjust the location of a lot line between two or more existing adjacent lots, where land taken from one lot is added to an adjacent lot, and where a greater number of lots than originally existing is not thereby created.

C. It is the intent of this section to allow lot line adjustments that conform to this chapter and applicable building ordinance in order to overcome practical difficulties between neighboring parcels, such as minor improvements encroachments, misaligned fences, etc., and to allow infill development that would not otherwise occur.

15.04.925.020 Planning Director's Responsibility.

A. The Planning Director shall approve or disapprove an application for a lot line adjustment based on whether or not it conforms to this chapter and applicable building ordinance. The Planning Director shall impose conditions on the approval of a lot line adjustment if needed to facilitate the relocation of existing utilities, infrastructure, or easements or to achieve compliance with this chapter and building ordinance.

15.04.925.030 Application.

A. The application form with the required plans and materials must be filed with the Planning Department.

B. The application form must be signed by the property owner or authorized agent of all involved properties. Any other party involved as a contingent buyer or lessee shall also sign the application form.

C. The requisite fee, as determined by the City Council, must be paid.

15.04.925.040 Required Plans and Materials.

The following plans and materials shall be submitted provided that the Planning Director may waive submission of items deemed unnecessary to determine compliance with applicable requirements of this chapter.
A. Eleven copies of a fully dimensioned drawing, prepared by registered civil engineer or licensed land surveyor, and accurately drawn to a convenient architect's or engineer's scale, showing:

1. Scale of plan, north arrow, and date;
2. The engineer or surveyor's name, address, and telephone number;
3. Title: "Lot Line Adjustment Map";
4. All existing lot lines, their dimension, and bearing;
5. Proposed lot line, its dimension, and bearing—dash the lot line to be adjusted, draw solid the lot line in its proposed new location, and indicate the distance between them;
6. Legal description for all involved lots;
7. Footprints of all existing structures on the involved properties, including setback information where relevant;
8. Location of all driveway and parking areas;
9. All other improvements, drainage facilities, utilities, dedications, rights-of-way, and easements;
10. Location of major trees near the affected lot line;
11. Area calculations, in square feet, of affected lots before and after the lot line adjustment.

B. A preliminary or final title report no older than three months, with legal description, verifying ownership and mortgages/trust deed holders of record.

C. Legal description of the area to be traded, or new legal descriptions of each lot and closure calculations verifying new legal descriptions.

D. The reasons for the lot line adjustment.

E. Any other information deemed reasonable and necessary by the Planning Director.

15.04.925.050 Findings/Conditions of Approval.

A. The Planning Director shall approve a lot line adjustment application if on the basis of the application, plans, and materials the Planning Director finds:

1. That the proposed lot line adjustment is in conformance with the base zoning district;
2. That said lot line adjustment is compatible with the Richmond general plan;
3. That said lot line adjustment is exempt from the subdivision requirements of the Subdivision Map Act.

15.04.925.060 Determination, Notice and Appeal.

A. The Planning Director shall render the determination within 45 days of receipt of a complete application submittal.
B. Notice of the determination and information about the appeal period and procedures shall be mailed to the applicant, the owner of record of all involved lots, and adjacent property owners on the date of the decision.

C. The determination of the Planning Director shall become final fifteen days after the determination is rendered unless appealed to the Planning Commission as set forth in Section 15.04.980.

15.04.925.070 Miscellaneous

A. When the decision becomes final, the Planning Director will prepare a notice of lot line adjustment if the lot line adjustment was approved or in the case of conditional approval, the notice of lot line adjustment will be prepared when applicable approval conditions have been satisfied; the notice of lot line adjustment will be mailed to the applicant.

B. The resulting changes in ownership of the affected land must be conveyed by legal document by the involved owners within one year of the Planning Director's determination, or the notice of lot line adjustment will expire.
15.04.930 Design Review.

SECTIONS
15.04.930.010 Title and Purpose.
15.04.930.020 Applicability.
15.04.930.030 Administrative Design Review.
15.04.930.040 Application for Approval of Administrative Design Review.
15.04.930.050 Determination, Notice, Hearing, and Appeal.
15.04.930.065 Design Criteria For Administrative Design Review—In-Fill Housing Initiative Track.
15.04.930.070 Design Review Board.
15.04.930.080 Technical Review Committee.
15.04.930.090 Application.
15.04.930.100 Notice/Hearing.
15.04.930.110 Findings/Conditions of Approval.
15.04.930.120 Decision/Appeal.
15.04.930.130 Miscellaneous.

15.04.930.010 Title and Purpose.

A. The provisions of Section 15.04.930 shall be known as design review and they establish procedures for approval or disapproval of design review applications.

B. The purpose of this section is to promote orderly, attractive, and harmonious development; to recognize environmental limitations on development; to enhance land values and investments; to maintain and enhance the character of existing residential, commercial, and industrial areas; and, to promote the general welfare by preventing development having qualities that would not meet the specific intent, clauses, or performance standards of this chapter or that are not properly related to their sites, surroundings, or their environmental setting.

C. Additionally, this section is intended to promote timely development application reviews including appropriate levels of citizen participation through public noticing prior to development, and to provide uniform, fair, and well defined procedures.

15.04.930.020 Applicability.

A. The Design Review Board shall review and/or approve, as the case may be, the design of exterior construction or modifications for which a building permit, zoning permit, certificate, or discretionary planning approval is required, including any variances from Chapter 15.06 of the Richmond Sign Ordinance unless it is exempt from design review or receives administrative design review approval. Applications requiring both Planning Commission and Design Review Board approval shall be reviewed in one meeting by the DRB for recommendation to the Planning Commission.

B. Project signage included as part of new building construction or as part of building modification shall be reviewed for design consistency along with the design review for the structure.
C. Exceptions to Design Review Board review (note: see subsection D below):

1. All painting, siding, roofing, and other maintenance and replacement items with like or compatible materials or colors.

2. Decks of no higher than four feet from grade at any point (excluding railings). Replacement of existing decks where the structure is similar in size, design, and appearance to the deck replaced.

3. Residences and residential additions of less than 500 square feet total floor area and less than 15 feet in height above the existing grade, except for any residences and residential additions which do not conform to the design criteria for administrative design review and exempt residences and residential additions, including but not limited to minor window, door, and roof modifications. Exception status may not be granted from design review for more than one addition in any twelve-month time frame.

4. Accessory structure of less than 250 square feet total floor area and less than nine feet in height from the existing grade.

5. Commercial additions or improvements of less than 1,000 square feet to building or site surfaces, not abutting residentially zoned property. Replacement or reconstruction of existing equipment and appurtenant facilities where the new equipment and facilities are similar in size, design, and appearance to the equipment or facility replaced.

6. Industrial additions or improvements of less than 1,000 square feet to building or site surfaces, not abutting residentially zoned property. Replacement or reconstruction of existing equipment and appurtenant facilities where the new equipment and facilities are similar in size, design, and appearance to the equipment or facility replaced.

7. For temporary structures of less than 500 square feet total floor area on commercial or industrially zoned property, not abutting residentially zoned property, design review shall not be required unless determined necessary by the Planning Director or his/her designee in accordance with adopted design review guidelines.

8. Single-family homes consistent with the architecture and design standards of a previously approved planned area district or planned unit development.

D. Any exterior development of a structure or specific site feature listed on the National Register of Historic Places or the California Register, identified as a contributing structure to a historic district, identified in other state or county historic registries, or as determined by a qualified architectural historian or state or federal historic preservation organization as having significant historic contribution to an area shall not be exempt.

15.04.930.030 Administrative Design Review.

A. The Planning Director, or his/her designee as Zoning Administrator shall review and approve, approve with conditions, or deny, as the case may be:

1. Standard Track. The design of exterior construction and/or site planning of residences and residential additions of more than 500 square feet total floor area but less than 1,200 square feet total floor area and less than 15 feet in height above the existing grade; and
2. In-Fill Initiative Track. The design of exterior construction and/or the site planning of single-family dwelling designs taken from the City of Richmond in-fill housing initiative pattern book.

B. The Planning Director, or his/her designee as Zoning Administrator shall approve, approve with conditions, or deny a standard track application for an administrative design review based upon whether or not it conforms to the design criteria (Section 15.04.930.060), standard track, for administrative design review.

C. The Planning Director, or his/her designee as Zoning Administrator shall approve, approve with conditions, or deny an in-fill initiative track application for an administrative design review based upon whether or not it conforms to the design criteria, in-fill housing initiative track (Section 15.04.930.065), for administrative design review.

D. The Planning Director, or his designee as Zoning Administrator may refer any matter to the Design Review Board for hearing, consideration and determination, in lieu of subsection B of this section.

15.04.930.040 Application for Approval of Administrative Design Review.

A. All applicants for administrative design review are strongly encouraged to work with their neighborhood council prior to submitting a formal application for design review with the City of Richmond.

B. The application form with the required plans and materials shall be filed with the Planning Department.

C. The application form shall be signed by the property owner or authorized agent of the property owner. Any other party involved as a contingent buyer or lessee shall also sign the application form.

