Sec. 10-2.1.204. Use of Land Limited.

Except as provided in this chapter:

A. No building shall be erected and no existing building shall be moved, altered, added to, or enlarged, nor shall any land or building be used, or be designed to be used, for any purpose or in any manner, nor shall any yard or other open space surrounding any building be encroached upon or reduced, except as permitted by and in conformity to the regulations specified in this chapter for the land use district as set forth in the Zoning Map, or any amendment thereto.

B. No yard or open spaces provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building or any other lot.

C. It shall be unlawful to divide any parcel of land so as to create a parcel of land not meeting all of the requirements of this chapter.

D. No building or structure shall be erected nor shall any use be made of any land within any setback area as shown on the Zoning Map except agricultural uses, landscaping or vehicular or pedestrian thoroughfares, said setbacks being in addition to front or street side yards otherwise required herein.

E. No use shall be made of land in the City which use is obnoxious or detrimental to the area in which such use is made or intended to be made, or which use violates state or federal law, and no use of land other than the uses specifically authorized in any district shall be made. Specific uses of land, buildings and structures listed as not permitted in this chapter in each district are hereby declared to be detrimental to the public health, safety and welfare and for this reason expressly prohibited. The enumeration of prohibited uses shall not by implication enlarge the scope of permitted uses; they are for purposes of clarity only. (by §18, Ord. 2046, eff. 12/1/2005)

Article 3. Definitions

Sec. 10-2.1.301. Purpose and Applicability.

The purpose of this article is to ensure precision in interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this article shall apply throughout the zoning regulations, except where the context clearly indicates a different meaning or construction. For definitions of uses, see Part I, Article 4. Use Classifications.

Sec. 10-2.1.302. Rules for Construction of Language.

In addition to the General Provisions of the Walnut Creek Municipal Code, the following rules of construction shall apply:

A. The particular shall control the general.
B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected words or provisions shall apply.
2. "Or" indicates that the connected words or provisions may apply singly or in any combination.
3. "Either...or" indicates that the connected words or provisions shall apply singly but not in combination.

C. In case of conflict between the text and a diagram, the text shall control.

D. All references to departments, commissions, boards, or other public agencies are to those of the City of Walnut Creek, unless otherwise indicated.

E. All references to public officials are to those of the City of Walnut Creek, and include designated deputies of such officials, unless otherwise indicated.

F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or holiday, it shall be extended to the next working day.

G. Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.

H. The words "activities" and "facilities" include any part thereof.

Sec. 10-2.1.303 Definitions.

A. For the purposes of this article, certain words and phrases used herein are defined as follows:

1. **Abutting or Adjoining:** Having one or more district boundaries or lot lines in common.

2. **Accessory Structure:** A detached structure which is subordinate and incidental to the main building on the site, including but not limited to storage sheds, equipment enclosures, detached garages, gazebos and animal enclosures. A structure which is functionally part of the main building, is enclosed by a roof or wall, and is not substantially open to the environment shall be considered part of the main building.

3. **Accessory Use:** A use that is subordinate and incidental to the main use of the site and which is located on the same site as the main use.

4. **Acre, Gross:** The area of a lot or site, including future streets, parks, and other land dedications, but excluding existing public rights-of-way.

5. **Acre, Net:** The area of a lot or site remaining after dedication of all required land or rights-of-way.
6. **Adult:** A person who is eighteen (18) years of age or older.

7. **Affordable Housing:** Housing that is affordable to extremely low, very low, low and moderate income households as defined in California Health and Safety Code Sections 50052.5 and 50053. For rental units to be considered affordable, the rent plus utilities cannot exceed the percentages of area median income defined as "affordable rent" in the California Health and Safety Code Section 50053. For ownership units to be considered affordable, housing costs cannot exceed the percentages of area median income defined as "affordable housing cost" in the California Health and Safety Code Section 50052.5 (§3, Ord. 2178, eff. 1/5/18)

8. **Affordable Housing Costs:** The prices of for-sale Dwelling Units in a Housing Development that conform to the respective thresholds established annually by the California Department of Housing and Community Development for the County of Contra Costa. For ownership projects, this means a sales price that results in monthly housing costs, including mortgage (principal and interest), property taxes, utilities, property insurance, and homeowner association fees, that do not exceed the following:

   A. For Very Low Income Households, the product of 1/12 of 30% of 50% of the Area Median Income adjusted for family size.

   B. For Low Income Households, the product of 1/12 of 30% of 70% of the Area Median Income adjusted for family size.

   C. For Moderate Income Households, the product of 1/12 of 35% of 110% of the Area Median Income adjusted for family size. (§1, Ord. 2077, eff. 5/8/09)

9. **Affordable Ownership Cost:** A sales price, consistent with the affordable housing cost as defined in California Health and Safety Code Section 50052.5, that results in a monthly housing cost, including mortgage (principal and interest), property taxes, utilities, property insurance, and homeowner association fees, that does not exceed the following:

   A. For very low income households, the product of one-twelfth (1/12) of thirty percent (30%) of fifty percent (50%) of the area median income adjusted for family size appropriate for the unit.

   B. For low income households, the product of one-twelfth (1/12) of thirty percent (30%) of 70% of the area median income adjusted for family size appropriate for the unit.

   C. For moderate income households, the product of one-twelfth (1/12) of thirty-five percent (35%) of one hundred ten percent (110%) of the area median income adjusted for family size appropriate for the unit. (§3, Ord. 2178, eff. 1/5/18)

10. **Affordable Rent:** Annual rent, including utility costs (based on the utility allowance defined annually by the Housing Authority of the County of Contra Costa), as defined in the California Health and Safety Code Section 50053, that does not exceed the following:

   A. For extremely low income households, the product of thirty percent (30%) times thirty percent (30%) of the area median income adjusted for family size appropriate for the unit.
B. For very low income households, the product of thirty percent (30%) of fifty percent (50%) of the area median income adjusted for family size appropriate for the unit.

C. For low income households, when the maximum restricted income is sixty percent (60%) of the area median income, the product of thirty percent (30%) of sixty percent (60%) of the area median income adjusted for family size appropriate for the dwelling unit; and when the maximum restricted income is eighty percent (80%) of the area median income, the product of thirty percent (30%) of eighty percent (80%) of the area median income adjusted for family size appropriate for the dwelling unit.

