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RB

Retail Business District*

6-901	General.
6-902	Purpose.
6-903	Specific plans.
6-904	Uses permitted.
6-905	Uses requiring a permit.
6-906	Restrictions on ground-level uses.
6-907	Use permit criteria for ground-level uses.
6-908	Lot area.
6-909	Height.
6-910	Open space.
6-911	Landscaping.
6-912	Minimum setbacks or yards.
6-913	Off-street parking and loading.
6-914	Design review.
6-915	Modifiable sections.

*Prior ordinance history: Ordinances. 155 and 193.

NOTE: The City has other regulations, which may affect individual properties, including, but not limited to hillside development, structures over 17-ft. in height, development in excess of 6,000 sq. ft., tree protection, grading, and public art. Please review the Project Checklist available on the City of Lafayette web site at www.lovelafayette.org for an overview of regulations that might apply. You may consult Planning & Building Department staff to ascertain which rules and regulations apply to any given project.

Retail Business District

6-901 General.

All land in the retail business district (map symbol RB) shall be used in accordance with the provisions of this article. (Ord. 221 § 1 (part), 1980)

6-902 Purpose.

The purpose of the regulations for the RB district is to create, preserve and enhance areas with a selective range of retail and personal service establishments in attractive, compact locations oriented toward pedestrian comparison shopping and to complement the special shopping district at the core of the retail district. (Ord. 221 § 1 (part), 1980)

6-903 Specific plans.

The use, design and other features of the RB district regulations may be overridden by regulations contained in specific plans adopted for any portion of said district. (Ord. 221 § 1 (part), 1980)

6-904 Uses permitted.

Except as is otherwise provided in Section 6-906, the following uses may be conducted as a matter of right in the RB 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;
- (b) Administrative civic;
- (c) Home/business furnishings where the total floor area is less than 2,000 square feet in size;
- (d) Consultative service;
- (e) Fast-food restaurant without drive-thru, drive-up or pass-thru window services;
- (f) Full-service restaurant, including those with outside dining and service;
- (g) General food sales, where the total floor area is less than 2,000 square feet in size;
- (h) General personal service;
- (i) General retail sales;
- (j) Business and communication service, where the total floor area is less than 2,000 square feet in size;
- (k) Limited child-care;
- (l) Residential dwelling units on upper floors along Mount Diablo Boulevard (between Mtn. View Drive and First Street on the north side and between Mtn. View Drive and Moraga Road on the south side¹) and on all floors elsewhere in the district
- (m) Supportive care pursuant to §6-534 LMC.

(Ord. 614 § (1) Exhibit "A" (part), 2012; Ord. 359 § 3(A), 1987; Ord. 357 § 1, 1987; Ord. 221 § 1 (part), 1980)

6-905 Uses requiring a permit.

In the RB district the following uses are permitted after the issuance of a land use permit:

- (a) Commercial automotive fee parking;
- (b) Commercial recreation;
- (c) Day-care and educational services;

¹ Consistent with boundaries of the Downtown Retail District.

- (d) Fast-food restaurant with drive-thru, drive-up or pass-thru window service;
- (e) Financial service;
- (f) General food sales, where the total floor area is or exceeds 2,000 square feet in size;
- (g) Real estate services;
- (h) Repealed by Ordinance 614;
- (i) Self-service laundry or retail dry cleaners which complies with Section 6-532;
- (j) Utility distribution and civic service;
- (k) Retail business 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 RB 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 RB district, the characteristics of the adjacent areas, traffic problems, pedestrian traffic and other considerations found pertinent to the particular area concerned;
- (l) Business and communication service, where the total floor area of the building is or exceeds 2,000 square feet in size;
- (m) Home/business furnishings, where the total floor area of the building is or exceeds 2,000 square feet in size;
- (n) Sales representatives and goods brokers;
- (o) Firearm sales.

(Ord. 614 § (1) Exhibit "A" (part), 2012; Ord. 433 § 5, 1994; Ord. 359 § 3(B), 1987; Ord. 357 § 2, 1987; Ord. 221 § 1 (part), 1980)

6-906 Restrictions on ground-level uses.

- (a) Notwithstanding the provisions of Section 6-904, no new or expanded administrative nor consultative service activity may be located on the ground level of any building, except upon the granting of a land use permit pursuant to Section 6-215 and 6-907.
- (b) No new or expanded financial service nor real estate service activity may be located on the ground level of any building, unless the approving authority determines that the proposed use will comply with the provisions of Sections 6-215 and 6-907.

(Ord. 359 § 3(C), 1987; Ord. 221 § 1 (part), 1980)

6-907 Use permit criteria for ground-level uses.

A land use permit for any use enumerated in Section 6-906 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:

- (a) That the proposal will not detract from the compact, integrated character of the area;
- (b) That the proposal will not impair a generally continuous wall of building facades;
- (c) That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not break up an important shopping frontage;
- (d) That the proposal will not interfere with the movement of people along an important pedestrian walkway;
- (e) That the proposal will conform in all significant respects with any applicable specific plan which has been adopted by the city council.

(Ord. 221 § 1 (part), 1980)

6-908 Lot area.

No new lots may be created in the RB district smaller than 5,000 square feet in size. (Ord. 221 § 1 (part), 1980)

6-909 Height.

No building in the RB district may exceed 35 feet in height. (Ord. 221 § 1 (part), 1980)

6-910 Open space.

(a) A minimum of 20 percent of the area of any lot in the RB 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 and shall be located and planned in a manner to promote the accumulation and combination of such spaces into larger common-use plazas, pedestrian corridors or landscape areas.

(b) 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.

(c) The open space shall not be used as outside merchandizing, parking, loading or service area.

(d) The design and use of such open space shall be determined by the regulations of an adopted specific plan or through the land use permit or site plan and building elevation review procedures.

(Ord. 359 § 3(D), 1987; Ord. 221 § 1 (part), 1980)

6-911 Landscaping.

Landscaping shall be provided in the RB district in the amount and manner as prescribed in the adopted specific plan or through the land use permit or site plan and building elevations review procedures. (Ord. 221 § 1 (part), 1980)

6-912 Minimum setbacks or yards.

(a) No setbacks or yards are required in the RB district, except as indicated in subsection (b) of this section.

(b) 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 ten-foot-wide landscaped yard along that entire property line.

(Ord. 221 § 1 (part), 1980)

6-913 Off-street parking and loading.

(a) Parking and loading spaces shall be provided in the RB district as required by Chapter 6-6 of this title.

(b) Parking lots, as much as feasible, shall be designed and located in a manner to promote the accumulation, combination, interconnection and mutual use with other existing or planned parking lots on contiguous or nearby properties.

(c) 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, and full-service restaurant, 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.

(d) 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. 359 § 3(E), 1987; Ord. 221 § 1 (part), 1980)

6-914 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 shall have been approved pursuant to the design review requirements set forth in Part 1 of this title. (Ord. 324 § 2(e) (part), 1984; Ord. 221 § 1 (part), 1980)

6-915 Modifiable sections.

Land use permits for the special uses enumerated in Sections 6-905 and 6-906, and variance permits to modify the provisions of Sections 6-908 through 6-913, inclusive, may be granted in accordance with the applicable provisions of Part 1 of this title. (Ord. 221 § 1 (part), 1980)