D. Required Application Materials. Application materials shall be submitted as required by the Planning Director and as shown in the design review brochure prepared by the Planning Department and amended from time to time.

Depending on the complexity of the application, additional materials such as presentation illustrations, three dimensional models, or photometric analysis may be required by the Planning Department. Smaller scale projects may have certain submittal requirements waived at the discretion of the Planning Director, or his/her designee.

E. The requisite fee shall be paid as determined by the Richmond City Council.

F. No application for Zoning Administrator/administrative design review permit shall be processed until such time as it is deemed complete by the Planning Department.

15.04.930.050 Determination, Notice, Hearing, and Appeal.

A. The Planning Director, or his/her designee as Zoning Administrator, shall render a determination on the administrative design review within 30 days of the date an application is deemed complete.

B. Public notice of the Planning Director, or his/her designee as Zoning Administrator’s preliminary determination and information about requesting a formal Zoning Administrator hearing shall be
posted in City Hall and mailed to the applicant, the property owner(s) of the subject property, and owners of real property within 300 feet of the project site as shown on the latest equalized assessment roll at least ten (10) calendar days prior to the final decision of the Zoning Administrator.

C. A formal Planning Director, or his/her designee as Zoning Administrator hearing may be requested within the 10-day notice period by submittal of a written request to the Planning Department, including a complete description of the reason for requesting the hearing.

D. The fee for Planning Director, or his/her designee as Zoning Administrator hearing, shall be set by the City Council and paid for by the appellant.

E. Upon receipt of a written request and filing fee, the Planning Director, or his/her designee as Zoning Administrator shall schedule a formal hearing to address the concerns raised in the written request for hearing. Public notice of the Zoning Administrator hearing shall be posted in City Hall and mailed to the applicant, the property owner(s) of the subject property, and owners of real property within 300 feet of the project site as shown on the latest equalized assessment roll at least ten (10) calendar days prior to the hearing.

F. The Planning Director, or his/her designee as Zoning Administrator shall make a determination regarding the administrative design review application within five (5) working days after the hearing and provide a determination letter to the applicant as well as to the individual or group requesting the hearing.

G. The determination of the Planning Director or his/her designee as Zoning Administrator is appealable to the Design Review Board. The decision of the Design Review Board is appealable to the City Council. The determination of the Zoning Administrator shall become final ten (10) days after the determination is rendered unless appealed to the Design Review Board as set forth in Section 15.04.980.


A. Proposed projects shall comply with all requirements of the zoning district and these administrative design review requirements.

B. Proposed projects shall match the existing building design features such as architecture, materials, color, texture, trim, roofing material and pitch of roof.

C. Proposed projects shall be of a single story in height and not exceed 15 feet in height.

D. Proposed projects shall not eliminate existing on-site parking, convert or enclose an existing garage, or otherwise lessen available on-site parking or otherwise create a nonconforming parking situation.

E. No detached second dwelling units shall be approved by this process.

F. If an attached second unit is exempt or up to 30% of the existing living area it shall receive approval of an administrative design review.

G. No hillside development on slopes exceeding 15% shall be approved by this process. Slope shall be measured along all four sides of the lot.
H. No additions over garages shall be approved by this process.

I. All proposed residences or room additions on unfenced lots shall be reviewed and conditioned to ensure that the privacy of the neighboring residences is preserved.

J. Residences and additions shall provide similar architectural enhancement on all four sides as shown on elevations provided by the applicant.

K. All residences and residential additions approved by this process shall have 30-year roofs.

15.04.930.065  Design Criteria For Administrative Design Review—In-Fill Housing Initiative Track.

A. Proposed projects shall comply with all requirements of the zoning district and these administrative design review requirements.

B. Proposed projects shall demonstrate compliance to all in-fill housing initiative entitlements and conform in full to patterns and development standards of the in-fill housing initiative pattern book.

C. The natural grade of the portion of the site that falls within the exterior walls of the dwelling shall not exceed 5%.

D. Proposed designs shall be so sited to ensure the privacy of, and avoid unwarranted blockage of light and air to, and/or views from neighboring residences.

E. Proposed designs shall be compatible with the existing form, scale, pattern and character of development in the surrounding area.

15.04.930.070  Design Review Board.

A. Membership. The DRB shall consist of at least three (3) and no more than seven (7) persons who live or work in the City of Richmond. At least a majority of the currently serving members shall be persons who reside in the City of Richmond. To the extent practicable, membership of the board shall consist of 1 architect, 2 lay persons, 1 person from the business community, 1 landscape architect or expert in a wide range of design/construction fields, the remainder (2 positions) shall be persons who are qualified to analyze and interpret architectural and design plans. A majority of the currently serving members of the Board shall constitute a quorum for the conduct of business, provided however, that a quorum shall never be fewer than three (3) members. If a quorum is present, a majority of the votes cast is sufficient for the adoption of any motion, provided however that at least three (3) affirmative votes shall be required for the adoption of a motion.

B. Responsibility.

1. The DRB shall consider all applications which are not otherwise exempted by this chapter or subject to administrative design review which contain design related elements. Applications requiring both Planning Commission and Design Review Board approval shall be reviewed in one meeting by the DRB for recommendation to the Planning Commission.

2. The DRB shall provide a recommendation to the Planning Commission, approve, conditionally approve, or deny applications for design review of both public and private development
based upon their consistency with the Richmond general plan, the specific provisions of the base or overlay zoning district in which the project is located, and the provisions of design review guidelines.

3. Whenever there is any question regarding the interpretation of this chapter, or its application to any specific case or situation, the DRB shall interpret the intent of this chapter by written decision, and such interpretation shall be followed in applying said provisions.

C. Design and Development Policy Resolutions. From time to time, the City Council may establish a policy resolution for the purpose of conserving and enhancing the appearance of specific areas within the City of Richmond. These policy resolutions are intended to be used in areas of existing or potential scenic value, of historical note, of architectural merit, or of interest to visitors, and for the purpose of assisting property owners to maintain and enhance the appearance or architectural character of business districts and residential neighborhoods. The development of such policy resolutions shall be the responsibility of the DRB. The resolutions may be suggested by the Planning Commission, the City Council, or by the DRB. Following adoption by the City Council, such policy resolutions shall supplement the design review guidelines and the design criteria for administrative design review and exempt residences and residential additions.

D. Appointment. Each member of the DRB shall be appointed by the Mayor with the approval of the City Council.

E. Term. The term of office of members of the Board shall be for two years and no member shall serve for more than four consecutive full terms, provided however, that a member may remain in office until that member's successor has been appointed by the mayor and confirmed by the Council.

F. Automatic Resignation. The absence of any member from more than eight (8) regularly scheduled meetings of the DRB within any twelve-consecutive-month period shall constitute an automatic resignation from the Board; provided, that the nonattendance by a member of the Board at a regularly scheduled meeting due to the requirements of other city business shall not constitute an absence. Such resignation shall not, however, disqualify an individual from subsequently being appointed to the same or any other City Commission or Board.

G. Bylaws. The DRB shall adopt formal procedural rules governing the duties and operation of the Board.

H. Meetings. All meetings of the DRB shall be open to the public and shall be noticed in accordance with the provisions of Section 15.04.930.100, Notice/Hearing.

I. Technical Assistance. If, in the opinion of the DRB any design proposal that may cause the emission of dangerous or objectionable noise, odors, lights, dust, smoke, or vibrations, or may result in inappropriate design for the site or inappropriate landscaping for the site, the DRB may refer the application for investigation and a report to one or more expert consultant(s) qualified to advise as to whether the design proposal will conform to the appropriate regulations, policies, development standards, and performance standards of the City of Richmond. Such consultant(s) shall report in writing to the DRB and a copy of such report shall be furnished to the applicant and shall be made available to the general public. Management of said consultant shall be under the direction of the Planning Department. The applicant shall be required to pay the fee for services performed by said consultant(s) plus overhead costs as established by the City Council.
A. Membership. The TRC shall consist of one (1) member of each of following City Departments: Planning, Building Regulations, Engineering/Public Works, Parks and Landscaping, Fire, and Police. The members shall be appointed by the Department Director or Chief of that department. If the member is unable to attend a regular meeting of the TRC then his or her chosen alternate shall represent the respective department at the meeting.

B. Responsibility.

1. The TRC is responsible for assisting the Planning Department in preparing appropriate project modifications, redesigns, and conditions of approval for discretionary or design review action by the Planning Commission and Design Review Board to be consistent with good planning practices and to meet the standards of fire and building codes, Richmond Municipal Code, zoning ordinance, landscaping standards, specific plans, and City Council policy resolutions.

2. The TRC shall assist in the screening for completeness of development applications that require a discretionary hearing by the Zoning Administrator or Planning Commission or that require a design review hearing by the Design Review Board. Project information provided to the City in response to an incomplete application shall return to the TRC, at the discretion of staff, prior to being set on an agenda for either the Planning Commission or the Design Review Board.

C. Meetings. The TRC shall meet weekly to review proposed development applications. Applicants for development proposals may be invited to the meeting by City staff to explain elements of a proposed project design. The project planner or other representative of the TRC shall notify the applicant either in writing or by telephone whether the application is complete or not. When an application is deemed complete the applicant will be notified of the date when the item will be scheduled for a board or commission hearing date.