D. For moderate income households, the product of thirty percent (30%) of one hundred ten percent (110%) of the area median income adjusted for family size appropriate for the dwelling unit. (§3, Ord. 2178, eff. 1/5/18)

11. **Alcoholic Beverage:** A fermented or distilled beverage including alcohol, spirits, liquor, wine, beer, and any other liquid or solid containing alcohol, spirits, wine or beer that contains one-half (1/2) of one percent (1%) or more of alcohol by volume and that is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

12. **Alcoholic Beverage Control (ABC):** The California Department of Alcoholic Beverage Control.

13. **Alcoholic Beverage Establishment:** Any establishment engaged in the retail sale, pursuant to a valid ABC license, of any alcoholic beverage for on-premises consumption. The term "alcoholic beverage establishment" shall include (1) any alcoholic beverage establishment that is not in existence on the effective date of this article, but that is later permitted by the City and issued a valid ABC license, (2) any alcoholic beverage establishment engaged in the retail sale of any alcoholic beverage pursuant to a conditional use permit adopted prior to the effective date of this article and a valid ABC license, and (3) any legal nonconforming alcoholic beverage establishment operating pursuant to a valid ABC license.

14. **Alley:** A passage way open to public travel affording a secondary means of vehicular access to abutting lots, and intended for general vehicular traffic circulation.

15. **Almond-Shuey Neighborhood:** That area delineated in Chapter 2, Figure 1 of the Walnut Creek General Plan.

16. **Alter:** To change the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders.

17. **Animal, Domestic:** Small animals of the type generally accepted as pets, including, but not limited to dogs, cats, rabbits, songbirds and the like, but not including livestock or poultry.

18. **Animal, Exotic:** Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display, including, but not limited to pot belly pigs, snakes, reptiles and large tropical birds.
19. **Animal, Livestock:** Animals customarily kept, used, maintained or raised on a farm or ranch for commercial purposes, including but not limited to horses, ponies, burros, mules, donkeys, cows, steers, sheep, goats, hogs, llamas, alpacas, peafowl and mink.

20. **Animal, Poultry:** Domesticated birds customarily kept for eggs or meat including, but not limited to chickens, roosters, ducks, geese, and turkeys.

21. **Antenna:** Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic signals, including but not limited to radio waves and microwaves.

22. **Antenna, Amateur Radio:** A ground-, building-, or tower-mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service and as designated by the Federal Communications Commission (FCC).

23. **Antenna, Building Mounted:** An antenna, mounted to a building or rooftop equipment screen, that transmits or receives electromagnetic signals.

24. **Antenna, Direct Broadcast Satellite Service (DBS):** An antenna, usually a small home receiving dish, designed to receive direct broadcast from a satellite.

25. **Antenna, Ground-Mounted:** Any antenna which is not mounted on the roof of a structure.

26. **Antenna, Multipoint Distribution Services (MDS):** An antenna designed to receive video programming services via multipoint distribution services, including multipoint multichannel distribution services, instructional television fixed services, and local multipoint distribution services.

27. **Antenna, Reception Window:** The area within the direct line between a satellite antenna and orbiting communications satellites transmitting signals.

28. **Antenna, Satellite:** Any antenna used to receive and/or transmit radio or television signals from orbiting communications satellites.

29. **Antenna, Satellite Earth Station:** An antenna designed to receive and/or transmit radio frequency signals directly to and/or from a satellite.

30. **Antenna, Television Broadcast Service (TVBS):** An antenna designed to receive only television broadcast signals.

31. **Antenna Structure:** An antenna array and its associated support structure, such as a mast or tower, (but not to include a suspended simple wire antenna), that is used for the purpose of transmitting and/or receiving electromagnetic signals, including but not limited to radio waves and microwaves.

32. **Antenna Structure, Freestanding:** An antenna structure or mast that is not attached to a building, fence or other such structure. Freestanding antenna structures include communications towers,
wooden utility poles, standard or decorative concrete and steel monopoles. If the total height of the structure, including the antenna, exceeds seventeen (17) feet it shall be treated as a monopole.

33. **Antenna Structure, Monopole:** A ground-mounted antenna structure, often tubular in shape, made of metal, reinforced concrete or wood, which is at least seventeen (17) feet in height.

34. **Apartment:** A multifamily dwelling, containing three (3) or more units, under single ownership.

35. **Area Median Income (AMI):** The median family income of Contra Costa County as published annually by the State of California Department of Housing and Community Development, pursuant to Section 6932 of Title 25 of the California Code of Regulations. (§3, Ord. 2178, eff. 1/5/18)

36. **Automobile:** See "Vehicle."

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

38. **Base Parking Requirement:** The minimum parking required before reduction credits for an effective transportation systems management program are applied.

39. **Basement:** A floor or space, partly or wholly underground, and having no more than one-half of its height, nor more than seven (7) feet exposed above the finished grade, or base elevation at the exterior walls of the building, whichever is less. Exception: that portion of one (1) exterior wall providing pedestrian or vehicular access to the basement may project entirely out of the ground and still be considered a basement.

40. **Bicycle Parking, Long-Term:** Bicycle parking that is primarily intended for bicyclists who need bicycle parking for more than three (3) hours and is fully protected from the weather.

41. **Bicycle Parking, Short-Term:** Bicycle parking primarily intended for bicyclists who need bicycle parking for three (3) hours or less.

42. **Boarding House:** A building and use with the following characteristics: (a) The building, or rooms in the building, are rented to individuals who are not in exclusive possession of the building; (b) the building has only one (1) kitchen; and (c) a meal or meals are regularly provided or available to the renters for a fee, whether that fee is included in or separate from the rental payment, and whether the fee is paid individually or collectively by all renters. The term "rooming house" shall have the same meaning as the term "boarding house" except that no meals are provided or available.

43. **Building:** Any structure having a roof supported by columns or walls for the housing or the enclosure of persons, animals or chattels, or property of any kind. The word "building" is included in the word "structure."

