

Article 4.5. Special Retail Business District-60

6-975.1 General.

All land in the special retail business district-60 (map symbol SRB-60) shall be used in accordance with the provisions of this article.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)

6-975.2 Purpose.

The purpose for the regulations of the SRB-60 district is to enhance and stabilize the retail sales activities within the central area of the city, and to foster development of an especially attractive, high-quality retail shopping area, emphasizing pedestrian convenience and deemphasizing vehicular oriented or other uses which would tend to detract from an overall atmosphere of convenience, comfort and safety for the pedestrian retail shopper. The intent of the SRB-60 district is that uses which are not compatible with the objectives of this zone be eventually eliminated. The district envisions a physical closeness of different uses and encourages the mixing of uses within buildings including residential uses. It is the objective of this article to create a more concentrated, easily accessible retail shopping and personal service central area for the benefit of business and consumer alike.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)

6-975.3 Specific plans.

- (a) The use, design and other features of the regulations may be overridden by regulations contained in the adopted specific plans for portions of the district.
- (b) References in this article to the BART Block refer to the geographical area described in the BART Block specific plan.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)

6-975.4 Uses permitted.

Except as is otherwise provided in Section 6-966, the following uses may be conducted as a matter of right in the SRB-60 district, without the need for a land use permit. However, a land use permit (under Sections 6-215 and 6-531) is required if the proposed use will result from the conversion of a residential use of the property.

- (a) Administrative civic;
- (b) Business and communication services where the total floor area is less than 2,000 square feet in size;
- (c) Full-service restaurant, including those with outside dining and service;
- (d) General personal service;
- (e) General retail sales;

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- (f) Limited child-care;
 - (g) General food sales, where the total floor area is less than 2,000 square feet in size;
 - (h) Fast-food restaurant without drive-thru, drive-up or pass-thru window services;
 - (i) Home/business furnishings, where the total floor area is less than 2,000 square feet in size;
 - (j) Residential dwelling units on upper floors along Mt. Diablo Boulevard and on all floors elsewhere in the district;
 - (k) Supportive care pursuant to Section 6-534 LMC.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)

6-975.5 Uses requiring a permit.

In the SRB-60 district, the following uses are permitted after the issuance of a land use permit:

- (a) Administrative;
- (b) Commercial automotive fee parking;
- (c) Commercial recreation;
- (d) Consultative service;
- (e) Fast-food restaurant with pass-thru pedestrian service window;
- (f) Financial service;
- (g) General food sales, where the total floor area is or exceeds 2,000 square feet in area;
- (h) Utility distribution and civic service;
- (i) Retail businesses utilizing access to or from a public street having a right-of-way of 55 feet or less, which forms the common boundary between a district of any residential classification and the SRB-60 district. The application for land use permit shall be determined by the effects of traffic upon such a street occasioned by the use within the SRB-60 district, the characteristics of the adjacent areas, traffic problems, pedestrian traffic and other considerations found pertinent to the particular area concerned;
- (j) Business and communication services where the total floor area is or exceeds 2,000 square feet in size;
- (k) Home/business furnishings, where the total floor area is or exceeds 2,000 square feet in size;
- (l) Sales representatives and goods brokers;
- (m) Self-service laundry or retail dry cleaners which complies with Section 6-532;
- (n) Firearm sales.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)

6-975.6 Restrictions on ground-level and automobile traffic oriented uses.

- (a) No new or expanded administrative, consultative or financial service activity shall be located on the ground level of any building in the SRB-60 district except as provided in subsections (c) or (d) of this section. An incidental pedestrian entrance which leads to such an activity on an upper floor in the building is permitted.
- (b) No new or expanded uses or facilities within the SRB-60 district shall be organized or designed in such a manner as to require, encourage, promote or otherwise foster the use of interior-block driveways or

vehicular access facilities designed to provide services directly or indirectly to an automobile, including, but not limited to, drive-thru service windows. This provision shall not apply to commercial automotive fee parking activities.