D. Technical Assistance. As prescribed for DRB in Subsection 15.04.930.070(H) above, the TRC may refer the application for investigation and a report to one or more expert consultant(s).

A. All applicants for design review, including administrative design review, are strongly encouraged to work with their neighborhood council prior to submitting a formal application for design review with the City of Richmond.

B. The application form with the required plans and mapping documentation (a form prepared by the City of Richmond) shall be filed with the Planning Department.

C. The application form shall be signed by the property owner or authorized agent of the property owner. Any other party involved as a contingent buyer or lessee shall also sign the application form.

D. Required Application Materials. All of the following materials shall be required to be submitted as part of any design review application and shall be of an appropriate scale to indicate all pertinent information:

1. Topographic survey including, but not limited to, all existing conditions on and surrounding the project site including uses, buildings, fences, grades, landscaping, streets, sidewalks, fire hydrants, and drainage.
2. Site plan indicating location and configuration of all buildings and proposed uses, parking spaces and circulation, fencing, street improvements, fire hydrants, refuse and waste areas, proposed grading and drainage, and other significant site features. The site plan shall include computations on the number and types of parking spaces provided, amounts of usable open space or interior yard area, and lot area coverage. Commercial and industrial developments shall include floor area ratio (FAR) calculations, net and gross lot area, and identify the square footage and location of all easements on the project site.

3. Project summary including a complete description of all activities proposed for the site, the assessor's parcel number(s), general plan designation, zoning district, land area, building area, floor area ratio, building coverage, open space calculations, parking calculations.

4. Landscaping plan indicating the location of all existing and proposed landscape plant materials including a plant list showing quantities, sizes, common and botanical names; design details for such items as walls, fences, lighting, paving, arbors, benches, and other site features; and preliminary irrigation plans including basic location, types, sizes, and quantities of fixtures. The removal and/or replacement of existing vegetation shall be clearly shown either on the submitted landscape plan or on a separate tree removal map.

5. Building floor plan(s) of sufficient clarity to indicate the nature and extent of the proposal and to illustrate in detail that it will conform to the provisions of all relevant laws, codes, ordinances, rules, and regulations. Sloping lots exceeding 15% grade shall include finished floor elevations.

6. Building elevations of sufficient clarity to indicate the nature of the exterior appearance of the proposal and its relationship to its surroundings.

7. Typical building cross sections indicating the general nature of the method of construction along with screening of any roof-top mechanical equipment.

8. Color and material samples securely fastened to an exhibit board showing samples of all proposed materials and colors of the exterior elevations.

Depending on the complexity of the application, additional materials such as presentation illustrations, three dimensional models, or photometric analysis may be required by the Planning Department. Smaller scale projects may have certain submittal requirements waived at the discretion of the Planning Director or designee.

E. The fee for design review shall be set by the City Council.

F. No application for design review will be processed until such time as it is deemed complete by the Planning Department.

15.04.930.100 Notice/Hearing

A. Plans and documents submitted as a part of a design review application are considered public information and are available for review at the Planning Department by any member of the public upon their request during normal operating hours.

B. Public notice for Design Review Board hearings shall be posted in city hall and mailed to the applicant, the property owner(s) of the subject property, and owners of real property within 100'
from the property boundary for residential projects and 300' from the property boundary for commercial and industrial projects, as shown on the latest equalized assessment roll at least ten (10) calendar days prior to the public hearing.

C. The Design Review Board shall conduct a public hearing to decide upon the application within 30 days of the date an application is deemed complete or within the timeframes established under the California Environmental Quality Act if a negative declaration or environmental impact report is prepared.

15.04.930.110 Findings/Conditions of Approval.

A. The Design Review Board shall provide a recommendation to the Planning Commission, approve, or conditionally approve, a design review application, if on the basis of the application, plans, materials, and testimony submitted at the public hearing, the Design Review Board finds:

1. The proposed design is suitable for its purpose, is harmonious with and relates properly to, the surrounding neighborhood, contiguous parcels, and the site itself.

2. The location, size, design, and characteristics of the proposed project will be compatible with and will not be detrimental to the public health, safety, or welfare of persons residing in or working in or adjacent to the proposed project.

3. The overall design will be of a quality that will preserve the integrity of, and upgrade, the existing neighborhood.

4. The design of the proposed project is in accordance with the general plan of the City of Richmond and all applicable provisions of the zoning ordinance.

Any projects, for which an EIR has been completed which identifies one or more significant environmental effects of the project and where the Design Review Board is the final discretionary review prior to issuance of building permits may not be approved unless additional findings of fact are made as indicated in CEQA Section 15091.

Any projects, which is expected to generate over one hundred (100) peak-hour vehicle trips and where the Design Review Board is the final discretionary review prior to issuance of building permits, may not be approved unless the Design Review Board makes a finding of consistency with regard to level-of-service (LOS) standards, consistency with adopted action plans for routes of regional significance, and compliance with performance standards for public services.

All findings shall be based upon the factual data presented to the Design Review Board. If all findings cannot be made, the design review application shall be denied with or without prejudice at the Design Review Board's discretion.

B. The Design Review Board shall have the authority to impose reasonable conditions related to design impacts caused by the project when approving the design review application in order to:

1. Achieve the specific purposes of the zoning district in which the project is to be located, the general purposes of the zoning ordinance, and consistency with the City of Richmond's general plan.
2. Protect the public health, safety, and welfare of the citizens of the City of Richmond.

3. Ensure that the design of the proposed project will be compatible with the area surrounding where it will be located.

15.04.930.120 Decision/Appeal.

A. The Design Review Board shall render its decision on a design review only application within 30 calendar days after the close of the public hearing on the design review application.

B. The decision of the Design Review Board on a design review only application shall become final 10 calendar days after the decision is rendered unless appealed to the City Council.

C. The Design Review Board shall provide a recommendation to the Planning Commission on an application that requires both Design Review Board and Planning Commission approval. The Design Review Board shall provide the recommendation to the Planning Commission through the Planning Department staff immediately following a single Design Review Board hearing on the application. Final action on the application including an appealable decision shall be conducted by the Planning Commission.

D. Appeals of Design Review Board decisions may be made by the applicant, or by any interested person or organization.

E. The Design Review Board may, upon its own initiative, deny a design review only application without prejudice.

15.04.930.130 Miscellaneous.

A. The approval of a design review application shall lapse two years after its date of approval, or at an alternate time specified as a condition of approval, unless:

1. A building permit has been issued and construction diligently pursued; or

2. A certificate of occupancy has been issued; or

3. The design review approval is renewed.

B. A design review approval is not affected by a change of ownership and shall run with the land.

C. A design review approval that is exercised in violation of a condition of approval or a provision of this chapter, may be revoked or modified as set forth in Section 15.04.990.

D. A request for minor changes in the exterior design of projects approved by either the Planning Commission or the DRB may be approved by the Planning Director or his/her designee, although such changes shall be limited to changes in window orientation and scale, landscaping materials and placement, and detailing. Proposed alteration or additions to the footprint of a building, substantial redesign of major elements of the project which could impact adjacent properties, or modifications to conditions of approval shall require a new application, processing fee, public noticing, and public hearing before the original approving board or commission.
E. The Planning Director may renew design review approvals for a single one-year period if a request is received at least 30 calendar days before approval lapses.

F. If an application for design review is denied, then no new application for the same, or substantially the same, design shall be filed within 6 months of the date of the denial of the initial application, unless that denial was made without prejudice.

(Source: Ordinance No. 7-99 N.S. amended by Ordinance No. 43-00 N.S., 31-03 N.S., 5-04 N.S and 14-08 N.S.)
15.04.935 Official Plan Line.

SECTIONS
15.04.935.010 Title, Purpose and Applicability.
15.04.935.020 Definitions.
15.04.935.030 Prohibition Against Improvement Within Plan Lines.
15.04.935.040 Procedure for Adoption of Official Plan Lines.

15.04.935.010 Title, Purpose and Applicability.

It is the purpose of this section to protect and promote the public health, safety, peace, comfort, or general welfare and to provide for the systematic execution of the circulation element of the general plan for the City of Richmond by designating the precise location of planned rights-of-way and limiting the location of buildings and other improvements with respect to planned rights-of-way. This section is adopted pursuant to the Charter of the City of Richmond and Chapter 3 (Local Planning) of Title 7 of the California Government Code and shall be cited and referred to as the official plan line regulations of the City of Richmond.

15.04.935.020 Definitions.

For the purpose of this section, certain terms used herein are defined as follows:

1. Maps. An illustration, including a drawing, aerial photograph, or photo-map, accurately indicating the precise location of a planned right-of-way or portion thereof.

2. Official Plan Line. The boundaries and limits of a planned right-of-way, including the future right-of-way of an existing street as it is proposed to be widened and including 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 for the City of Richmond.

3. Right-of-Way. All or any part of the entire width of a road, street, highway or other public way easement, whether or not such entire area is actually used for road, street or highway purposes.