44. **Building, Main:** A structure housing the principal use of a site or functioning as the principal use.
45. **Building Height:** The vertical distance at any and all points on the site between the base elevation and the top elevation directly above the base elevation as defined herein. The maximum building height is regulated by each zoning district, but in no case is more than six (6) stories above existing or finished grade, whichever is lower, not to exceed eighty-nine (89) feet.

a. **Base Elevation:** The existing or finished grade, whichever is lower, as shown on an approved topographical survey of the site at the time a Design Review application is submitted for approval of a structure on the site, or in such cases where Design Review is not required, at the time a building permit is submitted for approval. EXCEPTIONS: (1) Where unusual deviations occur in the existing grade such as a small swale, or the property is located in a flood plain, the Community Development Director may make minor adjustments in the building height envelope to permit reasonable building design consistent with the intent and purpose of the building height standards for that zone. (2) When a subdivision has been approved with grade changes on the property, the approved grade changes yet to be completed shall serve as the existing grade for the purpose of defining base elevation. (3) Where fill is required on a downhill lot to increase the building pad elevation to provide gravity flow to the street for sewer and/or storm drainage purposes, the base elevation shall be the approved finished grade.

b. **Top Elevation:** The highest point of a structure, subject to the following exceptions:

   (1) Pitched roofs, with a minimum of three and twelve (3:12) pitch, occupying at least seventy-five percent (75%) of the horizontal roof area and having a ridgeline, shall be measured four (4) feet below the highest ridgeline unless the building height to the top of the parapet is greater, in which case, the building height shall be measured to the highest point of the structure.

   (2) Antennas, spires, and flagpoles mounted on top of a building shall not be included as building height.

   (3) Solar collectors, skylights, chimneys, clerestories, and housing for elevators, stairs, and mechanical equipment shall not be included as building height provided they do not exceed a height of twelve (12) feet above the roof, and when combined, do not occupy more than twenty-five percent (25%) of the horizontal roof area and are designed in architectural harmony with the building. In addition, for buildings located either within the boundaries of the Locust Street/Mt. Diablo Boulevard Specific Plan, or within the boundaries of the O-26 Overlay Zone (Arts District), the twenty-five percent (25%) roof coverage limitation may be exceeded for purposes of providing views of the City and creative and sustainable design solutions, including such elements as solar collectors, rooftop gardens, and open air restaurants on up to eighty percent (80%) of the horizontal roof area, when designed in architectural harmony with the building.

   (4) Small architectural elements which add variety and landmarks to the City skyline, providing the overall building height remains within the height limits.

   NOTE: Exceptions (1), (3) and (4) are not additive.

c. **Existing Grade:** The vertical location of the ground surface prior to excavating, filling, or stockpiling of earth or land.
d. **Finished Grade:** The final elevation of the ground surface after completion of all site preparation work, or after development and measured at the exterior foundation of the building.

46. **Bus:** Any motor vehicle (except a vanpool vehicle) designed for carrying more than ten (10) persons including the driver and used for the transportation of passengers. The term "bus" has the same meaning as the term "bus" as defined in the California Vehicle Code.

47. **Camper:** A shelter designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes. The term "camper" has the same meaning as the term "camper" as defined in the California Vehicle Code.

48. **Car Share Vehicle Station:** A site or a portion of a site used for the purpose of storing motor vehicles, where the motor vehicle is operated as part of a regional fleet by a public agency, or private car sharing company or organization, that provides hourly and daily rental service.

49. **Carport:** A permanently roofed structure with one (1) or more open sides for the parking or temporary storage of automobiles.

50. **Chief of Planning:** The Planning Manager of the City, or his or her designee. (See "Planning Manager.")

51. **Child Care Facility:** A child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers, as defined in Government Code Section 65915(i)(4).

52. **Clerestory:** An outside wall of a room or a building that rises above an adjoining roof and contains windows.

53. **Co-location:** The location of two (2) or more wireless communication facilities on a single support structure or otherwise sharing a common location. Co-location shall also include the location of wireless communication facilities with other facilities such as water tanks, light standards, and other utility facilities and structures.

54. **Common Interest Development:** A community apartment project, condominium project, planned development, or stock cooperative, as defined in Civil Code Section 1351.

55. **Community Development Director:** The Community and Economic Development Director of the City, or his or her designee. Whenever in this chapter there is a reference to "Community Development Director," it means the Planning Manager, except for Part IV, Article 15 of this chapter, Enforcement. (See Section 10-2.4.1502 regarding enforcement authority.)

56. **Compost:** A decayed mixture of organic materials that is beneficial to plant growth.

57. **Conditionally Permitted:** A use not permitted by right but permitted subject to approval of a conditional use permit by the Planning Commission.
58. **Conditional Use Permit:** A discretionary permit issued by the Planning Commission to allow a use which may or may not be allowable according to the purposes of the zoning district. See also Part IV, Article 6. *Conditional Use Permits.*

59. **Condominium:** A building or group of buildings in which units are owned individually, and where the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. The term "condominium" includes the term "common interest development" as defined by Section 1351.c. of the California Civil Code.

60. **Convenience Zone:** For the purposes of recycling, a convenience zone is an area within a one-half (0.5) mile radius of a supermarket. A "supermarket" for the purpose of the Act is defined as a full-line, self-service retail store with gross annual sales of two million dollars ($2,000,000) or more, and which sells a line of dry grocery, canned goods, or non-food items and some perishable items.

61. **Core Area:** An approximately 1.2 (one and one-fifth) square-mile central district with higher densities than other parts of the City. The boundaries of the core area are shown in the General Plan.

62. **Core Area Retail Street:** All of the following streets, or portions of streets, located within the core area:
   a. Botelho Drive between S. Main Street and two hundred (200) feet west of S. California Boulevard.
   b. N. California Boulevard between Ygnacio Valley Road and Mt. Diablo Boulevard.
   c. S. California Boulevard between Mt. Diablo Boulevard and Newell Avenue.
   d. S. Main Street between Botelho Drive and Newell Avenue.
   e. Mt. Diablo Boulevard between Oakland Boulevard and California Boulevard.
   f. Newell Avenue between S. California Boulevard and S. Main Street.

63. **Court:** An open and unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such building or group of buildings.

64. **Coverage, Lot or Site:** See "Lot Coverage."

65. **Deemed Approved Performance Standards:** The performance standards prescribed in Section 10-2.3.1218.

66. **Deemed Approved Status:** The status conferred upon an alcoholic beverage establishment operating pursuant to Section 10-2.3.1215.

67. **Density Bonus:** An increase over the otherwise maximum allowable residential density under the applicable land use element of the City's General Plan, any applicable specific plan, and Zoning
Ordinance on the date the application is submitted to the City, as defined in Government Code Section 65915(g).