- (c) An administrative, consultative or financial service may be located on the ground level of a building (1) if the building is located north of South Thompson Road and Terrace Way and west of Oak Hill Road and (2) upon the granting of a land use permit under Section 6-215 and this section if the use permit is granted before April 13, 1999. A land use permit for an administrative, consultative or financial service under this subsection may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in Section 6-215 and to the following additional criteria:
- (1) The proposal will not detract from the compact, integrated character of the area;
 - (2) The proposal will not impair a generally continuous wall of building facades;
 - (3) The proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not break up an important shopping frontage;
 - (4) The proposal will not interfere with the movement of people along an important pedestrian walkway;
 - (5) The proposal will conform in all significant respects with any applicable specific plan which has been adopted by the city council and with Section 6-975.2 of this chapter; and
 - (6) The proposal does not displace an existing residential use.
- (d) In the BART Block (not located in the area covered by subsection (c) of this section), a land use permit may be granted by the city council, after review by the planning commission, to allow administrative, consultative or financial service to be located on the ground level only upon the determination that the general use permit criteria set forth in Section 6-215, criteria (1) through (6) of subsection (c) of this section and the following criteria are met:
- (1) The area of ground floor use involved is minor and is of little consequence to the maintenance or creation of the retail ambience in the area;
 - (2) The location is not suitable for residential use;
 - (3) The proposed use is located in the interior of the block but not within 100 feet of the street lines of Mt. Diablo Boulevard, Happy Valley Road or Oak Hill Road, and is not located along the creek corridor;
 - (4) The ground floor facilities are, or will be, designed in a manner to be readily converted to and usable for retail type activities; and
 - (5) The proposed use is one which serves, and is compatible with the needs of, shoppers and merchants, and promotes pedestrian activity.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)

6-975.7 Lot area.

No new lots may be created in the SRB-60 district smaller than 5,000 square feet in size.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)

6-975.8 Height.

No building in the SRB-60 district may exceed 60 feet in height.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)

6-975.9 Density.

The maximum and minimum residential densities for lots within the SRB-60 district shall conform to the density standards specified in the applicable land use designation of the General Plan Land Use Element and as outlined in Program 10.3.g of the 2023-2031 6th Cycle Housing Element.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)

6-975.10 Open space.

- (a) A minimum of 20 percent of the area of any lot in the SRB-60 district shall be retained as permanent open space. The open space shall be open and unobstructed to the sky and shall be provided in a continuous undivided design with a minimum dimension of ten feet at any place. All open space shall be provided completely exterior to any building.
- (b) For residential uses the minimum 20 percent and ten-foot dimensional requirement for open space may be modified by provision of private open space or exterior recreational space as determined by the design review process.
- (c) Open space created as a result of combination with contiguous open space on other properties may be approved when the combined open space is not less than 15 percent of the total area of the properties involved.
- (d) The open space shall not be used as parking, loading or service area.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)

6-975.11 Landscaping.

A minimum 12 percent of the ground level of a lot in the RB-60 district shall be planted and maintained with growing plants.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)

6-975.12 Minimum setbacks and upper-story step-backs.

- (a) No setbacks or yards are required in the SRB-60 district except along creeks as specified in the BART Block specific plan, or as indicated below in subsection (b), (c) or (d).
- (b) Street-facing setbacks: Ten feet for residential uses; none required for non-residential uses.
- (c) Interior side and rear setbacks:
 - (1) Ten feet for residential uses; none required for non-residential uses.
 - (2) If the site is adjacent to residentially zoned property, or property not zoned residential but with an existing residential structure or structures of four or more units, there shall be a 10-foot-wide landscaped yard along that entire property line.
- (d) Upper-story step-backs: For all street-facing facades, building portions above 20 feet in height must be stepped-back ten feet from the façade directly below and building portions above 40 feet in height must be stepped-back an additional ten feet from the façade directly below.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)

6-975.13 Off-street parking and loading.

- (a) Parking and loading spaces shall be provided as required by Chapter 6-6 of this title.
- (b) Contiguous, connected by driveway parking lots of ten stalls or more, designed to be used mutually by two or more of the following uses: general retail sales, general personal service full-service restaurant and general food sales where the total floor area is less than 2,000 square feet; may provide 15 percent fewer parking stalls than required by Chapter 6-6, provided that no more than one of the uses served is a full-service restaurant.
- (c) Notwithstanding the lack of a required setback or yard, the edge of pavement at the head of a parking stall shall be no closer than five feet from any property line.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)

6-975.14 Design review.

No building, sign or other facility shall be constructed or established, or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such proposal have been approved pursuant to the design review requirements set forth in Part 1 of this title.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)

6-975.15 Modifiable sections.

A land use permit for a special use enumerated in Sections 6-965 and 6-966 and a variance permit to modify the provisions of Sections 6-975.7 through 6-975.13, inclusive, may be granted under the applicable provisions of Part 1 of this title, except that no variance to Sections 6-975.8 through 6-975.12 may be granted for properties within the area of the BART Block specific plan.

(Ord. No. 696, § 3(Exh. A), 1-13-2025)