15.04.935.030 Prohibition Against Improvement Within Plan Lines.

Measurement of Required Setback and Other Areas of Building Locations From Plan Lines. No building, structure, or other improvement shall be erected, constructed, enlarged, remodeled or placed within the official plan lines established pursuant to this section except that this subsection shall not apply to garden and agricultural crop planting or fences and agricultural irrigation systems in connection therewith, street, curb, gutter and sidewalk improvements, or installation of public utility poles, conduits or pipe lines or of other public utilities authorized by this City. Upon the adoption of official plan lines pursuant to this section, all building setback areas and locations, yard areas, lot areas, parking areas, and open space areas required by this chapter for new buildings or structures or additions to buildings or structures shall be measured and calculated from the official plan lines in lieu of the lines from which such areas would otherwise be measured or calculated under said zoning ordinance. This subsection shall not apply to buildings, structures, or other improvements in existence within official plan lines at the time of the adoption of the plan lines other than the enlargement or remodeling thereof, or to any maintenance of such existing buildings, structures, or other improvements that is required by this Code or any other law.
15.04.935 Procedure for Adoption of Official Plan Lines.

The following procedure shall apply for the adoption of official plan lines.

1. Hearing by Planning Commission. Before any official plan lines are adopted by the City Council, the Planning Commission, upon its own motion or upon the direction of the City Council, shall hold a public hearing on the proposed official plan lines. Notice of the time and place of such hearing shall be given publication of a notice thereof once in a newspaper of general circulation in the City at least ten (10) days before the hearing and by mailing a notice thereof to the owners of all land fronting on or included within the proposed official plan lines using names addresses from the last equalized assessment roll of the County of Contra Costa. Such notice shall state the proposed official plan lines are set forth on a map which is on file in the office of the City Clerk and that such owners may register protests against the proposed lines at the hearing.

Following the public hearing, the Commission may recommend to the City Council that official plan lines, as originally proposed or as modified by the Commission, be adopted by the Council. Such recommendation shall be accompanied by a statement of the Commission's reasons therefor.

2. Hearing by City Council. The City Council, after a public hearing, may adopt by ordinance the official plan lines recommended by the Commission. Notice of such hearing shall be given in the same manner as that provided herein for hearings by the Planning Commission upon adoption by the Council of a resolution declaring its intention to adopt such recommended official plan lines. Such resolution shall identify the proposed official plan lines, state that they are set forth on a map on file in the City Clerk's office, and fix a time and place when and where any owners of property fronting on or included within the proposed plan lines may appear before the Council and register objections against the proposed plan lines. After the passage of said resolution of intention and until the proceeding is finally disposed of, no building permit shall be issued for the location of any building or structure within the proposed plan lines, and any permit so issued shall be void.

At any time before said hearing an interested property owner objecting to the establishment of the proposed plan lines may file with the City Clerk his written objections thereto, setting forth therein the grounds and nature of his objections. At the time of said hearing, or any time to which it may be continued, the Council shall hear the objectors and their witnesses. Failure to register objections by filing written objections of appearing at the hearing as herein prescribed shall be deemed a waiver thereof. After the hearing, the Council may reject, change or adopt such recommended plan lines. If after such hearing, the City Council proposes to change such recommended plan lines, the change shall not be made until it has been referred to the Planning Commission for a report and a copy of the report has been filed with Council. Failure of the Planning Commission to report within forty (40) days after transmittal of the proposed change shall be deemed to constitute approval of the change. A two-thirds vote of the whole of the Council shall be required to effect a change if the Planning Commission disapproves the change.

3. Amendment of Rescission of Official Plan Lines. Official plan lines may be amended or rescinded in the same manner as that provided for their original adoption. Annually, on the date when the Planning Commission holds a hearing on the current capital improvement program, it shall review all of the official plan lines then existing to determine whether it should initiate proceedings to amend or rescind any of them.
4. Incorporation of Maps Into Section. Official plan lines shall be clearly delineated on maps which, together with all data and information indicated thereon, shall, upon adoption by the City Council by ordinance, be made a part of this section. The portion of such ordinance which constitutes the adoption of official plan lines shall be in substantially the following form:

Section 1:

Subsection ____ is added to Section 15.04.165 of the Municipal Code of the City of Richmond to read:

15.04.165-____ : Official Plan Lines of (Name of Street), Official Plan Lines are hereby adopted as delineated on the map and designated Official Plan Lines of ________, between ________ and between ________, and filed in the office of the Recorder of Contra Costa County, being a specific plan based on the Circulation Element of the General Plan of the City of Richmond, California, which is attached hereto and hereby made a part of this section.

5. Map Identification and Certification. Each map adopted pursuant to the provisions of this section shall be designated:

OFFICIAL PLAN LINES OF (here shall be inserted the name of street, highway or other public way) BETWEEN (here shall be inserted the names of the streets or other appropriate places which identify the points of commencement and ending of the particular Official Plan Lines).

Each map shall have the following certificates which may be placed directly on the map or attached to it:

I hereby certify that this map (or, the map attached hereto), consisting of ____ sheets, constitutes a part of subsection of Section 15.04.165 of the Richmond Municipal Code, which subsection was adopted by Ordinance No. ____ by the City Council of the City of Richmond on ________, 19____.

___________________________________________
City Clerk of the City of Richmond

6. Filing of Maps. The City Clerk shall cause all maps adopted pursuant to the section, and amendments thereto, to be filed with the office of the County Recorder of the County of Contra Costa.

7. Adoption of Official Plan Lines Outside the City Limits. The Planning Commission and the City Council may hold hearings in the manner prescribed herein to adopt official plan lines or unincorporated areas outside the City boundaries which in the Planning Commission's or City Council's judgment, bears relation to its planning. Whenever hearings are to be held on official plan lines covering land outside the city boundaries, a notice of said hearing shall be transmitted to the Contra Costa County Planning Commission and Board of Supervisors of Contra Costa County along with Planning Commission or Board of Supervisors. If no comments are received within forty (40) days after transmittal, said proposal shall be deemed to be acceptable with the County Planning Commission and/or Board of Supervisors.

Official plan lines adopted for land outside the city boundaries shall not become effective until such land is duly annexed to the City. Whenever an official plan line is being considered which affects an
adjacent city, the City Clerk shall transmit a copy of the proposed map to the appropriate adjacent City Planning Commission for their comments. If no comments are received within forty (40) days after transmittal, said proposal shall be deemed acceptable with said adjacent City Planning Commission.
15.04.940  Nonconforming Provisions.

SECTIONS

15.04.940.010  Title, Purpose and Applicability.

A. Within the districts established by this chapter or amendments that may later be adopted, there are existing lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, but which do not conform to all the revised requirements, or which would be regulated, restricted or prohibited under the terms of this chapter or its amendments.

B. The purpose of this section is to permit these nonconformities to continue until they are corrected, removed or terminated but not to encourage their continuance because such lots, uses, structures or conditions are incompatible with permitted uses and structures in the districts involved.

C. It is the intent of this section that the nonconformities, as defined in this section, not be enlarged upon, expanded or extended, and not be used as grounds for adding other structures or uses prohibited elsewhere in the same district or as may be permitted in this section.

15.04.940.020  Nonconforming Uses, Lots and Structures.

A. Any use, lot or structure which is not permitted in the district as set forth in the zoning ordinance shall be permitted to remain in existence so long as it falls within this Section 15.04.940.

1. The use, lot, or structure was in existence legally under any zoning ordinance of the City of Richmond prior to the adoption of this chapter and/or subsequent amendments.

2. The use, lot or structure was in existence prior to the adoption of this chapter and/or subsequent amendments.

3. The lot has not been merged pursuant to requirements of the zoning ordinance and/or the Government Code.

B. Any additions, enlargements, major alteration or moving of nonconforming structures shall conform to all regulations of the district in which the structure is located.

C. Destruction/Termination.

Should a nonconforming structure be damaged or destroyed by any means to an extent of more than 75% of the replacement cost of the structure immediately prior to the damages determined by the Chief Building Inspector, the nonconforming structure shall not be reconstructed, except in conformity with this Zoning Ordinance or a conditional use permit as granted by the Planning Commission.

The application for a conditional use permit shall be made within one year of the date of damage or destruction.
Should a structure of which the use does not conform with the regulations for the district in which it is located, be damaged or destroyed by any means to an extent of more than 75% of the replacement cost of the structure immediately prior to the damage as determined by the Chief Building Inspector, the nonconforming use shall not be resumed, except in conformity with this Zoning Ordinance or a conditional use permit as granted by the Planning Commission.

The application for a conditional use permit shall be made within one year of the date of damage or destruction.

15.04.940.030 Restrictions on Nonconforming Uses, Structures and Lots.

A. Existing structures which have a nonconforming use, the lot is nonconforming, or the structure is nonconforming, are subject to the following restrictions:

1. Existing structures may be externally enlarged or extended, moved, or structurally altered only after the use of this structure is changed to a permitted use for the district in which it is located.