68. **Density Bonus Housing Agreement:** A legally binding agreement between the developer of a housing development and the City that ensures the requirements of the State Density Bonus Law and the Density Bonus Ordinance are satisfied.

69. **Developer:** Any person, firm, partnership, association, joint venture, corporation, or any other entity or combination of entities that seeks City real property development permits or approvals.

70. **District:** A portion of the city within which the use of land and structures and the location, height, and bulk of structures are governed by this Article. The term "district" also includes the term "zoning district."

71. **Duplex:** A building containing two (2) dwelling units on a single lot.

72. **Dwelling:** A building designed exclusively for residential occupancy, including single-family, duplex, and multifamily dwellings, but not including a tent, cabin, hotel, motel, boardinghouse, recreational vehicle, motor home or trailer.

73. **Dwelling, Multiple Family:** A structure containing more than one (1) unit sharing common walls or being otherwise attached, including duplexes, triplexes, fourplexes and apartment. (Accessory dwelling units are exempt from this definition.)

74. **Dwelling, Single Family, Attached:** A dwelling unit on an individual lot that has at least one (1) common wall with one (1) or more other dwelling units on separate lots. (Accessory dwelling units are exempt from this definition.)

75. **Dwelling, Single Family, Detached:** A dwelling unit on an individual lot which is visibly separated from other units. (Accessory dwelling units are exempt from this definition.)

76. **Dwelling Unit:** One (1) or more rooms served by a single common kitchen, designed for occupancy by one (1) family for living and sleeping purposes. (Accessory dwelling units are exempt from this definition.)

77. **Equipment Cabinet:** A cabinet or structure used to house equipment associated with a wireless communication facility.

78. **Facility, Service Provider:** Antennas, antenna structures and related equipment that are owned and/or operated by a wireless communication service provider.

79. **Fair Housing Laws:** The Federal Fair Housing Act (42 U.S.C. Section 3601 et seq.), the California Fair Employment and Housing Act (Government Code Section 12900 et seq.), and the California Disabled Persons Act (Civil Code Section 54 et seq.).
80. **Family**: One (1) person living alone, or two (2) or more persons living together as a single housekeeping unit in a dwelling unit. A housekeeping unit shall be a group which bears the generic character of a family unit as a relatively permanent household, regardless of biological relationship, and which is characterized by the following: (a) shared use of a single common kitchen; (b) shared household expenses; (c) use by all persons of a shared common entry to the dwelling unit; (d) shared use of all or virtually all areas of the dwelling unit at all times; (e) shared responsibility for household work; (f) shared food; (g) sharing of some or all meals; (h) occupation of the unit under a single lease if the unit is not occupied in part by the owner; (i) shared social, economic and psychological commitments. Family also does not include a group occupying a boarding house, dormitory, fraternity or sorority house, convent, rectory or private residential club.

81. **Floor Area, Gross**: The total area of all floors in a building as measured to the outside surfaces of exterior walls or to the center line of common walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches, balconies and terraces. For the purposes of determining the requirement for design review for single-family dwellings, gross floor area shall include the single family dwelling, garages and all buildings on a lot. In addition, for single family homes with ceilings over fifteen (15) feet above floor height, the gross floor area of these areas shall be doubled for the purpose of calculating the floor area ratio, but not for the purpose of determining actual floor area.

82. **Floor Area, Rentable**: The total area on all floors as measured to the inside surfaces of interior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches, balconies, terraces, and excluding fire corridors, stairwells when used to provide permanent access to different offices, businesses or apartments and exclusive of elevator shafts, lavatories, flues, janitor's storage closets, heating and air conditioning equipment, and other similar space generally used by all occupants of a building rather than by any individual occupant.

83. **Floor Area Ratio (FAR)**: The ratio of developed gross floor area to net lot area, both expressed in square feet.

84. **Freeway**: See "Street, Freeways."

85. **Friable**: A soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

86. **Garage, Private**: A completely enclosed, detached accessory building or portion of a main building on the same lot as the building for the parking or temporary storage of automobiles of the occupants of the building.

87. **General Plan**: A legal document in the form of a map and accompanying text adopted by the local legislative body. A City's General Plan is a summary of its policies regarding the long-term development of its jurisdiction. (See also "City of Walnut Creek—General Plan.")

88. **Graywater**: Untreated wastewater that has not been contaminated by any toilet discharge; has not been affected by infectious, contaminated, or unhealthy bodily wastes; and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. Graywater includes, but
is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and
laundry tubs, but does not include wastewater from kitchen sinks or dishwashers.

89. **Gross Floor Area:** See "Floor Area Gross."

90. **Hazardous Material:** Material which may likely result in death, disability, or serious illness
if human exposure occurs because of its quantity, concentration or chemical characteristic.

Hazardous material may include but is not limited to any hazardous substance as defined by
Section 25316 of the California Health and Safety Code.

91. **Height:** See "Building Height."

92. **Host Use:** Host Use is any existing commercial use, shopping center, or community facility
in the City of Walnut Creek which can accommodate a recycling facility in compliance with the provisions
of Part III, Article 7. **Recycling Facilities.**

93. **Housing Development:** One (1) or more groups of projects for dwelling units, or an
approved subdivision or common interest development that consists of either dwelling units or unimproved
residential lots. "Housing development" also means a project to substantially rehabilitate and convert an
existing commercial building to residential use or the substantial rehabilitation of an existing multifamily
dwelling resulting in a net increase in available dwelling units, or a condominium conversion.

94. **Hydrozone:** A portion of the irrigated landscape area having plants with similar water needs.
Hydrozones are differentiated by the plant factor (PF) of the plantings in each hydrozone.

95. **Inclusionary Housing Agreement:** A document that has been reviewed and approved by the
Community Development Director that delineates the exact requirements that a developer will meet to
fulfill the City's inclusionary requirements under this ordinance.

96. **Inclusionary Unit:** A dwelling unit that has a sales price or rent restricted under the
requirements of Title 10, Article 9 of the Municipal Code.

97. **Individual with a Disability:** A person who has a medical, physical, or mental condition that
limits a major life activity, as those terms are defined in California Government Code Section 12926.

98. **Infant:** A child younger than two (2) years of age.