2. A vacant property, building in which the last use was nonconforming may be occupied by the same use if occupied within a period of one year after the building became vacant. If the last nonconforming use was for vehicle service station purposes, then the vacant building/property must be occupied by a similar use within a period of six months after a use was granted a CUP or the last nonconforming use ceased. If the building/property is not occupied by a similar use within the time periods set forth, then the building/property must comply with the applicable district located as set forth in this chapter.

3. Nonconforming Lots. Where a lot is less than 50 feet in width or where a lot of less than 5000 square feet exists and said property has been recorded under separate ownership from all adjacent lots continuously since January 31, 1949, and the lot is level (having an average longitudinal and cross slope of less than 5%), such lot may be developed into any use permitted in the base zoning district. Exceptions to this are as follows:

   a. Any such lot that is 3300 square feet or less in area, and/or is 33 feet or less in average width shall constitute a residential building site lot not to exceed 1 single-family unit.

   b. Any such lot that exceeds the dimensions and area enumerated in (a) immediately above, but which is 3700 square feet or less in area, and/or is 37.5 feet or less in average width shall constitute a residential building site lot not to exceed 2 family dwelling units.

B. Uses or structures defined as nonconforming due to inadequate parking and/or landscaping are subject to the following restrictions:

Note. As of the date of adoption of this chapter, residential structures with at least one parking space per dwelling unit are not considered nonconforming due to inadequate parking.

1. Structures and uses in this subsection may be enlarged, altered, moved, extended or reconstructed within the following limits:

   a. Where no major building other than an accessory building is involved, the cost of such change shall not exceed the total current appraised value of the land.
b. Where a major building is involved, the cost of such change shall not exceed the total current appraised value of the original buildings.

C. Restrictions on the nonconforming use of the land where no building other than an accessory building is involved.

1. The nonconforming use may be continued up to five years after it became a nonconforming use subject to the following conditions:

   a. That no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property;

   b. That if such nonconforming use of land or any portion thereof is discontinued or changed, any further use of land shall be in conformity with the provisions of the zoning ordinance.

D. Exception. In any district where residences are prohibited, an existing single or two-family dwelling may be permitted additions and alterations providing all of the following conditions are met:

1. Such structural changes can be made only if in conformity with all the regulations of use, height, area, yard, interior yard space, off-street parking, etc., as required in the MFR-3-very high density residential district.

2. No additional family units may be provided nor a conversion made that would create a lodging house, care home, or similar use.

3. Floor area added shall not exceed 50% of the total floor area existing in the dwelling at the time the regulations prohibiting residences became effective on the property in question.

4. No such addition shall be permitted if a portion of the existing dwelling is converted to commercial or industrial use subsequent to when the regulations prohibiting residences became effective on the property in question.

15.04.940.040 Repairs and Maintenance.

Nothing in this chapter except for Section 15.04.940.030(B) shall be deemed to prevent repairs or maintenance necessary to comply with existing codes or ordinances or the strengthening or restoring to a safe condition any building, structure, or part thereof declared to be unsafe by any public official charged with the responsibility of protection public health, safety and welfare. Such repair and maintenance shall be subject to the same limitations set forth in Section 15.04.940.030(B).

(Amended by Ordinance No. 31-97 N.S.)
15.04.942 Deemed Approved Alcoholic Beverage Sale Regulations.

SECTIONS
15.04.942.010 Title, Purpose, and Applicability.
15.04.942.020 Performance Standards for Deemed Approved Status.
15.04.942.030 Inspections.
15.04.942.040 Fees.

15.04.942.010 Title, Purpose, and Applicability.

A. This chapter shall be known as the "Deemed Approved Alcoholic Beverage Sale Regulations."

B. The general purposes of this chapter are to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare by requiring that on- and off-premises retail alcoholic beverage sales that were legal nonconforming uses immediately prior to the effective date of this chapter comply with the deemed approved performance standards of this chapter to achieve the following objectives:

1. To protect residential, commercial, industrial, and civic areas and minimize the adverse impacts of nonconforming and incompatible uses;

2. To provide opportunities for alcoholic beverage sale activities to operate in a mutually beneficial relationship to each other and to other commercial and civic services;

3. To provide mechanisms to address problems often associated with the public consumption of alcoholic beverages, including but not limited to litter, loitering, graffiti, unruly behavior and escalated noise levels;

4. To provide that alcoholic beverage sale commercial activities are not the source of undue public nuisances in the community;

5. To provide for properly maintained alcoholic beverage sale establishments so that negative impacts generated by these activities are not harmful to the surrounding environment in any way;

6. To monitor that deemed approved activities do not substantially change in mode or character of operation.

C. The provisions of this chapter are to be interpreted in conjunction with the provisions of Richmond Municipal Code Section 15.04.910.080(H) and shall apply, to the extent permissible under other laws, to all legal nonconforming on- and off-premises retail alcoholic beverage sales within the City, except eating establishments with alcoholic beverage sales as defined at Section 15.04.020.63a of this Code. Whenever any provision of this chapter and any other provision of law, whether set forth in this Code, or in any other law, ordinance, or resolution of any kind, imposes overlapping or contradictory regulations, or contain restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards shall control.
A. The retail sale of alcoholic beverages shall retain its deemed approved status only if it conforms with all of the following deemed approved performance standards:

1. The establishment does not change its type of retail on-sale or off-sale liquor license granted by the State Department of Alcoholic Beverage Control (i.e., beer and wine to distilled liquor).

2. The business operation of the establishment is not abandoned, suspended or discontinued (including the case where retail liquor license for such operation is suspended) for a period of one hundred twenty (120) days or more; provided that, this provision shall not apply when the business operation is suspended or discontinued because the building or structure in which the establishment is operating is:

   a. Destroyed or damaged due to causes beyond the owner or operator of the establishment's control (i.e., fire, flood, act of God, etc.) and which prevents the establishment from operating, or

   b. Being remodeled, enlarged or improved which prevents the establishment from operating, provided that building and other appropriate City permits have been obtained within one hundred twenty (120) days after the business operation is discontinued. In the event that such building and other City permits expire or are revoked, then such establishment shall be required to obtain a conditional use permit in order to continue or reestablish its operation.

3. The square footage of the floor area within the establishment devoted to the display or sale of alcoholic beverages is not increased by twenty-five (25) percent or more.

4. The retail liquor license is not transferred to another location within the City of Richmond or the establishment, either in whole or in part, is moved or relocated to another location within the City of Richmond.

5. The business operator is not found by an administrative hearing officer or court of competent jurisdiction to have violated any ordinance of this City, or any federal or state law or regulation.

6. The business operation does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests. In evaluating whether nuisance activities are occurring on or near the premises of an establishment, the Chief of Police, Planning Commission or City Council shall take into consideration whether the owner of the establishment, or the owner's agent, has taken reasonable steps to abate the nuisance, including contacting and cooperating with the Richmond Police Department, provided that:

   a. Neither the owner of the establishment nor the owner's agent shall be required to engage in abatement activities that would endanger the safety of the owner or the owner's agent; and
b. The fact that the owner of the establishment or the owner's agent calls for Richmond Police Department assistance shall not by itself constitute a basis for finding that a nuisance exists on the premises of the establishment.

B. As stated at Richmond Municipal Code Section 15.04.910.080(H)(3)—(5), deemed approved status may be modified or revoked pursuant to Richmond Municipal Code Chapter 15.04.990 upon a finding by the Planning Commission, or by the City Council on appeal, that the subject business is not operating in accordance with all performance standards set forth in paragraph A.

15.04.942.030 Inspections.

In order to retain deemed-approved status, all businesses licensed to engage in on- and off-premises retail alcoholic beverage sales within the City must comply with the inspection requirements set forth in Section 15.04.910.080(H) of this Code.

15.04.942.040 Fees.

Fees for the review, notification, appeal, inspection and reinspection of deemed approved activities, will be in accordance with a fee schedule established by the City Council.

A business owner who violates the deemed approved provisions of this chapter shall be liable for costs, expenses, and disbursements paid or incurred by the City or any of its contractors in the correction and abatement of the violation. Reinspection fees to ascertain compliance with previously noticed or cited violations may be charged against the owner of the deemed approved activity in an amount set by the City Council. The City Manager or his or her designee must mail the property owner or business owner of the affected premises a written notice setting forth the itemized cost of chargeable services and requesting payment of those costs. If the bill is not paid in the time stated in the notice, the charges will be referred to the City Finance Department, or if the charges are against the property owner, the charges will be placed as a lien against the property in accordance with Chapters 1.04 and 2.62 of this Code.

(Added by Ordinance No. 1-10 N.S.)
15.04.945 Zoning Administrator.

SECTIONS
15.04.945.010 Title, Purpose and Applicability.
15.04.945.020 Zoning Administrator's Designation.
15.04.945.030 Zoning Administrator's Responsibilities.
15.04.945.040 Application for Zoning Administrator Approval.
15.04.945.050 Determination, Notice, Hearing, and Appeal.

15.04.945.010 Title, Purpose and Applicability.

A. The purpose of this section is to establish responsibilities and procedures for the Zoning Administrator, pursuant to Government Code Sections 65900, 65901, 65902, and 65903.

B. The Zoning Administrator review is an in-house discretionary process intended to provide an avenue for the streamlined review of small planning projects.

15.04.945.020 Zoning Administrator's Designation.

The Planning Director is designated as the Zoning Administrator, and he/she may appoint in writing an Acting Zoning Administrator whom shall be at management level within the current planning section of the Planning Department, who may exercise all the power of the Zoning Administrator. The Planning Director shall provide the City Clerk with the name of the Zoning Administrator and any appointed Acting Zoning Administrator in writing.

15.04.945.030 Zoning Administrator's Responsibilities.

A. The Zoning Administrator shall hear and decide all applications for garage enclosure/uncovered parking, temporary structures for periods not to exceed two years with a one year extension, signs conforming to Richmond Sign Ordinance, and such other matters that may be specifically assigned by ordinance.

B. The Zoning Administrator shall approve, approve with conditions, or deny an application for Zoning Administrator approval based upon whether or not it conforms to the General Plan, the specific purposes of the base or overlay zoning district in which the project is located, and the provisions of any applicable federal, state, or local ordinances. The Zoning Administrator may impose conditions on all Zoning Administrator approvals.

C. The Zoning Administrator may refer any matter to the Planning Commission or Design Review Board for hearing, consideration and determination, in lieu of B, above.

D. If, in the opinion of the Zoning Administrator any application that may cause the emission of dangerous or objectionable noise, odors, lights, dust, smoke or vibrations, or may result in inappropriate design for the site or inappropriate landscaping for the site, the Zoning Administrator may refer the application for investigation and a report to one or more expert consultant(s) qualified to advise as to whether the proposal will conform to the appropriate regulations, policies, development standards, and performance standards of the City of Richmond. Such consultant(s) shall report in writing to the Zoning Administrator and a copy of such report shall be furnished to the applicant.
and shall be made available to the general public. Management of said consultant shall be under the
direction of the Planning Department. The applicant shall be required to pay the fee for services
performed by said consultant(s) plus overhead costs as established by the City Council.

15.04.945.040 Application for Zoning Administrator Approval.
A. The application form with the required plans and materials must be filed with the Planning
Department.
B. The application form must be signed by the property owner or authorized agent of the property
owner. Any other party involved as a contingent buyer or lessee shall also sign the application form.
C. Required Application Materials: The following materials shall be submitted as part of any Zoning
Administrator permit application and shall be of an appropriate scale to indicate all pertinent
information:

1. Site plan indicating location and configuration of all buildings and proposed uses, parking
spaces and circulation, fencing, street improvements, fire hydrants, refuse and waste areas,
proposed grading and drainage, and other significant site features. The site plan shall include
computations on the number and types of parking spaces provided, amounts of usable open
space or interior yard area, and lot area coverage. Commercial and industrial developments
shall include floor area ratio (FAR) calculations, net and gross lot area, and identify the square
footage and location of all easements on the project site.

2. A complete project summary including a complete description of all activities proposed for the
site.

3. Building floor plan(s) of sufficient clarity to indicate the nature and extent of the proposal and
to illustrate in detail that it will conform to the provisions of all relevant laws, codes, ordinances,
rules, and regulations.

5. Building elevations of sufficient clarity to indicate the nature of the exterior appearance of the
proposal and its relationship to its surroundings.

Depending on the complexity of the application, additional materials such as presentation illustra-
tions, three dimensional models, or photometric analysis may be required by the Planning Depart-
ment. Smaller scale projects may have certain submittal requirements waived at the discretion of the
Planning Director or designee.

D. The requisite fee must be paid as determined by the Richmond City Council.
E. No application for Zoning Administrator permit will be processed until such time as it is deemed
complete by the Planning Department.

15.04.945.050 Determination, Notice, Hearing, and Appeal.
A. The Zoning Administrator shall render a determination within 30 days of the date an application is
deemed complete or within such other timeframes that may be set by ordinance for specific
applications.
B. Public notice of Zoning Administrator's preliminary determination and information about requesting a formal Zoning Administrator hearing shall be posted in city hall and mailed to the applicant, the property owner(s) of the subject property, and owners of real property within 300' of the project site as shown on the latest equalized assessment roll at least ten (10) calendar days prior to the final decision of the Zoning Administrator.

C. A formal Zoning Administrator hearing may be requested within the 10 day notice period by submittal of a written request to the Planning Department, including a complete description of the reason for requesting the hearing.

D. The fee for Zoning Administrator hearing shall be set by the City Council and paid for by the applicant.

E. Upon receipt of a written request and filing fee, the Zoning Administrator shall schedule a formal hearing to address the concerns raised in the written request for hearing. Public notice of the Zoning Administrator hearing shall be posted in city hall and mailed to the applicant, the property owner(s) of the subject property, and owners of real property within 100' of the project site as shown on the latest equalized assessment roll at least ten (10) calendar days prior to the hearing.

F. The Zoning Administrator shall make a determination regarding the application within five (5) working days after the hearing and provide a determination letter to the applicant as well as the individual or group requesting the hearing.

G. The determination of the Zoning Administrator is appealable to the Planning Commission with the exception of sign review applications which are appealable to the Design Review Board. The decision of the Planning Commission or Design Review Board are appealable to the City Council. The determination of the Zoning Administrator shall become final ten (10) days after the determination is rendered unless appealed to the Planning Commission or Design Review Board as set forth in Section 15.04.980.

(Added by Ordinance No. 7-99 N.S.)
15.04.950 Enforcement Provisions.

SECTIONS

15.04.950.010 Title, Purpose and Applicability.

Section 15.04.950 establishes the penalties for violation of the terms and conditions of this chapter.

15.04.950.020 Penalty/Injunctive Relief.

A. Every act prohibited or declared unlawful and every failure to perform an act required by the provisions of this chapter by any person(s) shall be guilty of an infraction, and each day or portion thereof that such violation is in existence shall be a new and separate offense as set forth in Section 1.04.110. The fourth and any additional violations within any 12-consecutive-month period may be charged as a misdemeanor pursuant to Section 1.04.100.

B. Any violation of any provision of this chapter shall be punished by fines as prescribed in Section 1.04.110 of this Code. A person who violates provisions of this chapter and who is convicted of a misdemeanor shall be punished as set forth in Section 1.04.100.

C. In addition to any other remedy provided by this Code or by State law or any other law, the City may commence action or proceedings for the abatement, removal and enjoinment of any violation of this chapter in the manner provided by law.

D. In addition to the penalties and remedies set forth above, anyone violating a provision(s) of this chapter, or failing to comply with the mandatory requirements of this chapter, shall be subject to having any other related permits or licenses revoked by the City of Richmond for said violation.

15.04.950.030 Enforcement.

It shall be the duty of the Planning Director and/or the Assistant City Engineer, building regulations division, to enforce the provisions of this chapter. No permits or licenses shall be issued by the City or its officials which conflict with the provisions of this chapter. Any permits or licenses issued, which are in conflict with the provisions of this chapter shall be null and void.

15.04.950.040 Revocation/Modification.

Permits or a variance issued under this chapter may be revoked or modified in accordance with the provisions of Section 15.04.990.

15.04.950.050 Cumulative Remedy.

The penalties or remedies provided for in the subsection are cumulative to any other penalty or remedy allowed by this Code or any other applicable law.

**SECTIONS**

15.04.960.010 Title, Purpose and Applicability.

The purpose of Section 15.04.960 is to provide a uniform process for amending the provisions of this chapter.

15.04.960.020 Initiation of Amendments.

A. An amendment to the Zoning Map as set forth in this chapter may be initiated as follows:
   1. By a resolution of the City Council;
   2. By a resolution of the Planning Commission;
   3. By the Planning Director;
   4. By a petition initiated by the property owner or authorized agent of one of the owners of each of the parcels for which the proposed change is sought.

B. An amendment of the zoning regulations as set forth in this chapter may be initiated as follows:
   1. By a resolution of the City Council;
   2. By a resolution of the Planning Commission;
   3. By the Planning Director;
   4. By a petition by a property owner or his/her authorized agent, resident or business owners of the City of Richmond.

15.04.960.030 Required Application Materials for Amendments Initiated by Property Owners, Residents, or Business Owners.

A. Zoning Map. The following shall be filed with the Planning Department with reference to an application for a Zoning Map amendment:
   1. A completed application form;
2. A completed environmental questionnaire;

3. A map showing the location and street address of the property that is the subject of the amendment and all lots of record within three hundred feet of the boundaries of the property;

4. A list, drawn from the last equalized property tax assessment roll, showing the names and addresses of the owner of record of each lot within three hundred feet of the boundaries of the property (This list shall be keyed to the map required by subsection (C) above.);

5. The requisite fee must be paid as determined by the City Council.

B. Zoning Regulation. A property owner, resident, or business owner may initiate an amendment to the zoning regulations by submitting a description and rationale of the proposed amendment accompanied by items 1 and 2 as described above with the required fee.

A. Report/Notice.

1. The Planning Director shall set a date, time and place for the public hearing and prepare a report to the Planning Commission on the proposed Zoning Map amendment or a zoning regulation amendment. The report shall describe the area or subject to be considered and, if warranted, propose alternative amendments.