99. **Irrigated Landscape Area:** All irrigated planting areas, turf areas, and water features.
Irrigated landscape areas include areas where water is provided from any artificial source, including but not
limited to water provided by a water utility or a ground well, or by artificial diversion from a natural source
other than on-site rainwater collection. Irrigated landscape areas do not include footprints of buildings or
structures, sidewalks, streets, driveways, parking lots, decks, patios, gravel or stone walks, other pervious
or non-pervious hardscapes, and other non-irrigated areas including those with existing native vegetation.
100. **Irrigation Device, Low-Volume:** An irrigation device that delivers small volumes of irrigation water slowly at or near the root zone of plants. Low-volume irrigation devices include but are not limited to drip emitters and bubblers.

101. **Irrigation Device, Overhead Spray:** An irrigation device that delivers irrigation water through the air. Overhead spray irrigation devices include but are not limited to sprinklers, microspray devices, and stream rotor heads.

102. **Irrigation Valve Circuit:** An area where the irrigation devices are controlled by one (1) valve or by a set of valves that operate simultaneously. Also known as an irrigation station.

103. **Kitchen:** A room or an area containing any appliance which is used for the cooking or preparation of food including but not limited to stoves, ovens, hot plates and microwaves.

104. **Landscape:** To plant and maintain some combination of native or exotic trees, ground cover, shrubs, vines, flowers or lawn. Required landscaping may include natural features such as existing or imported rock and structural features including fountains, pools, art work, screen, walls, fences or benches. Landscaped areas may also include container plants, walkways and concrete plazas when combined with other landscaping features. See also "Irrigated Landscape Area."

105. **Landscape Water Meter:** An inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use. If permitted by the water utility, it may be a submeter.

106. **Lot:** A parcel or portion of land separated from other parcels or portions by description, as on a subdivision, parcel, or record of survey map, or by metes and bounds, for purpose of sale, lease, or separate use.

107. **Lot, Corner:** A site bounded by two (2) or more adjacent street lines or private right-of-ways on two (2) or more adjacent sides that have an angle of intersection of not more than one hundred thirty-five (135) degrees.

108. **Lot Coverage:** The purpose of lot coverage is to control the visual appearance of structures on a lot in terms of volume and mass. Lot coverage is defined as the total footprint of all structures, including projecting balconies, stairways, porches, patio covers and decking (which exceeds eighteen (18) inches in height). Also included are accessory structures such as detached garages or carports, tool sheds, covered pool equipment units, etc. Roof overhangs up to four (4) feet from the building wall are exempted from coverage calculations. Portions of roof overhangs which exceed four (4) feet are counted towards coverage. Swimming pools and spas do not count towards lot coverage.

109. **Lot Depth:** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

110. **Lot, Double-Frontage:** A lot which has two (2) or more lot lines which abut a street and do not intersect to form a corner lot. A double-frontage lot has two (2) front lot lines. (See Lot Line, Front.)
111. **Lot, Flag:** A lot so shaped and designed that the main building site area does not have street frontage, but is connected to the street by a strip of land which is used for access purposes.

112. **Lot Frontage:** See "Lot Line, Front."

113. **Lot Gross Area:** The total area included within the lot lines of a lot, generally expressed in terms of square feet or acres.

114. **Lot, Interior:** A lot which has only one (1) front lot line.

115. **Lot Line:** The property lines bounding the lot.

   a. **Corner Side:** A street line that adjoins the corner side yard of a lot.

   b. **Front:** On an interior lot, the lot line abutting a street; or on a corner lot the shorter lot line abutting the street; or on a through lot, the lot line abutting the street providing access to the lot; or on a double frontage lot, both lot lines abutting a street.

   c. **Interior:** A lot line not abutting a street.

   d. **Rear:** A lot line, not a front lot line, that is parallel or approximately parallel to the front lot line. Where no lot line is within forty-five (45) degrees of being parallel to the front lot line, a line ten (10) feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring rear yard setback.

   e. **Side:** Any lot line that is not a front lot line or a rear lot line.

116. **Lot Net Area:** The total area included within the lot lines of a lot, excluding alleys, vehicular easements, and areas to be included in future street rights-of-way as established by easement, dedication, or ordinance.

117. **Lot, Reversed Corner:** A corner lot, the sides of which abut the sides of two (2) interior lots and where the side street line becomes a continuation of a front lot line of an adjacent lot.

118. **Lot, Through:** A lot which has two (2) or more lot lines which abut a street and do not intersect to form a corner lot. A through lot has only one (1) front lot line. (The frontage from which access is permitted shall be deemed the front lot line.)

119. **Lot Width:** The average horizontal distance between the lot lines measured at right angles to the lot depth between the rear line of the required front yard setback and a point sixty (60) feet to the rear of the rear line of the front yard setback or to a point on the rear yard setback line, whichever is less.

120. **Low Income Household:** A household whose income does not exceed the lower income limits applicable to the County of Contra Costa, as published and periodically updated by the California Department of Housing and Community Development pursuant to Health and Safety Code Section 50079.5.
121. **Low Income Ownership Unit:** An ownership dwelling unit that is offered for purchase at an affordable ownership cost only to a low-income household.

122. **Low Income Rental Unit:** A rental dwelling unit that is offered at an affordable rent only to a low-income household.

123. **Low-Volume Irrigation Device:** See "Irrigation Device, Low-Volume."

124. **Manufactured Home:** A prefabricated or factory-built structure certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 that is attached to a permanent foundation and is used as a dwelling unit.

125. **Market Rate Unit:** A dwelling unit in a residential or mixed-use development that is not restricted in terms of price or rent.

126. **Master Shut-off Valve:** A valve located between the water supply and the valves controlling the individual irrigation valve circuits. When the master shut-off valve is closed, water will not be supplied to the entire irrigation system.

127. **Microwave Antenna:** See Antenna, Microwave.

128. **Mid-element Tuning Device:** A mechanical or electrical device, typically consisting of a coil of wire and associated tuning device(s), used to electrically alter the characteristics of an antenna.

129. **Mobilehome:** A trailer or prefabricated structure that is used as a permanent dwelling unit, is connected to utilities and is designed without a permanent foundation.

130. **Mobile Recycling Unit:** An automobile, truck, trailer, or van licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes, or containers transported by trucks, vans, or trailers and used for the collection of recyclable materials.