2. Notice. Notice shall be given as set forth in Section 15.04.970.030 or if the proposed amendment affects the permitted uses of real property, then notice shall be given as set forth in Section 15.04.970.040.

3. Contents/Notice. The content of the public notice shall be in accordance with Section 15.04.970.020.

B. Multiple Applications. The Planning Commission may schedule a combined public hearing on multiple applications or Zoning Map or text amendments.

A. Public Hearing. At the time and place set for the public hearing, the Planning Commission shall consider the report of the Planning Director and shall hear evidence for and against the proposed amendment. The Planning Commission may continue the public hearing to a definite date and time without additional notice.

B. Recommendation to the City Council. Following the end of the public hearing and within 40 days, the Commission shall make findings as to whether the proposed amendment to the zoning regulation or Zoning Map is consistent with the policies of the Richmond general plan and the purposes of this chapter and shall recommend approval, conditional approval, or disapproval of the proposal as submitted or in a modified form.

C. Failure to Act. If after a reasonable period of time, the Planning Commission has failed to act on the City Council's request to study a report on proposed amendments to the zoning ordinance, the City
Council may by written notice require the Planning Commission to act on a recommended amendment to the Zoning Map or regulation within 40 days. If the Commission fails to report on the proposed amendments to the City Council within the 40-day period, the Planning Commission shall be deemed to have approved the proposed amendments.

D. Denial by Planning Commission. A Planning Commission recommendation of denial of an application for a zoning amendment to change property from one zone to another shall not require the City Council to take further action on the proposed amendment unless an interested party appeals the decision within 10 days after the Planning Commission files its recommendations with the City Council. All other Planning Commission actions on proposed amendments to the Zoning Map or regulations shall be automatically referred to the City Council.

15.04.960.060  Duties of City Council.

A. Hearing Date and Notice. Upon receipt of a Planning Commission recommendation or appeal of a disapproval, the Council shall set a date and time for a public hearing on the proposed amendment. The hearing shall be held within 60 days of the date of filing of the Commission recommendation. The City Clerk shall give notice of such hearing, as required by Section 15.04.980.040.

B. Public Hearing. At the time and place set for the public hearing, the Council shall hear evidence for and against the proposed amendment. The Council may continue the public hearing to a definite date and time without additional notice.

C. Council Decision. After the public hearing, the Council shall approve, modify or reject the Commission recommendation, provided that a modification not previously considered by the Commission shall be referred to the Commission for a report prior to adoption of the amendment of the zoning regulations or map. Failure of the Planning Commission to report within 40 days after referral or such longer period as may be designated by the Council shall be deemed approval of the proposed modification. Prior to adoption of an amendment, the Council shall make findings that the proposed amendment to the map or regulation is consistent with the policies of the Richmond general plan and the notice and hearing provisions of this Chapter.

15.04.960.070  Revisions of Proposed Amendments.

At or after a public hearing, the Commission or the Council may modify the proposed amendment, but if the modification has not been previously considered by the Planning Commission during its hearing, the proposed modification shall be first referred back to the Planning Commission for report and recommendations, but it shall not be required to hold a public hearing on this modification. Failure to report back to the City Council within 40 days after referral shall be deemed approval of the proposed modification.

15.04.960.080  Resubmittal of Application.

Following the denial of an application or petition for an amendment to the zoning regulations or the Zoning Map by the Planning Commission (if not appealed) or City Council, no new application or petition for the same, or substantially the same, amendment shall be accepted within 1 year of the date of denial, unless the denial is made without prejudice.
15.04.960


The City Council may adopt interim zoning provisions as an urgency measure pursuant to the provisions of Government Code Section 65858.
15.04.970 Notices.

SECTIONS

15.04.970.020 Contents of Public Notice.
15.04.970.030 Notice in Accordance With Government Code Section 65090.
15.04.970.040 Notice in Accordance With Government Code Section 65091.
15.04.970.050 Request for Notification.
15.04.970.060 Failure to Receive Notice.
15.04.970.070 Cemeteries.
15.04.970.080 Notice in Accordance with Government Code Section 65095.
15.04.970.090 Notice Requirements Summary Table.

15.04.970.010 Title, Purpose and Applicability.

Section 15.04.970 establishes notice requirements for public hearings falling within the provisions of this chapter unless otherwise prescribed in the individual section.

15.04.970.020 Contents of Public Notice

The contents of a public notice must include the following:

A. Date, time, and place of the public hearing;

B. Identity of the hearing body or hearing officer;

C. General explanation of the matter to be considered and where more specific information may be obtained;

D. General description in text or by diagram of the location of the real property/parcel or building which is the subject of the hearing;

E. A statement that any interested party or agent may appear and be heard.

15.04.970.030 Notice in Accordance With Government Code Section 65090.

A. When a provision of this chapter requires notice of a public hearing to be given pursuant to this Section 65090, notice shall be published pursuant to Government Code Section 6061 in at least one newspaper of general circulation within the City of Richmond or, if there is no newspaper of general circulation, the notice shall be posted at least ten days prior to the hearing in at least three public places within the City of Richmond.

B. The notice of a public hearing shall include the date, time and place of the hearing, the identity of the hearing body and a general description of the matter to be considered.

C. In addition to the notice required by this section, the City may give notice of the hearing in any other manner it deems necessary or desirable.
15.04.970 Notice in Accordance With Government Code Section 65091.

A. When a provision of this chapter requires notice of a public hearing to be given pursuant to Section 65091, notice shall be mailed or delivered at least ten days prior to the hearing in all of the following ways:

1. To the owner of the subject property or the owner's duly authorized agent, and to the project applicant;

2. To each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected;

3. To all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing. If the number of owners to be notified is greater than 1000, the City of Richmond, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth of a page in at least one newspaper of general circulation within the City of Richmond at least 10 days prior to the hearing;

4. If the notice is mailed, it shall also either be:
   a. Published pursuant to Government Code Section 65061 in at least one newspaper of general circulation within the City of Richmond at least 10 days prior to the hearing,
   b. Posted at least 10 days prior to the hearing in at least 3 public places within the boundaries of the City of Richmond, including one public place in the area directly affected by the proceeding.

B. The notice of a public hearing shall include the date, time and place of the hearing, the identity of the hearing body and a general description of the matter to be considered.

C. In addition to the notice required by this section, the City of Richmond may require notice of the hearing in any other manner it deems necessary or desirable.

15.04.970.050 Request for Notification.

When a provision of this chapter requires notice of a public hearing to be given pursuant to Sections 15.04.970.030 or 15.04.970.040 of this chapter, or Government Code Section 65090 or 65091, the notice shall also be mailed or delivered at least 10 days prior to the hearing to any person who has filed a written request for notice with either the City Clerk of the City of Richmond or with any other person designated by the City of Richmond to receive these requests. A fee which is reasonably related to the costs of providing this service may be charged and the request must be annually renewed.

15.04.970.060 Failure to Receive Notice.

The failure of any person or entity to receive notice given pursuant to this section, shall not constitute grounds for any court to invalidate the actions of a local agency for which the notice was given.
15.04.970.070 Cemeteries.

A. Notwithstanding any other provision of law, whenever a person applies to the city, for a zoning variance, special use permit, conditional use permit, zoning ordinance amendment, general or specific plan amendment, or any entitlement for use which would permit all or any part of a cemetery to be used for other than cemetery purposes, the City shall give notice pursuant to Sections 15.04.970.020, 15.04.970.040, 15.04.970.050 and 15.04.970.060.

B. Those requesting notice shall be notified by the City at the address provided at the time of the request.

C. Notwithstanding Section 15.04.970.060, the City shall not require a request made pursuant to this section to be annually renewed.

D. "Cemetery," as used in this section, has the same meaning as that word defined in Section 8100 of the Health and Safety Code.

15.04.970.080 Notice in Accordance with Government Code Section 65095.

Any public hearing conducted under Section 65095 may be continued from time to time or as provided in the individual sections of this chapter.

15.04.970.090 Notice Requirements Summary Table.

<table>
<thead>
<tr>
<th>Type of Hearing/Hearing Body</th>
<th>Scheduling Responsibility</th>
<th>Required Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment of Richmond General Plan or Zoning Ordinance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*Planning Commission</td>
<td>Planning Director</td>
<td>15.04.970.030*</td>
</tr>
<tr>
<td>*City Council</td>
<td>City Clerk</td>
<td></td>
</tr>
<tr>
<td>Variance and Use Permit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Granting of modification requested by permittee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*Planning Commission</td>
<td>Planning Director</td>
<td>15.04.970.040</td>
</tr>
<tr>
<td>Action to revoke or modify for cause</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*Planning Commission</td>
<td>Planning Director</td>
<td>15.04.970.040</td>
</tr>
<tr>
<td>Appeal of Planning Commission decision</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*City Council</td>
<td>City Clerk</td>
<td>15.04.970.040</td>
</tr>
<tr>
<td>Controlled Development Review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appeal of DRO decision</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*PDRB</td>
<td>Planning Director</td>
<td>15.04.930.030</td>
</tr>
<tr>
<td>Appeal of PDRB decision</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*City Council</td>
<td>City Clerk</td>
<td>15.04.970.040</td>
</tr>
<tr>
<td>Type of Hearing/Hearing Body</td>
<td>Scheduling Responsibility</td>
<td>Required Notice</td>
</tr>
<tr>
<td>------------------------------</td>
<td>---------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Administrative Interpretation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Appeal of interpretation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*Planning Commission</td>
<td>Planning Director</td>
<td>15.04.970.040</td>
</tr>
</tbody>
</table>

* If the proposed ordinance or amendment to the Zoning Map or regulation affects the permitted uses of real property, then notice shall be by Section 15.04.970.040.
15.04.980 Appeals.