131. **Moderate Income Household:** A household whose income does not exceed the moderate income limits applicable to the County of Contra Costa, as published and periodically updated by the California Department of Housing and Community Development pursuant to Health and Safety Code Section 50093.

132. **Moderate Income Ownership Unit:** An ownership dwelling unit that is offered at an affordable ownership cost only to a moderate-income household.

133. **Moderate Income Rental Unit:** A rental dwelling unit that is offered at an affordable rent only to a moderate-income household.

134. **Monopole:** See "Antenna Structure, Monopole."
135. **Monopole, Retractable:** A monopole antenna structure with a tubular or lattice design and is capable of being lowered, either manually or electronically, a vertical distance of at least thirty percent (30%) of its fully extended height.

136. **Motorcycle:** See "Vehicle."

137. **Motor Home:** A motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. A motor vehicle to which a camper has been temporarily attached is not a motor home. The term "motor home" includes within its meanings the terms "motor home," "house car" and "camp car" (with motor power), as such terms are used or defined in the California Vehicle Code or the California Health and Safety Code.

138. **Mulch:** Organic materials such as shredded bark or compost, or inorganic mineral materials such as gravel or decomposed granite, left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

139. **Nonconforming Lot:** A lot which was lawfully subdivided or established, but which does not conform with the minimum site area, site width or site depth prescribed in the regulations for the district in which the lot is located by reason of adoption or amendment of this article or by reason of annexation of territory to the City.

140. **Nonconforming Structure or Building:** A structure that was lawfully constructed, but which does not conform with the standards for height, lot coverage, FAR, or setback requirements, by reason of adoption or amendment of this Article or by reason of annexation of territory to the City.

141. **Nonconforming Use:** Use of a structure or land which was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this Article or by reason of annexation of territory to the City.

142. **Non-Restricted Unit:** Any dwelling unit within a housing development excluding restricted units.

143. **Notice of Violation:** The notice that may be provided, pursuant to Section 10-2.3.1220, to an alcoholic beverage establishment that is operating in violation of the deemed approved performance standards.

144. **Off-Street Loading Area:** A site or portion of a site devoted to loading or unloading from motor vehicles or trailers, which may include loading berths, access aisles and drives, and any required landscaped areas.

145. **Off-Street Parking Area:** A site or a portion of a site devoted to off-street parking (not storage) of motors vehicles, which may include parking spaces, aisles, driveway ramps, and any required landscaped areas.
146. **Open Space, Common:** A usable or natural open space within a residential development reserved for the exclusive use or scenic enjoyment of residents of the development and their guests.

147. **Open Space, Private:** A usable open space outside of a building adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of the resident of the dwelling unit and guest.

148. **Open Space/Recreation:** A General Plan land use category. Designates existing publicly owned open space, parks and the golf course. Includes some county owned land designated for open space uses.

149. **Open Space, Usable:** Outdoor or unenclosed area on the ground, or on a roof, balcony, deck, porch or terrace, designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but excluding parking facilities, driveways, utility or service areas, or any required front or corner side yard setback, and excluding a space with a dimension of less than six (6) feet in any direction or an area of less than thirty-six (36) square feet.

150. **Overhead Spray Irrigation Device:** See "Irrigation Device, Overhead Spray."

151. **Ownership Project:** A project consisting of single-family detached for-sale units, or multi-family units, such as, duets, condominiums or townhouses, that will be sold, not rented.

152. **Pass Door:** A pedestrian access door.

153. **Permitted:** Permitted without a requirement for approval of a use permit or variance.

154. **Planning Commission:** The administrative body, appointed by the City Council, charged with the development of the General Plan and formulation and administration of the Zoning Map and Ordinance.

155. **Planned Unit Development:** A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

156. **Planning Manager:** The Planning Manager of the City, or his or her designee. Whenever in this code there is a reference to "Chief of Planning," it means the Planning Manager. (See Section 10-2.4.106 regarding responsibilities.)

157. **Plant Factor (PF):** A factor used in estimating the amount of water needed by plants. The plant factors for individual plants other than turf grasses are based on their classification as high water usage plants, moderate water usage plans, low water usage plants, or very low water usage plants according to the Water Use Classification of Landscape Species (WUCOLS) published by the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation. Plant factors not listed in WUCOLS may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources. Plants not listed in WUCOLS will be classified as very low water use plants if their plant factor is 0 to 0.1, low water use...
plants if their plant factor is 0.1 to 0.3, moderate water use plants if their plant factor is 0.4 to 0.6, and high
twater use plants if their plant factor is 0.7 to 1.0.

158. **Pre-existing:** In existence prior to the effective date of this article.

159. **Primary Bedroom Window:** The window or clear glass door which provides the primary
access to air and light from each bedroom in a residential unit. Every bedroom shall be considered to have
one bedroom window. Studio units shall not be considered to have a bedroom window. The determination
as to which window is the bedroom window shall be made by the Planning Manager, and all such
determinations made by the Planning Manager shall be final.

160. **Primary Living Room Window:** The window or clear glass door which provides the
primary access to air and light from the main living area of a residential unit. Every residential unit shall be
considered to have one (1) living room window. The determination as to which window is the living room
window shall be made by the Planning Manager, and all such determinations made by the Planning Manager
shall be final.

161. **Primary Window:** Either a primary bedroom window or a primary living room window.

162. **Processing Facility:** A recycling facility located in a building or enclosed space and used
for the collection and processing of recyclable materials.

163. **Project:** Any proposal for new or changed use, or for new construction, alteration, or
enlargement of any structure, that is subject to the provisions of this article.

164. **Reasonable Accommodation:** A modification in the application of land use or zoning
regulations or in the application of land use, zoning, or building policies, procedures, or practices when
necessary to eliminate barriers to housing opportunities, which does not impose undue financial or
administrative burdens on the City or require a fundamental or substantial alteration of the City's
regulations, polices, procedures or practices.

165. **Recreational Vehicle:** A motor home, travel trailer, truck camper or camping trailer, with
or without motive power, designed for human habitation for recreational or emergency occupancy. The term
"recreational vehicle" has the same meaning as the term "recreational vehicle" as defined in the California
Vehicle Code.