SECTIONS

15.04.980.010 Title, Purpose and Applicability.

Section 15.04.980 is enacted to provide a procedure for appealing the decisions made by the Planning Director or Planning Commission with reference to this zoning ordinance.

15.04.980.020 Rights of Appeal.

Appeal rights are prescribed in the individual sections of this zoning ordinance authorizing each decision that is subject to appeal.

15.04.980.030 Appeal from the Decisions of the Planning Commission.

Decisions made by the Planning Commission under this Zoning Ordinance with reference to its enforcement and interpretation, may be appealed to the City Council, as long as the decision is not prescribed as final in the individual section which authorizes the decision.

15.04.980.040 Time Limits for Appeals.

Appeals from the decisions of the Planning Director or Planning Commission shall be initiated within 10 days from the date of the decision. When the period for an appeal ends on a weekend or City holiday, the last day to file the appeal shall be extended to the next working day.

15.04.980.050 Filing Appeals.

A. Filing. An appeal shall be filed with the Planning Department or City Clerk on a form provided by the City which shall state specifically why the determination or interpretation is not in accord with the purposes of this zoning ordinance and what the specific reasons are for the assertion that there was an error or abuse of discretion by the Planning Director or Planning Commission.

B. Effect on Decisions. Decisions that are appealed shall not become effective or final until the appeal is resolved.

15.04.980.060 Procedures for Appeals.

A. Hearing Date. An appeal shall be scheduled for a hearing before the appellate body within 60 days of the City's receipt of an appeal unless both applicant and appellant consent to a later date.
B. Notice. A public hearing shall be held if the decision being appealed or reviewed requires a public hearing. Notice of public hearings shall be given in the manner required for the decision being appealed or as set forth in Section 15.04.970 (Notices).

C. Hearing. At the hearing, the appellate body shall review the record of the decision and hear testimony of the appellant, the applicant, and any other interested party. The appellate body shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issue(s) raised by the appeal.

D. Decision. The appellate body shall affirm, modify or reverse the original decision or in case of design review the City Council may refer the decision back to the Design Review Board (DRB) for reconsideration. When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal. Decisions on appeals shall be rendered within 30 days of the close of the hearing. At the hearing on the appeal before the City Council, if the City Council is unable to break a tie vote or is otherwise unable to reach a decision, and if the City Council does not continue the hearing to a subsequent City Council meeting which takes place within 30 days from the hearing on the appeal, the decision of the Planning Commission or Design Review Board, as applicable, shall stand.

15.04.980.070 Effective Date of Decision.

A. A decision of the Planning Commission, Design Review Board, or Planning Director is appealable except when the decision has been prescribed as final in the individual section which authorized the action. If the decision has been prescribed as final, then it becomes final on the date of the decision.

B. A decision by the City Council regarding an appeal shall become final 10 days after the date of the decision. A decision by the Planning Commission regarding an appeal shall become final 10 days after the date of the decision, unless appealed to the City Council. A decision by the Planning Director shall become final 10 days after the date of the decision unless appealed to the Planning Commission.

15.04.980.080 New Application.

Following denial of an appeal, any matter that is the same or substantially the same shall not be considered by the City within one year, unless the denial is made without prejudice.

(Amended by Ordinance Nos. 7-99 N.S. and 10-6 N.S.)
15.04.990 Revocation/Modification Provisions.

SECTIONS

15.04.990.010 Purpose.

Section 15.04.990 establishes the requirements and procedure for the revocation or modification of any permit or variance granted under this chapter.

15.04.990.020 Grounds for Revocation or Modification.

A. Revocation/Modification for Cause. A permit or variance may be revoked or modified for cause, including the imposition of new conditions upon a finding of any of the following grounds:

1. The permit or variance was issued on the basis of erroneous or misleading information, misrepresentation, or fraud.

2. A term of one or more of the conditions of approval of the permit or variance has been violated or relevant other laws or regulations have been violated.

3. The use or facility for which the permit was granted is so conducted or maintained so as to be detrimental to the public health, welfare, or safety so as to be deemed a nuisance.

4. There has been a discontinuance of the exercise of the entitlement granted by the permit for six consecutive months.

B. Modification.

1. Any person who holds a permit or variance granted under this chapter may apply for a modification by following the same procedure required for the initial application for the permit.

2. No permit or variance may be modified within 12 months of its issuance nor more than once every 12 months. No permit may be modified more than two times from its original issuance.

3. Modification includes the terms and/or conditions imposed pursuant to granting of the permit itself.

15.04.990.030 Initiation of Revocation or Modification for Cause.

A. An action to revoke or modify a permit for cause may be initiated by order of the Planning Commission or City Council on its own motion. The order shall set a hearing date for the proposed revocation or modification.
15.04.990

B. The revocation or modification hearing shall be held before the Planning Commission with the right of appeal to the City Council.

15.04.990.040 Notice and Public Hearing.

The contents of the notice and the notice shall be given in the same manner required for a public hearing to consider approval (see Section 15.04.970). If no notice is required for the original permit, none shall be required for the revocation/modification hearing provided that notice shall be mailed to the owner of the use or structure for which the permit was granted at least 10 days prior to the hearing.

15.04.990.050 Hearing.

The person or public body conducting the hearing shall hear testimony of City staff and the owner of the use or structure for which the permit was granted, if present. At a public hearing, the testimony of any other interested person shall also be heard. All written material shall be submitted prior to the hearing unless the person or public body holding the hearing grants permission to submit the written material at later date.

15.04.990.060 Findings.

The person or body conducting the hearing shall revoke or modify the permit for cause upon making one (1) or more of the findings set forth in Section 15.04.990.020(A).

15.04.990.070 Decision.

Within 30 working days of the conclusion of the hearing, the person or public body that conducted the hearing shall render a decision and shall mail notice of the decision to the owner of the use or structure for which the permit was revoked and to any other person who has filed a written request for such notice.

15.04.990.080 Appeals.

A. A decision to revoke or modify a permit shall become final 10 days after the date of the decision, unless appealed to the Planning Commission or City Council in accordance with Section 15.04.980.

B. A decision rendered by the City Council is final and not appealable.

C. If the decision of the person or public body that took the previous final action was final as specified in Section 15.04.980.030 and 15.04.980.040 then the decision with respect to this subsection is final on the date it is rendered and not appealable.

15.04.990.090 Cumulative Remedy.

The City's right to revoke or modify a permit or variance granted under the zoning ordinance shall be cumulative to any other remedy allowed by this Code or any other applicable law.

(Amended by Ordinance No. 31-97 N.S.)
15.04.995 Miscellaneous.

SECTIONS

15.04.995.010 Certificate of Occupancy.

A. Certificate of Occupancy for a Building.

1. A certificate of occupancy for a new building or the enlargement or alteration of an existing building shall be applied for coincident with the application for a building permit. The certificate shall be issued after the request has been made in writing to the Building Official and after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of this chapter.

2. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Building Official for a period not exceeding six months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by this chapter, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

B. Certificate of Occupancy for Land. Certificate of occupancy for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied before any such land shall be occupied or used for any purpose except that of tilling the soil and growing therein of nonanimal farm, garden or orchard products, and a certificate of occupancy shall be issued after the application has been made, provided such use is in conformity with the provisions of these regulations.

C. Certificate of Occupancy—Contents—Filing Fee.

1. Certificate of occupancy shall state that the building or proposed use of a building or land complies with all laws and ordinances and with the provisions of these regulations.

2. A record of all certificates shall be kept on file in the office of the Building Official and copies shall be furnished, on request, of any person having a proprietary or tenancy interest in the building or the land affected.

3. A fee may be prescribed in a sum set by the City Council.

15.04.995.020 Site Plans.

A. All applications for a certificate of occupancy shall be made on a printed form to be furnished by the building inspector and shall contain accurate information and dimensions as to the size and location
of the lot; the size and location of the building or structures on the lot; the dimensions of all yards and open spaces; and such other information as may be necessary to provide for the enforcement of these regulations.

B. Where completed and accurate information is not readily available from existing records, the building inspector may require the applicant to furnish a survey of the lot prepared by a licensed surveyor.

C. A careful record of the original copy of such application and site plans shall be kept in the office of the Building Inspector and the duplicate copy shall be kept at any building under construction at all times during construction thereof.

(Source: Ordinance No. 37-95 N.S.)