166. **Recyclable Material:** 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 materials.
Recyclable material may include used motor oil collected and transported in accordance with Section
25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

167. **Recycled Water:** Treated or recycled waste water of a quality suitable for non-potable uses
such as landscape irrigation and water features. This water is not intended for human consumption.
168. **Recycling, Collection Facility:** A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public. A collection facility includes (a) reverse vending machine facilities, (b) small collection facilities which occupy an area of not more than five hundred (500) square feet, (c) large collection facilities which may occupy an area of more than five hundred (500) square feet and which may include permanent structures.

169. **Recycling Facility, Certified:** The recycling facility or facilities required by state law to be within each Convenience Zone and which is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act. The term "certified recycling facility" includes the term "certified processor."

170. **Related Equipment:** All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.

171. **Rental Project:** A multifamily or single-family detached development for which units are rented rather than owned.

172. **Residential Development Project:** Any project that includes the construction of one (1) or more dwelling units.

173. **Residential District:** Any district designated "R" (except R-O); "D"; "M"; or "P-D" (if the P-D zone permits residential use), on the Zoning Map of the City of Walnut Creek.

174. **Restricted Unit:** Any dwelling unit within a housing development designed and intended to be reserved for sale or rent to, and affordable to, very low income households, low income households, or moderate income households, and that is counted towards qualifying a housing development for a density bonus.

175. **Ridgeline, Roof:** The actual line or point of intersection at the top of a pitched roof between the opposite slopes of a roof.

176. **Satellite Dish:** See "Satellite Antenna" under "Antenna."

177. **Senior Citizen:** A person sixty-two (62) years or older, or fifty-five (55) years of age or older in a senior citizen housing development. The term senior citizen has the same meaning as the term "senior citizen" as such term is defined by California and Federal Law.

178. **Senior Citizen Housing Development:** A residential development consisting of at least 150 dwelling units which is developed for, designed for, or substantially rehabilitated or renovated for, and occupied by senior citizens fifty-five (55) years of age or older.

179. **Service Provider:** Any authorized provider of wireless communication services.

180. **Setback:** The required minimum horizontal distance between the building line and the related front, side, or rear property line.
181. **Setback, Future Street Line**: An established line from which the minimum front or side setback of a building, structure or portion thereof, is measured. Future street lines are established to provide for future street widening or construction, delineating the area open, or to be open, to public use. If no specific future street line is established, the adjacent existing right-of-way of any abutting street or roadway, either public or private, shall be construed to be the future street line setback.

182. **Single Ownership**: Holding record title, possession under a contract to purchase, or possession under a lease, by a person individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

183. **Site**: A lot, or group of contiguous lots or parcels which may be divided by an alley, street, or other right-of-way that is proposed for development under this Article.

184. **Soil Amendment**: A material added to soil to improve plant growth and health by correcting the soil's deficiencies in structure and/or nutrients.

185. **Special Landscape Area (SLA)**: An area dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water, and areas dedicated to active play such as parks, sports fields, golf course greens, recreational spas and swimming pools, and where turf provides a playing surface.

186. **Specific Plan**: A plan for a defined area authorized by law that is consistent with the General Plan and with the provisions of the California Government Code, Section 65450 et seq. (Specific Plans).

187. **Spire**: A slender, tapering, pyramidal roof element usually surmounting a church or tower.

188. **Story**: That portion of a building included between the surface of any floor and the surface of the floor directly above it; or, if there shall be no floor above it, the space between such floor and the ceiling directly above it. EXCEPTIONS: (a) Subgrade parking structures and basements shall not be considered stories. (b) Above grade parking levels in commercial districts shall count as three-fourths (0.75) story.

189. **Street**: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the function they perform:

   a. **Freeways**: Freeways are limited access facilities designed with four (4) or more travel lanes. The two (2) freeways in Walnut Creek are Interstate 680 and State Route 24.

   b. **Major Arterials**: The function of a major arterial is to move large volumes of traffic at relatively high speeds. Typically, this kind of street varies from four (4) to six (6) lanes in width; parking, loading, and access to individual properties are discouraged. The major arterials are Ygnacio Valley Road, Treat Boulevard, Pleasant Hill Road and Geary Road.
c. **Arterial**: A street which can range from two (2) to six (6) lanes and which serves as the network for through traffic flow. They are intended to carry high volumes of traffic and provide a means to divert traffic from local streets.

d. **Collector Street**: Collector streets are designed to move traffic between arterials and local streets. For the most part, collectors are two (2) lane streets with wider rights-of-way than local residential or business streets. In some cases, especially in commercial areas, collector streets may provide four (4) travel lanes.

e. **Local Street**: Local streets are designed to provide direct access to adjacent property. Through traffic movement is discouraged on these roadways.

190. **Street Line**: Any lot line abutting a street.

191. **Structural Alteration**: Any change in the supporting members of a structure or building, such as a bearing wall, column, beam or girder.

192. **Structure**: Anything constructed or erected on the ground or which is attached to something located on the ground. The work "structure" includes the word "building" but does not include:

   a. A fence or wall (used as a fence) if the height does not exceed six (6) feet;
   
   b. Access drive or walk;
   
   c. Deck under eighteen (18) inches from finished grade;
   
   d. Swimming pool or spa.

193. **Structure, Main**: See "Building, Main."

194. **Subsidized Housing**: Housing units for which the purchase price, mortgage payment or contract rent is subsidized, or reduced from market rates, by a public or private agency.

195. **Substantial Change in Mode or Character of Operation**: A substantial change in the mode or character of operation of an alcoholic beverage establishment, as defined in Section 10-2.3.1217.

196. **Supportive Housing**: Housing with no limit on the length of stay, that is occupied by a target population and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing shall be subject only to those requirements and restrictions that otherwise apply to the residential or community use classification under which it operates (i.e., single-family residential, residential care facilities, etc.).

197. **Swimming Pool, Spa or Hot Tub**: A water-filled enclosure having a depth of eighteen (18) inches or more which is used for swimming or recreation.
198. **Target Population**: Persons with low incomes who have one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

199. **Trailer**: A vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle. The term "trailer" includes within its meaning the terms "trailer," "trailer coach," "semi-trailer," "utility trailer," "travel trailer," and "mobile home" as such terms are defined in the California Vehicle Code or California Health and Safety Code.

200. **Transitional Housing**: Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance. Transitional housing shall be subject only to those requirements and restrictions that otherwise apply to the residential or community use classification under which it operates (i.e., single-family residential, residential care facilities, etc.).

201. **Turf Grass**: A ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue, and tall fescue are cool-season grasses. Bermuda grass, kikuyu grass, seashore paspalum, St. Augustine grass, zoysia grass, and buffalo grass are warm-season grasses.

202. **Use**: The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged, or for which either a site or a structure is or may be occupied.

203. **Use Permit**: See "Conditional Use Permit."

204. **Used**: The term includes arranged, designed, constructed, altered, rented, leased, sold, occupied, or intended to be occupied.

205. **Vehicle**: A device by which any person or property may be propelled, moved or drawn, except a device moved by human power (such as a bicycle) or used exclusively upon stationary rail or tracks. The term vehicle has the same meaning as the term "vehicle" as defined in the California Vehicle Code, except that the term "vehicle" as used herein, is not limited to a device which may be propelled, moved or drawn upon a highway. (Motorized wheelchairs are excluded from this definition.)

206. **Vehicle, Commercial**: A vehicle used or maintained for the transportation of persons or property for hire, compensation or profit. The term "commercial vehicle" does not include a motor vehicle originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached, or a vanpool vehicle. The term "commercial vehicle" has the same meaning as the term "commercial vehicle" as defined in the California Vehicle Code.

207. **Vehicle, Passenger**: Any motor vehicle, other than a motor truck, camper vehicle or motor home, designed for carrying not more than ten (10) persons, including the driver and used and maintained for the transportation of persons. The term "passenger vehicle" as such term is used herein, includes within
its meaning "passenger vehicle" as such term is defined in the California Vehicle Code, including such vehicle design types as sedan, sports car, station wagon, wagon bus and jeep-type automobile; provided that the terms "motorcycle" and "motor-driven cycle" as such terms are defined in the Vehicle Code, are included within the meaning of "passenger vehicle" as such term is used herein. (Motorized wheelchairs are excluded from this definition.)

208. **Vehicle, Vanpool:** A motor vehicle designed for carrying more than ten (10) but not more than fifteen (15) persons including the driver, which is maintained and used primarily for the nonprofit work-related transportation of adults for the purpose of ridesharing. The term "vanpool vehicle" has the same meaning as the term "vanpool vehicle" as defined in the California Vehicle Code.

209. **Very Low Income Household:** A household whose income does not exceed the very low income limits applicable to the County of Contra Costa, as published and periodically updated by the California Department of Housing and Community Development pursuant to Health and Safety Code Section 50105.

210. **Very Low Income Ownership Unit:** An ownership dwelling unit that is offered at an affordable ownership cost to a very low income household.

211. **Very Low Income Rental Unit:** A rental dwelling unit that is offered at affordable rent only to a very low income household.

212. **Visible:** Likely to be noticed by a person of average height walking on a street or sidewalk two (2) years after installation of any planting intended to screen a view.

213. **Water Feature:** A design element where open artificially supplied water performs an aesthetic function. Water features include artificial ponds, waterfalls, fountains, streams, and decorative pools. Water features do not include naturally occurring elements such as lakes, creeks, streams, and springs where the water comes from existing naturally occurring sources.

214. **Water Utility:** Either the Contra Costa Water District or the East Bay Municipal Utility District.

215. **Wireless Communication Facilities:** A facility that transmits and/or receives electromagnetic signals, including antennas, monopole and/or accessory structures and related equipment.

216. **Wireless Communication Facility—Co-located:** A wireless communication facility comprised of a single telecommunication tower or building supporting one (1) or more antennas or similar devices owned or used by more than one (1) public or private entity.

217. **Yard:** An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise permitted in this Article, including a front yard, side yard, corner yard, corner side yard, or rear yard.

218. **Yard, Aggregate Side:** The total combined side yard of a site.
219. **Yard, Corner Side:** A yard between the corner side lot line and nearest line of the building and extending from the front yard to the rear lot line.

220. **Yard, Front:** A yard extending across the full width of the lot between the front lot line and the nearest line of the main building; provided, that if a future street line has been established for the street upon which the lot abuts, such measurement shall be taken from such future street line to the nearest line of the building.

221. **Yard, Rear:** A yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of a rear yard setback shall be measured horizontally from the rear lot line toward the nearest part of a main building.

222. **Yard, Side:** A yard between the side line of the lot and the nearest line of the main building and extending from the front line of the lot to the rear yard setback.

223. **Zero Lot Line:** The location of the main building on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

224. **Zoning Administrator:** The Zoning Administrator of the City, or his or her designee. (See Section 10-2.4.105 regarding responsibilities.)

225. **Zoning Ordinance:** This chapter and the Zoning Maps of the City of Walnut Creek. (§2, Ord. 1902, eff. 2/20/97; §2, Ord. 1967, eff. 8/31/00; §3, Ord. 2005, eff. 12/19/02; §3, Ord. 2025, eff. 3/18/04, and by §3, Ord. 2025, eff. 3/18/04; §1, Ord. 2035, eff. 8/21/04; §1, Ord. 2077, eff. 5/8/09; §§3, 4, Ord. 2108, eff. 4/7/12; §48, Ord. 2109, eff. 6/15/12; §3, Ord. 2114, eff. 1/3/13; §3, Ord. 2129, eff. 7/3/14; §3, Ord. 2131, eff. 7/18/14; §1, Ord. 2134, eff. 11/20/14; §§3, 4, Ord. 2157, eff. 10/6/16; §3, Ord. 2158, eff. 11/18/16; §4, Ord. 2173, eff. 10/20/17; §3, Ord. 2178, eff. 1/5/18; §3, Ord. 2188, eff. 3/8/19; §6, Ord. 2194, eff. 6/7/19; §5, Ord. 2200, eff. 12/6/19)

**Article 4. Use Classifications**

**Sec. 10-2.1.401. Purpose and Applicability.**

Use classifications describe one (1) or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Planning Manager shall determine whether a specific use shall be deemed to be of the same general nature as one (1) of the use classifications or within one (1) or more use classifications or not within any classifications within this title. The Planning Manager may determine that a specific use shall not be deemed to be within a use classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. The Planning Manager's decision may be appealed to the Planning Commission in accordance with Part IV, Article 5 of this chapter. (§§2, 30, Ord. 2134, eff. 11/20/14; §1, Ord. 2146, eff. 4/1/2016)